



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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May 10, 2012

Reply to the attention of Eamonn Watson
ALC File: 52558

Brigitte and Fred Mackenzie
238 Maple Falls Road,
Lindell Beach, BC
V2R 4X6

Dear Mrs. and Mr. Mackenzie:

Re: Agricultural Land Commission application for boundary adjustment subdivision on Maple Falls Road, Electoral Area "E"

Please find attached the Minutes of Resolution # 170/2012 outlining the Commission's decision with respect to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to be 'B. Underhill', written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Fraser Valley Regional District (3015-20-2011-03)

EW/52558d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 22, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

| | |
|-----------------|--------------|
| Jennifer Dyson | Chair |
| Richard Bullock | Commissioner |
| Sylvia Pranger | Commissioner |
| Jim Johnson | Commissioner |

COMMISSION STAFF PRESENT:

| | |
|-----------------|--------------------|
| Brian Underhill | Executive Director |
| Ron Wallace | Land Use Planner |

APPLICATION ID: # 52558

PROPOSAL: The application involves three fee-simple parcels of 4.2 ha (10.24 acres), 0.1 ha (0.264 acres) and 0.01 ha (690 sq. ft). The applicants wish to adjust the boundaries of these three properties to create three new parcels of approximately 1.2 ha (3 acres) each.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

PROPERTY 1

Owner: Fred Mason Mackenzie and Brigitte Marion Mackenzie
Date of Acquisition: June 2, 1987
Parcel ID: 002-404-290
Title No. AA100382E
Legal Description: The South East Quarter of Legal Subdivision 4, Section 5, Township 22, Except: Firstly: Part on Plan with Fee Deposited 28638E; Secondly: Part on Plan 40726; Thirdly: Part on Plan 45583, New Westminster District
Civic Address: Maple Falls Road, Electoral Area "E"
Size: 0.1 ha
Area in ALR: 0.1 ha
Current Land Use: Equestrian purposes
Farm Classification: Yes
(BC Assessment)

PROPERTY 2

Owner: Fred Mason Mackenzie and Brigitte Marion Mackenzie
Date of Acquisition: June 2, 1987
Parcel ID: 002-404-214
Title No. AA100383E

Legal Description: The South West Quarter of Legal Subdivision 3, Section 5, Township 22, Except: Firstly: Part on Plan with Fee Deposited 286382E; Secondly: Part on Plan 45583, New Westminster Plan
Civic Address: Maple Falls Road, Electoral Area "E"
Size: 4.2 ha
Area in ALR: 4.2 ha
Current Land Use: Equestrian purposes
Farm Classification: Yes
(BC Assessment)

PROPERTY 3

Owner: Fred Mason Mackenzie and Brigitte Marion Mackenzie
Date of Acquisition: June 2, 1987
Parcel ID: 002-404-265
Title No. AA100381E
Legal Description: The North East Quarter of Legal Subdivision 4, Section 5, Township 22, Except: Part on Plan 40726, New Westminster Plan
Civic Address: Maple Falls Road, Electoral Area "E"
Size: 0.01 ha
Area in ALR: 0.01 ha
Current Land Use: Equestrian purposes
Farm Classification: Yes
(BC Assessment)

SITE INSPECTION MEETING:

A site inspection was not conducted; the Commission reviewed the file material and deemed it had sufficient information to make a decision regarding the application.

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (1) to preserve agricultural land; (2) to encourage farming on agricultural land in collaboration with other communities of interest; and (3) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Agricultural Capability

Based on the information contained in Map 92G.010 (Scale 1:25,000) of the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings are identified as being:

Unimproved Rating: 7:3AT 3:4AT Improved Rating: (7:2T 3:3TAP)

Note: These ratings cover approximately 65% (or 2.9 ha) of the subject properties.

Unimproved Rating: 7TR

Note: This rating covers approximately 35% (or 1.5 ha) of the subject properties.

Class and Subclass Descriptions

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

- A soil moisture deficiency
- P stoniness
- R shallow soil / bedrock outcroppings
- T topography

Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Although the proposal does not create any additional lots and the two smaller lots are essential too small to accommodate agriculture independently, the proposal would amount to a subdivision of the largest parcel. As a result, the subdivision would negatively impact the existing or potential agricultural use of the subject properties (particularly the largest parcel) and surrounding lands.

In addition, the increased pressure to develop the subject properties would further impact existing or potential agricultural use of the land under application and the surrounding lands.

DECISION:

IT WAS

MOVED BY: Commissioner Richard Bullock

SECONDED BY: Commissioner Jennifer Dyson

THAT the application be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

S.33 (1) On the written request of a person affected or on the commission's own

initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that

*(a) evidence not available at the time of the original decision has become available,
(b) all or part of the original decision was based on evidence that was in error or was false.*

(2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

CARRIED

Resolution # 170/2012