



Agricultural Land Commission
133-4940 Canada Way
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www.alc.gov.bc.ca

March 5, 2014

ALC File: 53478

Jolene Maragliano
27257 12B Avenue
Langley, BC V4W 2P7

Dear Ms. Maragliano:

Re: Application for a Non-Farm Use of Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #58/2014 as it relates to the above noted application.

Further correspondence with respect to this application is to be directed to Eamonn Watson (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a long horizontal line that tapers to the right.

Colin Fry, Chief Tribunal Officer

Enclosures: Minutes of Resolution #58/2014

cc: Township of Langley (File #AC000059)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53478.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Planner
Eamonn Watson	Planner
Jennifer Carson	Planner
Colin Fry	Executive Director

PROPOSAL (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

The applicant is proposing to utilize the upper portion of an existing permanent building as a second dwelling for family members. The existing building is a garage with a two bedroom suite in the upper floor that the applicant was not aware required approval from the Agricultural Land Commission.

PROPERTY INFORMATION:

Owner: Jolene Elizabeth Maragliano

Legal: PID: 005-559-154
Lot 7, Section 8, Township 13, New Westminster District, Plan 43085

Location: 27257 – 12B Avenue, Langley

Size: 1.8 ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) 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.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

The Commission discussed that the additional residence was built without permission; however, the additional residence is within an existing building and is being used by family members only. In addition, the Commission considered section 3(1)(b)(ii) of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation (Regulation)*), which permits the following:

3 (1) *The following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:*

...
(b) *for each parcel,*

...
(ii) *one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family;*

Conclusion:

The Commission believes that as long as the additional residence is only being used by family members and no further dwellings are constructed or placed on the subject property, the proposal will not have an adverse impact on agriculture. The Commission considers that the additional dwelling should be in lieu of a manufactured home, as permitted in the Regulation. In this regard, the Commission believes a covenant would be an appropriate condition.

IT WAS

MOVED BY: Commissioner Johnson

SECONDED BY: Commissioner Pranger

THAT the request to use the upper floor of an existing building as an additional residence for the purpose of housing family members be approved.

AND THAT the approval is subject to the following condition:

The registration of a covenant to ensure that the additional residence is only utilized by a member of the land owner's immediate family and that no additional modular home or other dwellings will be constructed or placed on the property without the consent of the Commission.

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution #58/2014