



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

April 25, 2016

ALC File: 54018

Pepper Jackson Farms Ltd., Jennifer Foxley and John Foxley
18635 Old Dewdney Trunk Road
Pitt Meadows, BC V3Y 2R9

Dear Mr. Hopcott, Ms. Foxley and Mr. Foxley:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #120/2016) as it relates to the above noted application. A sketch plan depicting the decision has been attached.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

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.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision "may not fulfill the purposes of the commission as set out in section 6". I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Chief Tribunal Officer

Enclosures: Reasons for Decision (Resolution #120/2016)
Sketch plan

cc: City of Pitt Meadows – Attention: Dana Parr (File: #6635-20-2014-03)
via electronic mail

54018d1



AGRICULTURAL LAND COMMISSION FILE 54018

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicants:

**Pepper Jackson Farms Ltd.
Jennifer Anne Foxley
John Randall Foxley
(the “Applicants”)**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Gordon McCallum
Satwinder Bains**

THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 009-507-744

Lot 5, Section 14, Block 6 North, Range 1 East, New Westminster District, Plan
11321

(the "Property")

[2] The Property is 2.0 ha in area.

[3] The Property has the civic address 18635 Old Dewdney Trunk Road, Pitt Meadows.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 20(3) of the *ALCA*, the Applicants are applying to retain an existing permanent residence on the Property as a second residence for farm help (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".

[7] On February 15, 2016, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the South Coast Regional Panel (the "Panel").

RELEVANT STATUTORY PROVISIONS

[8] The Application was made pursuant to s. 20(3) of the *ALCA*:



20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[9] The Panel considered the Application within the context of s. 6 of the ALCA:

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.

EVIDENTIARY RECORD BEFORE THE PANEL

[10] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map, and satellite imagery

All documentation noted above was disclosed to the Applicants in advance of this decision.

[11] The City of Pitt Meadows (the "City") resolved to forward the Application to the Commission with the following comments: "1. Approval of the non-farm use application should only apply to the current owners; new owners would have to re-apply; and 2. Occupancy of the garden suite should be restricted to permanent or seasonal farm workers."

SITE VISIT

[12] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

[13] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92G/7(b) for the mapping units encompassing the Property are Class 2, more specifically (2W).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

The limiting subclass associated with this parcel of land is W (excess water).

In this regard, the Panel finds that the land making up the Property is capable of supporting agriculture and is appropriately designated within the ALR.

[14] The City's Agricultural Advisory Committee recommended that City Council support the Application.

[15] The Applicants have constructed a new primary dwelling on the Property; the existing second residence is proposed to be converted to a "garden suite" and utilized for farm help. According to the City's *Council Report* "[c]onverting the existing house to a garden suite, as defined by the Zoning Bylaw may allow of the retention of that house."

[16] The Property forms part of a farm operation that includes a number of additional parcels of land. Given the scale of the farm operation, the Panel finds that a second permanent residence, in particular a "garden suite" as defined by the City's Zoning Bylaw, for farm



help would be appropriate. However, the use of the second residence should be limited to permanent or temporary farm workers related to the current farm operation identified in the Application (Hopcott Farms).

DECISION

[17] For the reasons given above, the Panel approves the Proposal to retain an existing permanent residence on the Property as a second residence for farm help.

[18] The Application is approved subject to the following conditions:

- a. The second residence must be altered and maintained in substantial compliance with the information provided with the Application and by the City;
- b. The second residence may only be used as a dwelling by a permanent or temporary farm worker(s) associated with the current farm operation (Hopcott Farms);
- c. The use of the second residence is granted for the sole benefit of the Applicants and Hopcott Farms and is non-transferable; and
- d. The second residence must be demolished, moved off the Property or made uninhabitable in the event that:
 - i. The Property is sold and is no longer part of the farm operation (Hopcott Farms); and/or
 - ii. The second residence is no longer required for permanent or temporary farm workers associated with the farm operation (Hopcott Farms).

[19] The above conditions do not limit a future land owner from making a new non-farm use application under section 20(3) of the *ALCA* to retain or continue using the second residence at that time.

[20] 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.



[21] Panel Chair **William Zymans**, concurs with the decision.

Commissioner **Gordon McCallum**, concurs with the decision.

Commissioner **Satwinder Bains**, concurs with the decision.

[22] Decision recorded as Resolution #120/2016.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *ALCA*.

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #120/2016. The decision is effective upon release.



Colin J. Fry, Chief Tribunal Officer

April 21, 2016
Date Released

ALC Application ID 54018
 Approved Two (2) Residences
 Resolution #120/2016

