



Agricultural Land Commission
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February 11, 2016

ALC File: 54087
Your file: 487

David Laird
Aplin & Martin Consultants
505 – 1755 W. Broadway
Vancouver, BC V6J 4S5

Dear Mr. Laird:

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 #51/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly. 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 is to 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 #51/2016)
Sketch plan

cc: City of Maple Ridge – Attention: Ann Edwards (File: 2013-085-RZ)
11995 Haney Place, Maple Ridge, BC V2X 6A9

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AGRICULTURAL LAND COMMISSION FILE 54087

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*)

Applicants:

**Daniel Andrew Robinson
Susanne Marie Robinson
Lori Jean Robinson
Wesley Paul Robinson
(the “Applicants”)**

Agent:

**David Laird
Aplin & Martin Consultants
Ltd.
(the “Agent”)**

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: 018-138-934

Lot 1, Section 29, Township 12, New Westminster District, Plan LMP9042
(the "Property")

[2] The Property is 2.6 ha in area.

[3] The Property has the civic address 23083 132 Avenue, Maple Ridge.

[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. 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*) (the "Regulation"), the Applicants are applying develop a trail and a sanitary sewer line on a portion of the Property approximately 0.05 ha in area (the "Application").

[7] On November 13, 2015, 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. 6 of the Regulation:

6 Unless permitted under sections 2 and 3, a person must file an application under section 34 (6) of the Act directly with the office of the commission and in a form acceptable to the commission for any of the following uses:

- (a) widening of an existing road right of way;
- (b) construction of a road within an existing right of way;
- (c) dedication of a right of way or construction of any of the following:
 - (i) a new or existing road or railway;
 - (ii) a new or existing recreational trail;
 - (iii) a utility corridor use;
 - (iv) a sewer or water line other than for ancillary utility connections;
 - (v) a forest service road under the *Forest Act*;
- (d) the new use of an existing right of way for a recreational trail.

[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 Agent in advance of this decision.

[11] The City of Maple Ridge has requested the proposed trail and sewer connection in conjunction with a rezoning application outside the ALR north of the Property.



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] Due to the location of the proposed sanitary sewer and trail along the ALR boundary, and as the total area impacted is so minimal, the Panel finds that the Application would not have an adverse impact on agriculture.

DECISION

[14] For the reasons given above, the Panel approves the Application to develop a trail and a sanitary sewer line on a portion of the Property approximately 0.05 ha in area.

[15] The approved Application must be developed in substantial compliance with the plans and details submitted with the Application, specifically:

- a. The construction of a fence along the western boundary of the trail; and
- b. The planting of vegetation for buffering purposes along the western boundary of the trail where appropriate.

[16] 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.

[17] Panel Chair **William Zylmans**, concurs with the decision.

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

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

[18] Decision recorded as Resolution #51/2016.



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

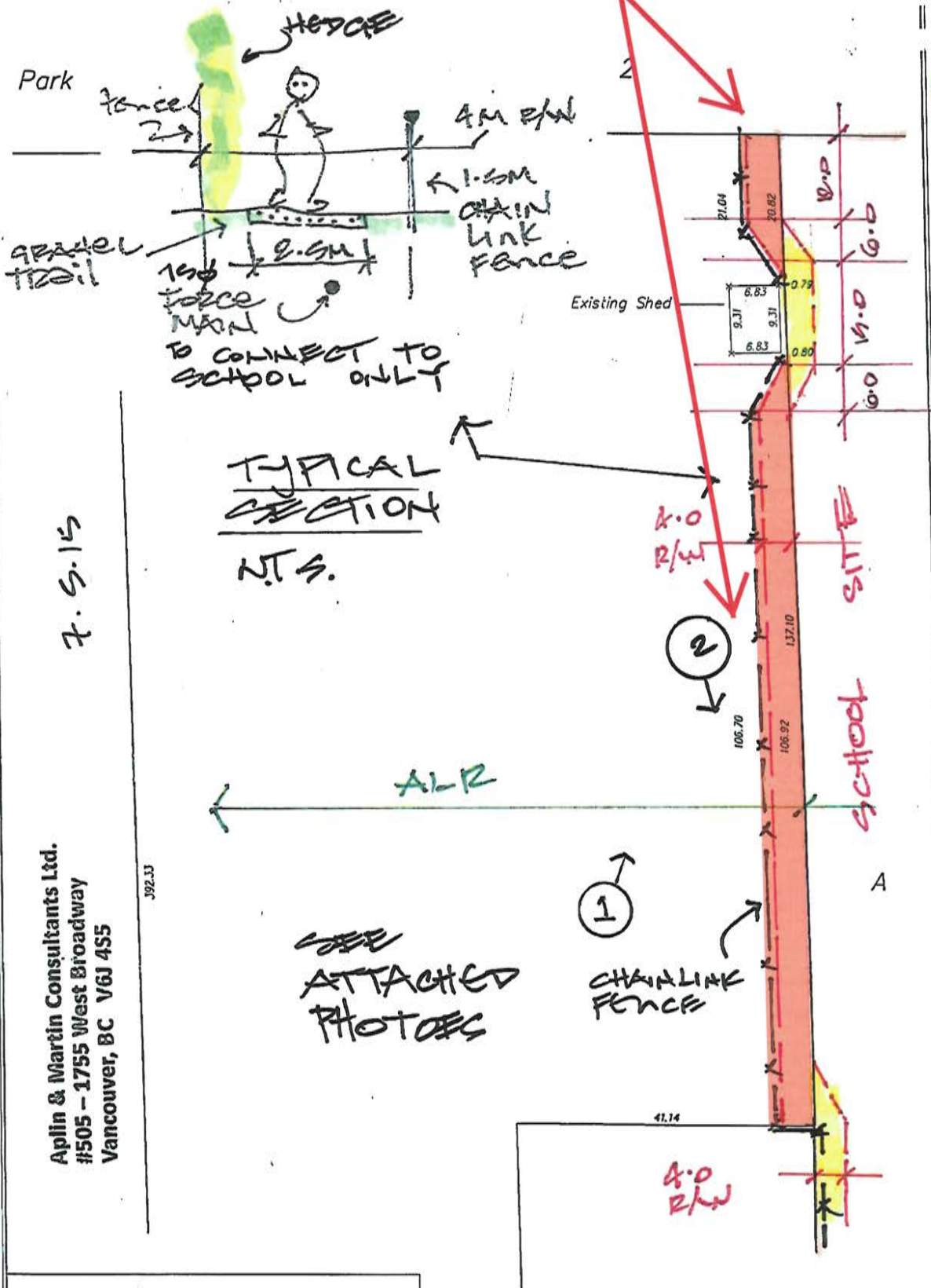
Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #51/2016. The decision is effective upon release.



Colin J. Fry, Chief Tribunal Officer

February 11, 2016
Date Released

ALC Application ID 54087
 Approved Trail and Sewer Line in ALR (Approx. 0.05 ha)
 Resolution #51/2016



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