



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

June 20, 2016

ALC File: 54244

Manpreet Johal
3321 – 176 Street
Surrey, BC V3Z 1C4

Dear Mr. Johal:

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 #219/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

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 Liz Sutton at (Elizabeth.Sutton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Chief Tribunal Officer

Enclosure: Reasons for Decision (Resolution #219/2016)

cc: City of Surrey – Attention: Erin MacGregor (File: 7915 0110 00), via electronic mail
13450 – 104 Avenue, Surrey BC, V3T 1V8

54244d1



AGRICULTURAL LAND COMMISSION FILE 54244

**REASONS FOR DECISION
OF THE SOUTH COAST PANEL**

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

Applicants:

**Surinder Singh Johal
Manpreet Singh Johal
(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: 011-105-852

Lot 4, Except: Firstly: Part on Statutory Right of Way Plan 17425; and Secondly:
Part on Statutory Right of Way Plan LMP10021; Section 29, Township 7, New
Westminster District, Plan 4970

(the "Property")

[2] The Property is 8.0 ha in area.

[3] The Property has the civic address 3300 – 176 Street, Surrey.

[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 construct a duplex (two residences) on the Property in addition to an existing single family dwelling (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter as 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. 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; and
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 Surrey (the "City") resolved to forward the Application to the Commission.



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/2(b) for the mapping units encompassing the Property are Class 2 and Class 3, more specifically (6:O2W – 4:O3LWF).

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.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

The limiting subclasses associated with this parcel of land are L (degree of decomposition - permeability), F (low fertility) and W (excess water). In addition, BCLI map sheet 92G/2(b) indicates the presence of organic soils on the Property.

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 Applicants have stated that the proposed duplex would accommodate farm workers on the Property. In addition to the existing residence on the Property, the Applicants also own the property west of the Property at 3321 – 176 Street that has a large single family dwelling. As noted in the City's *Planning & Development Report* with respect to the Proposal, the Property and the property at 3321 – 176 Street are farmed as a single

blueberry operation by the Applicants, totalling approximately 19.5 ha. The majority of the Property and the property to the west (3321 – 176 Street) are in blueberry production.

[15] Section 18(a)(ii) of the *ALCA* states that a local government may not “approve more than one residence on a parcel of land unless the additional residences are necessary for farm use”. Section 18(a)(ii) of the *ALCA* provides the City with the latitude to approve additional residences that are necessary for farm use and in some instances a duplex may be warranted in this regard. However, given the existing residence on the Property along with the residence on the adjacent property (3321 – 176 Street), the Panel finds that two additional permanent residences, in the form of a duplex, would not be necessary to operate the 19.5 ha farm.

[16] In order to consider additional residences necessary for farm help, the existing residence(s) should be used primarily by people working on the farm. The Panel finds that the current number and general size of residences on the Property and the adjacent property (3321 – 176 Street) are sufficient to operate a blueberry farm of approximately 19.5 ha.

[17] The permanent nature of the Proposal may not reflect potential changes to the agricultural use of the Property in the future. For instance, the Applicants may not always own and operate the adjacent property (3321 – 176 Street) as part of the farm operation or the agricultural operation could change or cease at some time in the future. As a result, the Panel finds that the Proposal may impact the long-term agricultural use of the Property.

[18] BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*) (the “Regulation”) permits specific additional residential use in the ALR, s. 3(1)(b) states:

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 law of the applicable treaty first nation government:

...

- (b) *for a parcel located in Zone 1,*
 - (i) *one secondary suite within a single family dwelling, and*
 - (ii) *either*
 - (A) *one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family, or*
 - (B) *accommodation that is constructed above an existing building on the farm and that has only a single level.*

The Panel finds that the residential uses accommodated in the Regulation are sufficient with respect to the Property and constructing a duplex (two additional permanent residences) on the Property is not appropriate. If additional residential (temporary or otherwise) uses are contemplated on the Property, the proposed building site (pre-loaded area) appears to be the most appropriate location to site such uses.

DECISION

[19] For the reasons given above, the Panel refuses the Proposal construct a duplex (two residences) on the Property in addition to an existing single family dwelling.

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

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

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

[21] Decision recorded as Resolution #219/2016.

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 #219/2016. The decision is effective upon release.

A large, stylized handwritten signature in blue ink, appearing to be 'CJF', is written over a horizontal line.

Colin J. Fry, Chief Tribunal Officer

June 20, 2016
Date Released