



Agricultural Land Commission
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May 5, 2016

ALC File: 54433

Donna Dulewich and Mark Reimann
8581 Eagle Road
Mission, BC V2V 4J1

Dear Ms. Dulewich and Mr. Reimann:

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 #140/2016) as it relates to the above noted application.

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

Enclosure: Reasons for Decision (Resolution #140/2016)

cc: Fraser Valley Regional District – Attention: Katelyn Hipwell (File: 3015-20 2015-04)
Via electronic mail

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AGRICULTURAL LAND COMMISSION FILE 54433

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

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

Applicants:

**Donna Lorraine Dulewich
Mark Stephen Reimann
(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: 010-874-755

Lot 12, Section 30, Township 20, New Westminster District, Plan 3317

(the "Property")

[2] The Property is 2.5 ha in area.

[3] The Property has the civic address 8581 Eagle Road, Area G, Fraser Valley Regional District.

[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 continue to use the Property for photography sessions and small wedding ceremonies of less than 100 people (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".

[7] On January 29, 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 Fraser Valley Regional District (the "FVRD") Board resolved to forward the Application to the Commission "with no comments".

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/1(f) for the mapping units encompassing the Property are Class 2, Class 3 and Class 4.

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.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with this parcel of land are A (soil moisture deficiency), T (topography (slope)) and 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 FVRD provided summarized comments from the Ministry of Agriculture as follows:

- *This type of non-farm use is sensitive, risk-adverse, and intolerant of normal commercial farming operations*
- *This use is of no benefit to the farming community*
- *Non-farm use of this nature may discourage commercial agriculture development in the area*
- *Should the FVRD seek to support the application, a TUP is preferred by the MoA over rezoning*

[15] Although the Applicants have indicated that their intention is to lease the western portion (approximately 1.5 ha) of the Property for hay production in the future, the Proposal is not related to the agricultural use of the Property. The Panel finds that the Proposal is not an appropriate use of the Property.

[16] The Applicants have explained that their intention is not to build any permanent structures related to the proposed use or to disturb the Property in any manner other than some continued gardening and landscaping. In addition, they propose that the events would be for less than 100 people and generally on the weekends during the summer. They further suggest that the Property can support all necessary parking and events would be limited to the day with no alcohol or loud music. Given the nature of the Application, the Panel finds that the Proposal should not be accommodated in the ALR.

[17] The Panel finds that the Proposal would neither preserve agricultural land nor encourage farming on the Property.

DECISION

[18] For the reasons given above, the Panel refuses the Proposal to continue to use the Property for photography sessions and small wedding ceremonies of less than 100 people.



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

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

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

[20] Decision recorded as Resolution #140/2016.

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 #140/2016. The decision is effective upon release.



Colin J. Fry, Chief Tribunal Officer

May 4, 2016
Date Released