



**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

November 29, 2016

ALC File: 54607

Susan Furze  
1888 West Reed Road  
Roberts Creek, BC V0N 2W5

Dear Ms. Furze:

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

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #407/2016) as it relates to the above noted application. A sketch plan depicting the decision is also attached.

**Reconsideration of a Decision as Directed by the ALC Chair**

Please note that pursuant to [s. 33.1 of the \*Agricultural Land Commission Act\*](#), the Chair may direct the executive committee to reconsider any 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 s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

**Reconsideration of a Decision by an Affected Person**

We draw your attention 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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Kamelli Mark at (Kamelli.Mark@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads "KMARK". The letters are bold and stylized, with some overlapping.

Kamelli Mark, Land Use Planner

Enclosures: Reasons for Decision (Resolution #407/2016)  
Sketch plan

cc: Sunshine Coast Regional District (File: D-60)

54607d1



## **AGRICULTURAL LAND COMMISSION FILE 54607**

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

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

**Applicants:**

**Susan Furze  
Nick Furze  
(the “Applicants”)**

**Application before the South Coast Regional Panel:**

**William Zylmans, Panel Chair  
Gordon McCallum**



## **THE APPLICATION**

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

Parcel Identifier: 014-469-073

Lot 5, North ½ of the East ½ of District Lot 905, Plan 22310  
(the “Property”)

[2] The Property is 2.1 ha in area.

[3] The Property has the civic address 1888 West Reed Road, Roberts Creek, BC.

[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 for a non-farm use to add an additional 66.9 m<sup>2</sup> dwelling to the second storey of an existing art studio building (the “Proposal”). The Proposal along with supporting documentation is collectively the application (the “Application”).

## **RELEVANT STATUTORY PROVISIONS**

[7] 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.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:



- 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**

[9] 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 Applicant in advance of this decision.

[10] At its meeting of May 26, 2016, the Sunshine Coast Regional District (the "District") resolved that the non-farm use application should be forwarded to the ALC with support.

### **SITE VISIT**

[11] 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**

[12] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings identified on CLI map sheet 92G/5 for the mapping units encompassing the Property are Class 4, more specifically (7:4DW – 3:4M).

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 D (undesirable soil structure), W (excess water), and M (moisture deficiency).

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.

[13] There is no agricultural activity currently taking place on the Property. The Property is currently being used for residential purposes (single family dwelling) with an accessory home occupation use taking place in the existing 2-storey subject building on the Property (art studio).

[14] With respect to the proposed second dwelling, the Panel finds that there would be no negative impact to the future agricultural capability of the Property in this particular case. The Proposal utilizes an existing building on the Property and does not increase the building's footprint and as such, does not monopolize any additional land.

[15] The District zoning permits a suite and one manufactured home in addition to a single-family dwelling which is in accordance with Section 3(1)(b) of BC Regulation 171/2002 Agricultural Land Reserve Use, Subdivision and Procedures Regulation (the "Regulation"). The Panel is prepared to allow the proposed second dwelling in lieu of the permitted suite or manufactured home provided that the footprint of the second dwelling is limited to the

existing subject building and that no new dwellings are placed or constructed on the Property.

## **DECISION**

[16] For the reasons given above, the Panel approves the Proposal for a non-farm use to add an additional 66.9 m<sup>2</sup> dwelling to the second storey of an existing art studio building.

[17] The Proposal is approved subject to the following conditions:

- a. That the second dwelling remain in its current footprint and location as per the sketch plan;
- b. no additional dwellings may be placed or constructed on the Property; and
- c. in the event that the second dwelling is completely destroyed by whatever means, or is considered by the Sunshine Coast Regional District to be completely destroyed, by whatever means, the dwelling can only be replaced as may be permitted by the *ALCA* and Regulation in effect at the time . Alternatively, the landowner may make application for a non-farm use to replace the dwelling.

[18] 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.

[19] These are the unanimous reasons of the South Coast Panel of the Agricultural Land Commission.

[20] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[21] This decision is recorded as Resolution #407/2016 and is released on November 29, 2016.



**CERTIFICATION OF DECISION**

A handwritten signature in black ink, appearing to read 'W. Zylmans', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

William Zylmans, Panel Chair, on behalf of the South Coast Panel

**END OF DOCUMENT**



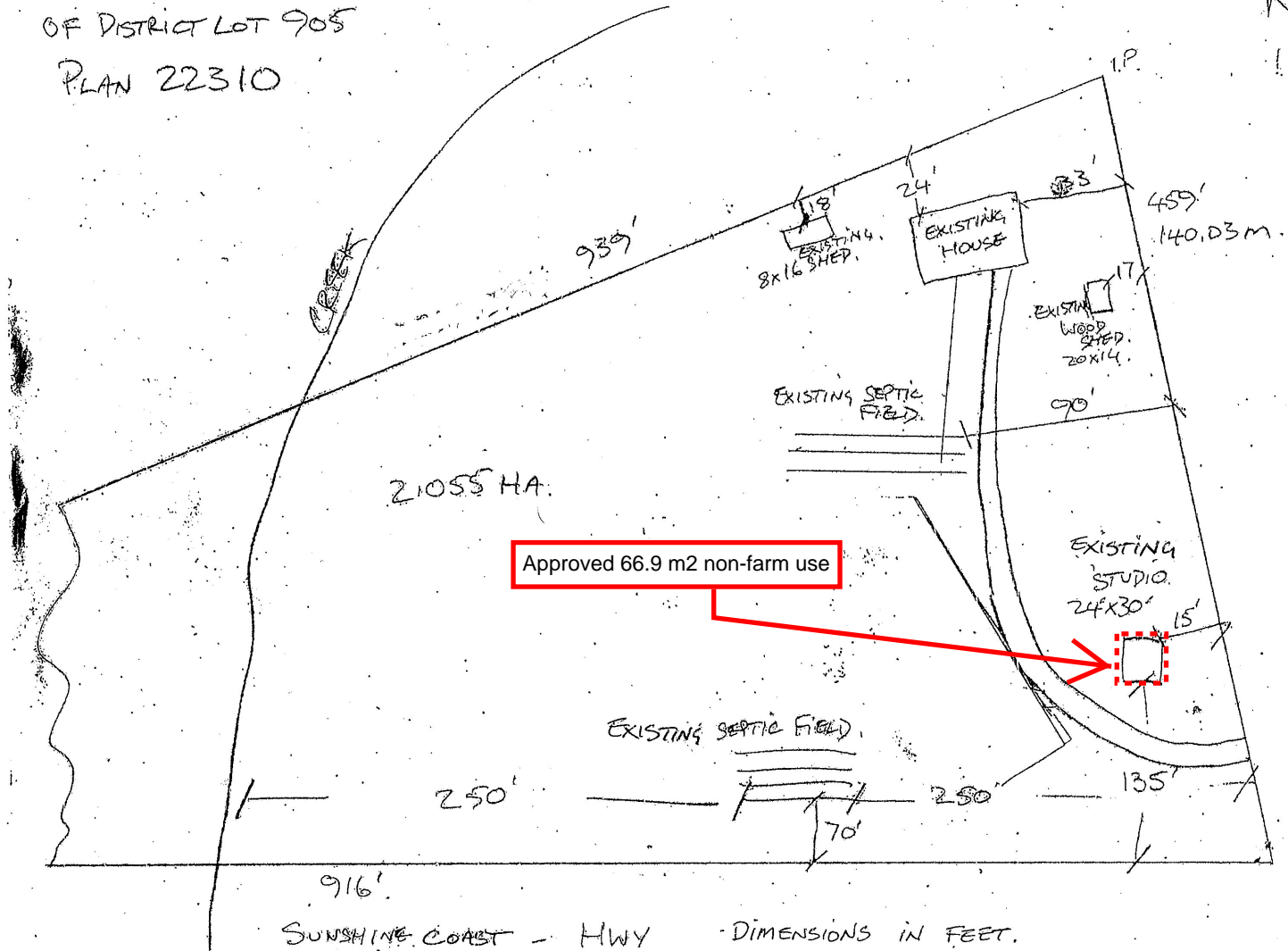
ALC # 54607 (Furze)

Conditionally Approved Non-Farm Use

ALC Resolution #407/2016

SITE PLAN

LOT 5 NORTH 1/2 OF THE EAST 1/2  
OF DISTRICT LOT 905  
PLAN 22310



Approved 66.9 m2 non-farm use

SUNSHINE COAST - HWY DIMENSIONS IN FEET.