



**Agricultural Land Commission**  
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June 9, 2016

ALC File: 54646

Manjit Chatha  
13540 Neaves Road  
Maple Ridge, BC V3Y 0A8

Dear Mr. Chatha:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #201/2016) 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 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 #201/2016)

cc: City of Maple Ridge – Attention: Diana Hall (File: 2015-355-AL), via electronic mail

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**AGRICULTURAL LAND COMMISSION FILE 54646**

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

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

**Applicants:**

**Manjit Singh Chatha  
Charan Kaur Chatha  
(the “Applicants”)**

**Agent:**

**Manjit Chatha  
(the “Agent”)**

**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: 010-993-142

Lot 1, Except: Parcel "C" (Statutory Right of Way Plan 5240); Section 25, Township 9, New Westminster District, Plan 3662

(the "Property")

[2] The Property is 5.3 ha in area.

[3] The Property has the civic address 13540 Neaves Road, 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. 20(3) of the ALCA, the Applicants are applying to construct a second residence on the Property (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".

[7] On March 3, 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; and
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 (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(h) for the mapping units encompassing the Property are Class 2 and Class 3, more specifically (2DW), (2W) and (O3LW)

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 D (undesirable soil structure), L (degree of decomposition – permeability) and W (excess water). In addition, BCLI map sheet 92G/2(h) indicates the presence of organic soils on a portion of 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 majority of the Property is in blueberry production. Approximately 0.5 ha in the northern corner along Neaves Road does not have blueberry plants, this is the location of the existing residence on the Property.

[15] The City's report titled *Non-Farm Use Report – Employee Residential 13450 Neaves Road* indicates that the Applicants would move into the new residence while the existing residence would be used for farm help. In order to consider additional residences necessary for farm help, the primary residence should also be used primarily by people working on the farm. The Panel finds that the Proposal would not be an appropriate use of land in the ALR.

[16] The proposed location of the new residence would eliminate a productive portion of the Property that is currently growing blueberry plants. If an additional residence was necessary for farm help, the Panel is of the opinion that such a residence should be

clustered more closely together to minimize duplicate ancillary requirements, such as driveways, and limit the impact on the productive area of the property. The Panel finds that the size and location of the Proposal would result in an unnecessary impact on agricultural land.

[17] 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 an additional residence on the Property is not appropriate.

## **DECISION**

[18] For the reasons given above, the Panel refuses the Proposal to construct a second residence on the Property.

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




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

[20] Decision recorded as Resolution #201/2016.

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

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Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #201/2016. The decision is effective upon release.



Colin J. Fry, Chief Tribunal Officer

**June 6, 2016**  
**Date Released**