



**Agricultural Land Commission**  
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June 9, 2016

ALC File: 54741

Gordana and Steven John Barrett  
15330 28<sup>th</sup> Avenue  
Surrey, BC V4P 1B9

Dear Mrs. and Mr. Barrett:

**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 #200/2016) 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 #200/2016)

cc: Township of Langley – Attention: Teresa Frederick (File: AC000067), via electronic mail

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**AGRICULTURAL LAND COMMISSION FILE 54741**

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

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

**Applicants:**

**Gordana Barrett  
Steven John Barrett  
(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: 000-949-248

Lot 5, Section 2, Township 7, New Westminster District, Plan 33264

(the "Property")

[2] The Property is 1.0 ha in area.

[3] The Property has the civic address 20030 8 Avenue, Langley.

[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 retain a second permanent residence on the Property after constructing a new residence (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".

[7] On March 4, 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. Relevant application history; and
- 4. 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 Township of Langley (the "Township"), by standing resolution on January 8, 2007, resolved to forward all non-farm use applications related to second dwellings to the Commission for review pursuant to s. 25(3) of the *ALCA*.

[12] The Panel reviewed one relevant application relating to the application:

Application ID: 41889  
Legacy File: 35920  
(Gray, 2005)

In 2005, the Commission reviewed an application to subdivide the land south of the Property into ten (10) lots of 1.7 ha, consistent with the Township's Rural Plan



Small Farm / Country Estates designation. The Commission, by Resolution #260/2005, approved the proposed subdivision.

Further to Resolution #260/2005, by letter dated June 1, 2007, the Commission commented on an equestrian facility south of the Property and confirmed that the Commission would have no objection with the proposed development.

[13] The Property is in an area of the Township's Rural Plan Small Farm / Country Estates designation that was endorsed by the Commission.

#### **SITE VISIT**

[14] 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**

[15] 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 3 and Class 4, more specifically (6:3D – 4:3DW).

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), D (undesirable soil structure) 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.

[16] While the Property is capable of supporting agriculture, the Panel finds that the Property is too small to require a second permanent residence for farm help. Although the Panel understood that the proposed second residence was not necessarily intended for farm help, the Panel held that it is important to consider this possibility.

[17] Commission Policy #10, *Building New Residence while Occupying Existing Residence*, states that a new residence may be constructed where there is one existing residence on the parcel provided the existing residence is “demolished, moved off the property, or made uninhabitable upon occupancy of the new residence”. The Applicants have indicated that the existing residence, which according to the Township is part of the Heritage Inventory, would have to be demolished. Demolishing the existing residence would only be required if the Applicants pursue constructing a new residence on the Property. The Panel finds that the requirements of Policy #10 would be appropriate if the Applicants construct a new residence on 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 an additional permanent residence on the Property is not appropriate.

## **DECISION**

[19] For the reasons given above, the Panel refuses the Proposal to retain a second permanent residence on the Property after constructing a new residence.

[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 #200/2016.

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 #200/2016. The decision is effective upon release.

  
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**Colin J. Fry, Chief Tribunal Officer**

**June 9, 2016**  
**Date Released**