



**Agricultural Land Commission**  
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June 14, 2016

ALC File: 54954

Douglas Laity  
21185 128 Avenue  
Maple Ridge, BC V4R 2R9

Dear Mr. Laity:

**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 #208/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your clients 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 is to be directed to Liz Sutton at (Elizabeth.Sutton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Director of Policy and Planning

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Enclosure: Reasons for Decision (Resolution #208/2016)

cc: City of Maple Ridge (File: 2016-044-AL)

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## **AGRICULTURAL LAND COMMISSION FILE 54954**

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

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

**Applicants:**

**Ken Laity  
Jeff Laity  
Tania Laity  
Kaitlyn Laity  
Douglas Laity  
(the “Applicants”)**

**Agent:**

**Douglas Laity  
(the “Agent”)**

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

**Bill Zylmans, Panel Chair  
Gord McCallum  
Satwinder Bains**



## **THE APPLICATION**

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

Parcel Identifier: 012-973-653

Parcel F District Lots 243 And 284, Group 1, New Westminster District, Reference Plan 3444 Except Parcels C and D With Fee Deposited 24823E and Plans 60736, 62286, 62954 and BCP52220.

(the "Property")

[2] The Property is 4.8 ha (4.3 ha ALR) in area.

[3] The Property has the civic address 12725 Laity Street, Maple Ridge.

[4] The Property is located partially 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 dwelling to accommodate accessory farm help (the "Proposal"). The Proposal along with supporting documentation is collectively 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*:

- 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 Agent in advance of this decision.

[10] The City of Maple Ridge resolved to forward the application to the Commission on April 5, 2016.

### **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 BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability

ratings identified on BCLI map sheet 92G/02 for the mapping units encompassing the ALR portion of the Property are approximately 50% 3DW, 48% 2TD, and 2% (6:2TD – 4:3TD).

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), W (excess water), T (topographic limitations).

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] The Panel considered the location of the proposed second dwelling as per the proposal sketch provided with the Application. The Panel finds that placement of the proposed second dwelling on a cultivated portion of the Property to be inappropriate as it would utilize an arable portion of the Property for residential infrastructure (e.g. house, yard, septic).

[14] The Panel notes that the Applicants submitted their request for a dwelling for farm help to assist with the “farm” (e.g. attending livestock, agri-tourism, pumpkin patch security). Section 1 of BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation) defines “farm” as an occupation or use, for farm purposes, of one or several parcels of land or tenured areas of Crown land. In light of the agricultural activities taking place on the aggregate of parcels comprising the Applicants’ farm, the Panel does not believe that the agricultural activity taking place on the Property is sufficient to require an additional dwelling for farm help.

## **DECISION**

[15] For the reasons given above, the Panel refuses the Proposal.

[16] Panel Chair Bill Zylmans, concurs with the decision.



Commissioner Gord McCallum, concurs with the decision.

Commissioner Satwinder Bains, concurs with the decision.

[17] Decision recorded as Resolution #208/2016.

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

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Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #208/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CJF', is written above the name of the Director of Policy and Planning.

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**Colin J. Fry, Director of Policy and Planning**

**June 14, 2016**

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**Date Released**