



Agricultural Land Commission
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November 25, 2016

ALC File: 55374

Patricia Gottwald
2233 - 240th Street
Langley, BC V2Z 3A4

Dear Ms. Gottwald:

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 # 403/2016) as it relates to the above noted application. As agent, it is your responsibility to notify the applicants accordingly. A sketch plan depicting the decision has been 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 and a cursive-like feel.

Kamelli Mark, Land Use Planner

Enclosures: Reasons for Decision (Resolution #403/2016)
Sketch Plan

cc: Township of Langley (File: AC000069)

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AGRICULTURAL LAND COMMISSION FILE 55374

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

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

Applicant:

**Patricia Gottwald
Andrew Gottwald
(the “Applicants”)**

Agent:

**Patricia Gottwald
(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: 006-369-685

Lot 11, Section 16, Township 10, New Westminster District, Plan 49191
(the "Property")

[2] The Property is 4.0 ha in area.

[3] The Property has the civic address 2233 - 240th Street, Langley, 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 to retain a second dwelling on the Property for use as a rental unit; the second dwelling is a 1300 ft² suite above a building which has existed for the past 14 years (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] At its meeting of January 11, 2007, The Township of Langley resolved to “*forward all ‘Rural non-farm second dwelling applications’ directly to the Agricultural Land Commission for consideration without further consideration or review by Council’*”.

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/02a for the mapping units encompassing the Property are 50% Class 3TD, 30% Class 2TD, and 20% Class 3DW.

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), T (topographic limitations), 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.

[13] Section 3(1)(b) of BC Regulation 171/2002 Agricultural Land Reserve Use, Subdivision and Procedures Regulation (the "Regulation") states:

3(1) The following non-farm 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 a law of the applicable treaty first nation government:

(b) for a parcel located in Zone 1,

(i) one secondary suite in 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;

In accordance with *Policy L-08: Residential Uses in the ALR - Zone 1*, the accommodation described in s. 3(1)(b)(B) of the Regulation must be less than 90m² and

only a single level constructed above an existing building on a farm. There is no restriction on who can occupy the additionally constructed accommodation. In order to add an accommodation to an existing building, and the parcel on which the structure is located must be operated as a farm and classified as a “farm” under the *Assessment Act*. The Application states that the Property is currently classified as “farm” and the Panel has confirmed the Property’s farm status.

[14] Although the single level accommodation was not constructed above an existing building on the farm as per the Regulation (which was not in effect at the time of construction), the Panel finds that the use, appearance, and occupancy of the accommodation is substantially consistent with the Regulation’s intent and that the Proposal would not have a negative impact on present or future agricultural use of the Property.

DECISION

[15] For the reasons given above, the Panel approves the Proposal to retain a 1300 ft² accommodation above an existing building as a second dwelling on the Property.

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

- a. That the second dwelling remain in its current footprint and location;
- b. that the property maintain farm status under the *Assessment Act*;
- c. no additional dwellings may be placed or constructed on the Property; and
- d. in the event that the second dwelling is completely destroyed by whatever means, or is considered by the Township of Langley 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 that the dwelling is destroyed or considered destroyed. Alternatively, the landowner may make application for a non-farm use to replace the dwelling.

[17] 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.

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

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

[20] This decision is recorded as Resolution #403/2016 and is released on November 25, 2016.

A handwritten signature in black ink, appearing to read 'W. Zylmans', with a long horizontal flourish extending to the right.

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

END OF DOCUMENT

ALC #55374 (Gottwald)
Conditionally Approved Non-Farm Use
ALC Resolution #XXX/2016



1300 ft² single level
accommodation