



Agricultural Land Commission
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February 8th, 2017

ALC File: 54834

Dianne Parkinson
22188 96th Ave,
Langley, BC V1M 3T8

Dear Ms. Parkinson:

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 #28/2017) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

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 Kelsey-Rae Russell at (KelseyRae.Russell@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "K Russell". The signature is written in a cursive, flowing style.

Kelsey-Rae Russell , Land Use Planner

Enclosures: Reasons for Decision (Resolution #28/2017)
Policy L-07: Home Occupation Use in the ALR

cc: Township of Langley (File: 11-31-0046)

54834d1



AGRICULTURAL LAND COMMISSION FILE 54834

REASONS FOR DECISION OF THE SOUTH COAST PANEL

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

Applicants:

**Dianne Parkinson
Keith Beale
(the “Applicants”)**

Agent:

**Dianne Parkinson
(the “Agent”)**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Satwinder Bains**



THE APPLICATION

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

Parcel Identifier: 002-516-586

Parcel C (Reference Plan with Fee Deposited 13392F) District Lot 241 Group 2

Except: Firstly: Part shown on Reference Plan 1588, Secondly: Part shown on Explanatory Plan 11853, Thirdly: Part shown on Plan with Bylaw Field 59444 and Fourthly: Parcel C (Statutory Right of Way Plan 67877), New Westminster District

(the "Property")

[2] The Property is 1.3 ha in area.

[3] The Property has the civic address 22188 96th Ave, 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 convert the existing manufactured home on the Property into a daycare for 25 children with a total non-farm use area of 0.1 ha (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 Agent in advance of this decision.

[10] At its meeting of October 3rd, 2016 the Township of Langley resolved to forward the non-farm use application to the ALC, and request consideration based on agricultural merits.

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/02h for the mapping units encompassing the Property are Class 3, 4 and 5, more specifically (5:4T-3:5T-2:3DW).

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.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclasses associated with this parcel of land are W (excess water), D (undesirable soil structure), and T (topographic limitations).

[13] The Panel reviewed the BCLI ratings and find that the land making up the Property is capable of supporting agriculture.

[14] The Proposal would convert an existing manufactured home on the Property into a daycare facility for 25 children. In addition to the existing manufactured home, there is a graveled parking lot and a house located on the Property. According to the Applicants, the Proposal is necessary as the neighbourhood lacks affordable daycare options, and converting an existing structure into a daycare will allow them to offer affordable daycare to the developing Yorkson neighbourhood.

[15] ALC Policy L-07: *Activities Designated as a Permitted Non-Farm Use: Home Occupation Use in the ALR* states that daycare facilities which accommodate more than eight (8) persons at one time are not a permitted use within the ALR, unless the local



government's zoning bylaw recognizes daycare facilities as a home occupation use. The Property is currently zoned Rural Zone RU-1 under the Township of Langley's Zoning Bylaw. Within the Rural Zone RU-1, daycare facilities which accommodate more than eight (8) persons at one time are not considered to be home occupation uses and are restricted to commercial and institutional zones. The Panel finds that the proposed daycare facility for 25 children is a commercial use and is therefore not an appropriate use of agricultural land. As such, the Panel finds that the Proposal must be limited to what is permitted within the local government's bylaws and ALC Policy L-07, meaning that the Applicant's proposed daycare facility must not host more than eight (8) children at any one time.

[16] The Panel would like to highlight that although the Applicant may choose to operate a daycare facility within the bounds of ALC Policy L-07 and the Township of Langley's Zoning Bylaw, the construction or installation of any new daycare-related infrastructure such as parking or additional buildings or structures may require the review and approval of the Commission and the Township of Langley.

DECISION

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

[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 #28/2017 and is released on Feb 8th, 2017.

CERTIFICATION OF DECISION

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

END OF DOCUMENT