

Re. Bylaws 9707 9708 9709

The Home Plate was hardly discussed during the last Planning Committee meeting as most of the time was spent dealing with house size.

Small lots particularly those that are less than 2 acres in size are considered exempt from the ALR by the ALC as stated in their Policy P-02 issued March 2017.

The likelihood of lots under 2 acres achieving farm status to the satisfaction of B.C. Assessment, on their own and not in conjunction with a larger property are very slim.

As these lots are exempt from the Agricultural Land Reserve their Home Plate would be the entire lot not the restrictions imposed by the proposed Bylaws. Therefore a Home Plate of 2 acres throughout the Agriculture Zones would make sense and be equitable.

A good compromise from my point of view is to use the recommendations of the Richmond Agricultural Advisory Committee, namely the lessor of 1 acre or 50 meter setback times the roadside property width with a further setback equal to any adjoining Riparian Management area. This group also recommended that the septic field not be included in the Home Plate. If you are going to disregard recommendations from this group why bother with the consultation process at all?

The current Bylaw proposal will probably ensure that no ranch style single level house which is important for the mobility impaired will ever be built again in the Agricultural Zones.

Joe Oeser
12004 No.2 Road



**Agricultural Land
Commission Act**

Policy P-02

March 2017

**POTENTIAL EXCEPTIONS FROM THE ALC ACT: PARCELS LESS
THAN 2 ACRES CREATED PRIOR TO DECEMBER 21, 1972**

This policy is intended to assist in the interpretation of the Agricultural Land Commission Act, 2002, including amendments as of September 2014, (the "ALCA") and BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation), including amendments as of August 2016, (the "Regulation"), and including February 2017 advice from the Office of the Surveyor General. In case of ambiguity or inconsistency, the ALCA and Regulation will continue to govern.

REFERENCE:

Agricultural Land Commission Act, S.B.C. 2002, c. 36, Section 23 (1).

23(1) Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act, R.S.B.C. 1960, c. 208, less than 2 acres in area.

INTERPRETATION:

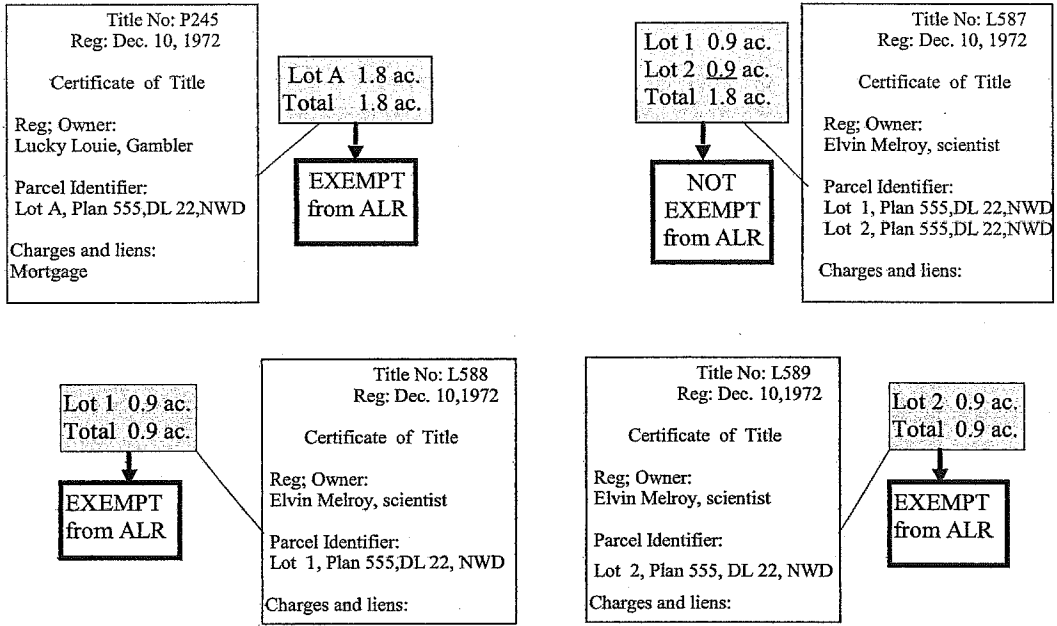
Under survey requirements and General Survey instructions in place on December 21, 1972, lots would need to be less than 1.995 acres to be considered "less than 2 acres".

Where dimensions are shown on a registered plan, a surveyor would need to be able to demonstrate that:

- a. the area calculation, using the dimensions on the registered plan, is less than 1.995 acres for a parcel to be considered 'less than 2 acres in area' under section 23 of the *Agricultural Land Commission Act*;
- b. the area calculation shown on the plan included a watercourse or a waterbody that was owned by the Crown and the surveyor calculates the area of the parcel to be less than 1.995 acres when the Crown owned watercourse or waterbody is excluded from the parcel for the parcel to be 'less than 2 acres area'; or
- c. there was a significant blunder on the registered plan and that the true area of the parcel is less than 1.995 acres for the parcel to be 'less than 2 acres in area'.

If the land was listed with other parcels on the same Certificate of Title on December 21, 1972, the restrictions on the use of the land apply to the parcels regardless of whether or not the total area of all lands listed on the Certificate of Title is less than 2 acres.

Certificates of Title at December 21, 1972



Unless defined in this policy, terms used herein will have the meanings given to them in the ALCA or the Regulation.