

The Staff Report is flawed and as a result so are all the recommendations included as well as the proposed bylaws.

Section 5 second last paragraph of the Staff Report states reasons as to why the Agricultural Advisory Committee and the Richmond Farmers Institute recommendations are not presented as a bylaw option. These reasons are totally incorrect.

Under the ALC Act and the ALC Policy P-02 issued March 2017 dealing with parcels less than 2 acres; it clearly states that Restrictions on the use of agricultural land do not apply to parcels less than 1.995 acres.

As such the Guide for Bylaw Development in Farming Areas produced by the Ministry of Agriculture in 2015 does not apply to these small acreages.

This implies that on lands smaller than 2 acres the house could conceivably cover almost the entire lot and at least that the Home Plate size is 2 acres.

This brings us to the point where things become totally unfair and inequitable. If you have 2 properties next to each other one 1.5 acres and the other 20 acres in size would you let a mega-house be built on the small lot while limiting the house size on the 20 acre parcel next door just because the ALC rules apply?

As this is the case a good argument can be made for a 2 acre Home Plate on lands governed by ALC rules.

A good compromise from my point of view is to incorporate the recommendations of the Richmond Farmers Institute and Richmond Agricultural Advisory Committee into another proposed bylaw. If you are going to disregard recommendations from these groups why bother with the consultation process at all?

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**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.