



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

September 12, 2005

Reply to the attention of Gordon Bednard

Lelia Tindill
9729 – 216th Street
Langley, BC V1M 3J1

Dear Mrs. Tindill:

**Re: Application #O-36028
Lot 2, Section 1, Township 9, New Westminster District, Plan 5481**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide one (1) 0.4 ha lot from the above noted property pursuant to the Commission's *Homesite Severance Policy*. The Commission wishes to thank your daughter, Beverley Wilson, for taking the time to meet with its representatives on August 3, 2005.

The Commission is satisfied that based on your length of ownership of the property you qualify for consideration pursuant to the *Homesite Severance Policy*. However, the Commission noted the previous subdivision approval granted in 1986 has not been completed. The Commission is not prepared to grant two subdivision approvals.

By Resolution #471/2005 the Commission has decided as follows:

1. The current application is denied if the subdivision as approved by Resolution #386/1986 is completed.
2. The current application is approved if you agree to the Commission rescinding Resolution #386/1986. Please refer to the attached map showing the acceptable homesite lot.

The Commission will accept one of the subdivision proposals, not both. The decision on how to proceed is left to you. To assist you in this regard the Commission has also attached a copy of Resolution 386/1986 and its Commission's May 22, 1986 decision letter. Please advise this office in writing as to which proposal you intend to pursue.

The Commission's decision does not relieve you 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. The Commission suggests you contact the Township of Langley at your earliest convenience.

Subsequent to choosing your preferred subdivision please arrange for the survey and preparation of the subdivision plan. Forward two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable it will authorize the Registrar of Land Titles to accept the application for deposit of the plan.

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Page 2 – September 9, 2005
Re: Application #O-36028

Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

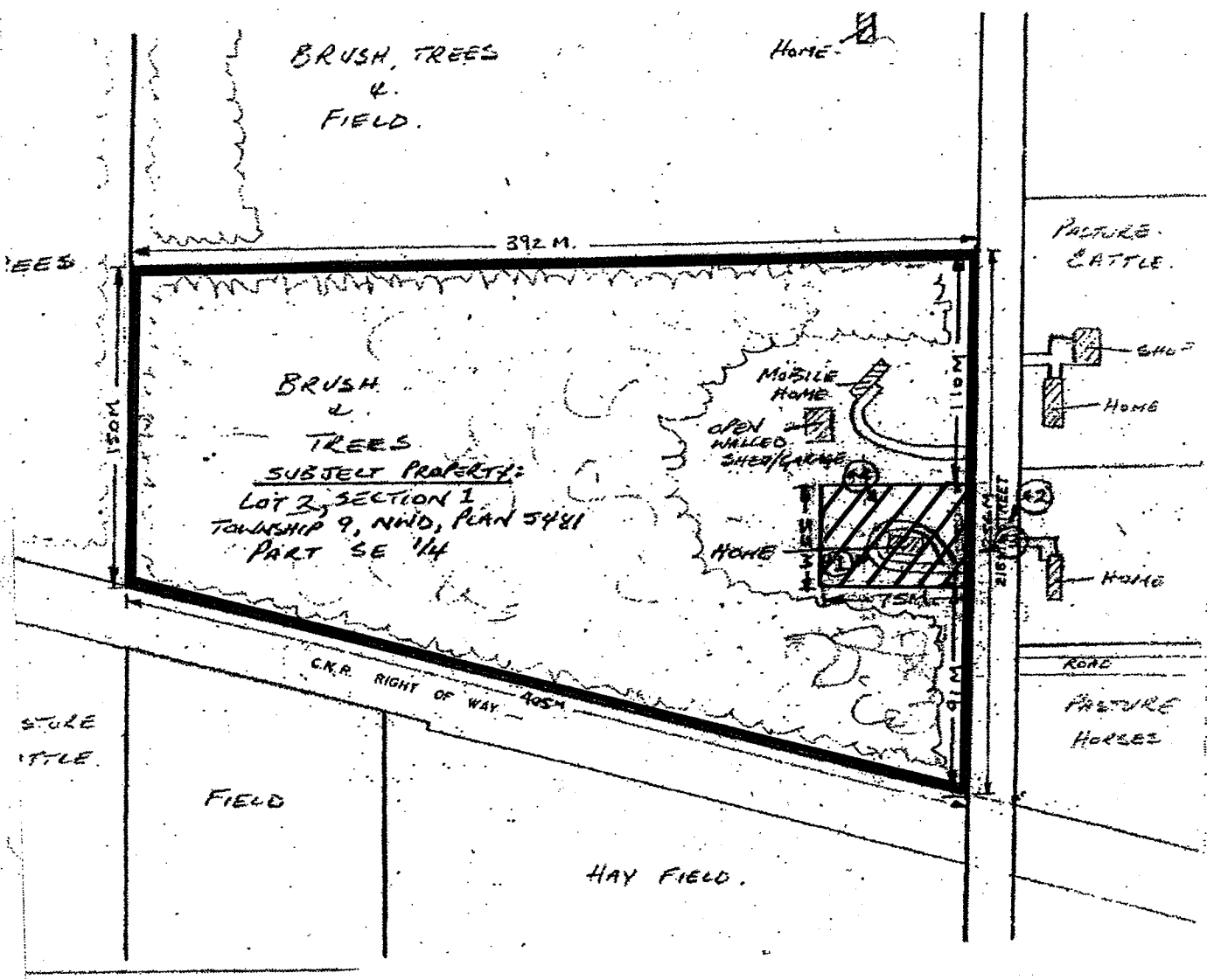
Erik Karlsen, Chair

cc: Township of Langley (Folder No. AL100085, Project No. 09-01-0027)

CF/

Enclosure:

36028d1.doc



Provincial Agricultural Land Commission
Application: #O-36028 (Tindill)
Resolution #471/2005

 Subject property

 Approved 0.4 ha homesite lot subject to rescinding Resolution #386/1986

May 22, 1986

Reply to the attention of
Martin Hilmer

Lawrence and Lelia Tindill
9729 - 216 Street
Langley, B.C.
V3A 6X5

Dear Mr. and Mrs. Tindill:

Re: Application # 21-E-85-19480

In regard to your letter of April 1, 1986 this is to advise that the Provincial Agricultural Land Commission has reconsidered your application regarding land described as Lot 2, S8E $\frac{1}{4}$, Section 11, Township 9, Plan 5481 NWD.

Pursuant to Section 20(1) of the Agricultural Land Commission Act, the Commission, by Resolution # 386/86 allowed your application to subdivide 7.9 ha into two 3.95 ha sized lots.

This approval is granted provided that your subdivision is in substantial compliance with the sketch plan attached hereto and outlined in red.

The land referred to in the application will continue to be subject to the provisions of the Agricultural Land Commission Act and regulations except as provided by this approval.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, subdivision and other land use bylaws of a municipality or regional district and decisions of responsible authorities which may apply to the land.

Before your development can proceed, other requirements such as public road dedication, highway access permits, sewage disposal permits, etc. may be required and we urge you to check with the responsible authorities.

Where the land is located in a municipality, please contact the Approving Officer of the municipality. For other areas, contact the District Office of the Ministry of Transportation and Highways.

Please obtain the confirmation of the Commission, if, in the process of approval by the Approving Officer, any substantial changes are required to the subdivision proposal as approved by this office.

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When the final survey plans or documents as required for Land Title purposes have been prepared, please send two paper prints to this office prior to registration. The Commission will then authorize the Registrar of Land Titles to accept the application for deposit of the subdivision plan.

Please quote Application # 21-E-85-19480 in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION


Per: R. P. Murdoch, General Manager

MH/lv

cc: Township of Langley (#9.1.6)
B.C. Assessment Authority - Clearbrook

PROPOSED SUBDIVISION LAYOUT

LEGAL

Lot 2, SE Sec 1 Pp 9
DLS 481



NORTH

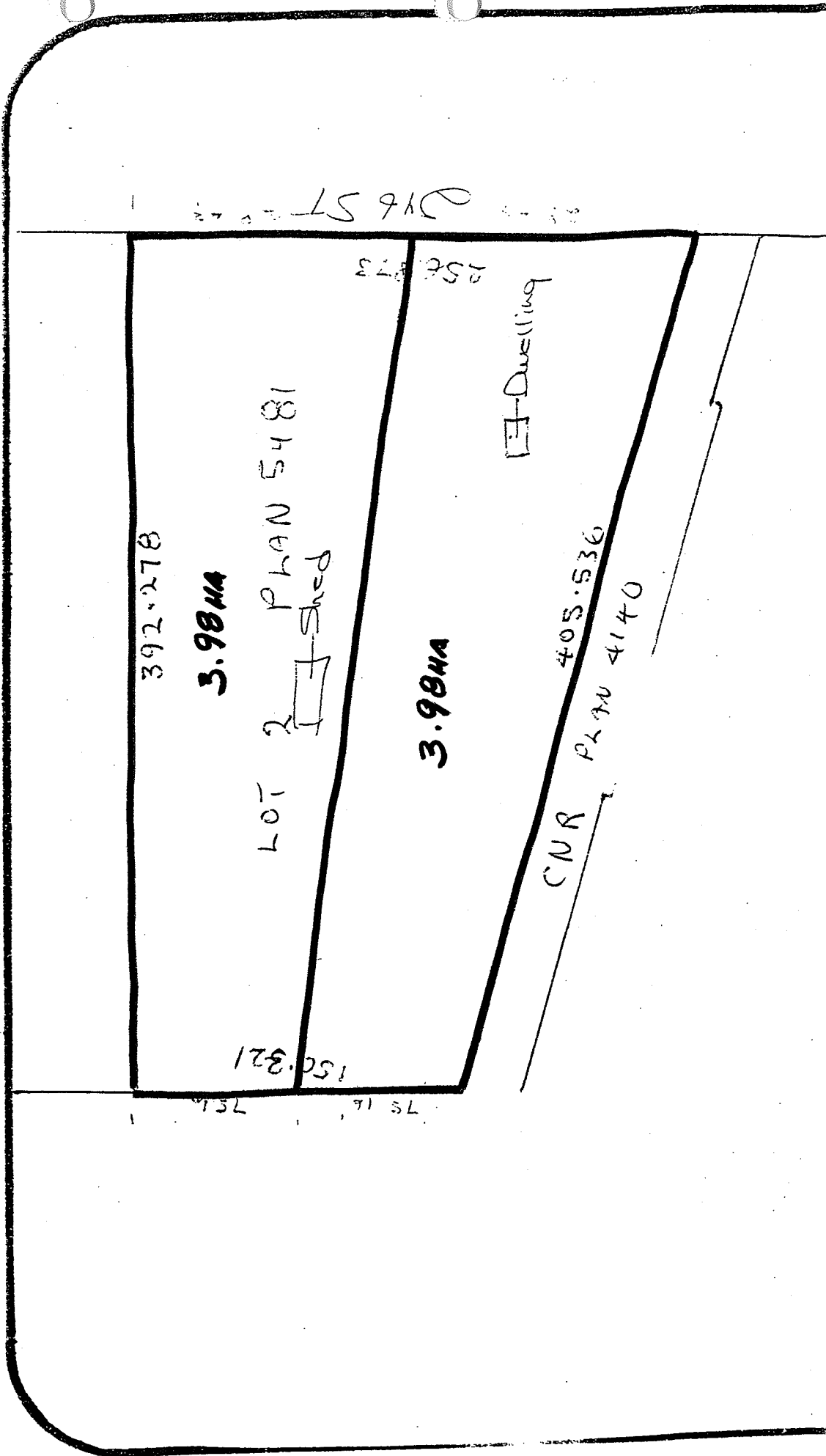
CIVIC ADDRESS

9729-216

SH

SCALE

1:200 ±



REGONSIDERATION

Resolution # 386/86
Application # 21-E-85-19480

Minutes of the Provincial Agricultural Land Commission

Meeting held at the B.C. Agricultural Land Commission Office, 4940 Canada Way, Burnaby, British Columbia on the 22nd day of April 1986.

Present:	I. D. Paton	Chairman
	J. Collins	Commissioner
	J. Lauder	Commissioner

The Commission received a request from Lawrence and Lelia Tindill dated April 1st, 1986 to reconsider an application under Section 20(1) of the Agricultural Land Commission Act for the property described as Lot 2, SE $\frac{1}{4}$, Section 11, Township 9, Plan 5481 NWD.

The applicants' original request to subdivide the subject property into two parcels was refused by the Commission. Subsequent to this decision the applicant wrote the Commission and has requested a reconsideration of the application on the grounds that similar subdivisions have been approved in the immediate area and that farming the property would be of limited success due to the sites poor agricultural capability.

IT WAS		
MOVED BY:	Commissioner J. Collins	
SECONDED BY:	Commissioner J. Lauder	386/86

That the request be allowed.

Carried.



Staff Report
Application # O – 36028
Applicant: Lelia Tindill
Agent: Patrick Wilson

DATE PREPARED: July 25, 2005

TO: Chair and Commissioners – South Coast Panel

FROM: Gordon Bednard, Regional Research Officer

PROPOSAL: To subdivide a 0.4 ha homesite from this 8 ha property for the owner under the Commission's *Homesite Severance Policy*. The owner's daughter and son-in-law will be purchasing the balance of the property which they plan to leave as-is, with the cleared portion in front to be used for pasture for a horse.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Three previous applications - see below.

The applicants have not provided proof of ownership prior to 1972 which would be a requirement of consideration under the *Homesite Severance Policy*.

Local Government:

Township of Langley

Legal Description of Property:

PID: 011-158-115

Lot 2, Section 1, Township 9, New Westminster District, Plan 5481

Purchase Date (m/d/y):

07/01/1972

Location of Property:

9729 - 216th Street

Size of Property:

8.0 ha (The entire property is in the ALR)

Present use of the Property:

One dwelling (intended for present owner), one mobile home to be removed. Balance vacant (little agricultural development)

Surrounding Land Uses:

WEST: 3.0 – 4.0 ha rural residences and farm developed properties
SOUTH: Canadian National rail line, 2.0 – 4.0 ha ALR parcels beyond
EAST: 20.0 ha rural residence and hobby farm in ALR
NORTH: 5.0 ha rural residential parcels, in ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/2(g)
The majority of the property is identified as having Prime Dominant ratings: (O3LW) – organic soils

Official Community Plan and Designation:

Small Farms and Country Estates

Zoning Bylaw and Designation:

RU-1
1.7 ha Minimum lot size (smaller lots are allowed in the ALR for homesite severance if the remainder is larger than 2.0 ha)

PREVIOUS APPLICATIONS:

Application #19480-0

Applicant: Lawrence and Lelia Tindill
Decision Date: 1986
Proposal: To subdivide the 8.0 ha property into two lots of equal size.
Decision: Allowed.
(Note: Subdivision has not been completed)

Application #26328-0

Applicant: Lawrence Tindill
Decision Date: August 11, 1994
Proposal: To deposit 120,000 m³ of fill to a maximum depth of 2 metres.
Decision: Allowed with conditions.

Application #22650-0

Applicant: Lawrence Tindill
Decision Date: December 12, 1988
Proposal: To deposit fill to a depth of 2.5 meters. Fill would consist of demolition debris, (excluding iron and gyproc), clay, stumps, brush and topsoil.
Decision: Refused.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

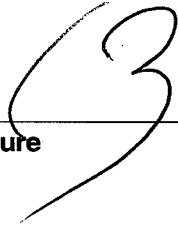
Forwarded and endorsed by the Township of Langley Council.

STAFF COMMENTS:

If the applicant can show that she qualifies under the *Homesite Severance Policy*, staff recommends allowance subject to all the conditions of policy and fencing and vegetative screening around the homesite lot. The Commission should also give consideration to rescinding the earlier approval (#386/86) which allowed the property to be subdivided into two equal lots, or perhaps allowing the applicant the option of a homesite lot, or the original approval.

END OF REPORT

Signature



Date

