



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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August 3, 2010

Reply to the attention of Terra Kaethler
ALC File: 51699

Terry & Sheryl Dodd
Gordon & Joy Palmer
21394 -16th Avenue
Langley, BC
V2Z 1K4

Dear Mr. and Mrs. Dodd and Mr. and Mrs. Palmer:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **2589/2010** outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line. The signature is fluid and cursive.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Township of Langley (AL100190)

JC/51699d1



A meeting was held by the Provincial Agricultural Land Commission on July 7, 2010 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Richard Bullock	Commissioner
	Tony Pellett	Staff

For Consideration

Application: 51699
Applicant: Dodd & Palmer
Proposal: The proposal is to subdivide a 16.3 ha parcel into two approximately equal sized parcels of 8.15 ha each. The subdivision site plan proposes to create an eastern and western property, both fronting on 16 Avenue. The westerly lot would have a frontage of 128.8 m and the easterly lot would have a frontage of 71.6 m. The applicants propose to retain the western property and to continue the operation of their equestrian centre. The wider frontage of the western property will provide wider turning radius for vehicles towing horse trailers. The applicants would sell the eastern property to help reduce the cost of operating the whole property. The existing home is proposed to be retained on the proposed eastern property. A new home is proposed to be built on the western property which will also retain the existing indoor riding arena.

Legal: PID: 018-558-216
Lot 2 Section 12 Township 7 New Westminster District Plan
LMP12896

Location: 21394 - 16th Avenue, Langley

Site Inspection

A site inspection was conducted on July 7, 2010. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Richard Bullock Commissioner
- Tony Pellett Staff
- Terry Dodd Applicant

Mr. Dodd explained that the Dodds and Palmers had bought the equestrian centre property with its two houses with the intention to subdivide (leaving both houses on one property) in order to defray operational costs. When asked whether he had read the staff report Mr. Dodd advised that he had not received it. When advised that it had been emailed Mr. Dodd admitted that he had not opened his email lately. When advised that the staff report records that a previous application to subdivide the property into two had been refused, he stated that if they had known this they would

not have bought the property, given the strong likelihood that the Commission will refuse permission to subdivide. Mr. Dodd explained that the sale had been private, with no real estate agent to take responsibility for providing this sort of information.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is improvable to:

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Subclasses

- D undesirable soil structure
- T topography
- W excess water

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It was concurred by the Commission that in its present parcel size, the property could support a wide range of crops. The Commission does not

generally support the subdivision of ALR properties into smaller parcels as it often reduces the types of agriculture that can occur on the property. Another concern was that if this subdivision were permitted it would heighten the expectations of other property owners in the area to be able to do the same. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will adversely impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Bose

THAT the application be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.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.*
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 2589