



Agricultural Land Commission
133-4940 Canada Way
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www.alc.gov.bc.ca

June 5, 2013

ALC File: 53062

Slade Dyer & Associates Inc.
33219 Brown Crescent
Mission, BC
V2V 2R3

Attention: Slade Dyer

Dear Mr. Dyer:

Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #129/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Eamonn Watson (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to be 'Brian Underhill', written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #129/2013

cc: Township of Langley (Folder: AL100240, Project: 07-15-0037)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 20, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53062.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Tony Pellett	Regional Planner
Eamonn Watson	Land Use Planner

PROPOSAL (Application for exclusion submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

To exclude the 5.9 ha subject property from the Agricultural Land Reserve.

PROPERTY INFORMATION:

Owner: Derek Lorne Bustin and Brenda Katrina Bustin
(As to undivided ½ interest as joint tenants)

Dana Leah Bustin and Chad Alan Gilroy
(As to undivided ½ interest as joint tenants)

Legal: PID: 009-006-893
Lot 18, Section 15, Township 7, New Westminster District, Plan 28731

Location: 19810 – 20th Avenue, Langley

Size: 5.9 ha

EXCLUSION MEETING

An exclusion meeting was held on March 20, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. Those in attendance included the Commissioners and staff noted above, Lorne Bustin (Applicant), Slade Dyer (Agent) and David Sahstrom (Professional Agrologist).

Mr. Dyer presented the proposal, specifically issues related to local government planning and zoning. Mr. Sahlstrom provided an overview of the report that was prepared in support of this application. Finally, Mr. Bustin provided additional comments regarding the subject property and adjacent land use conflicts, including complaints regarding farming on the subject property and potential future conflicts related to development on adjacent non-ALR lands.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

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.
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COMMISSION CONSIDERATION

The Commission reviewed one previous application involving the subject property:

Application #25152 (Bustin, 1992) To exclude the properties from the ALR to facilitate subdivision into 1.0 ha lots. By Resolution #1153/1992, the Commission refused the application, stating that *"the subject properties have good agricultural potential."* The Commission also stated, in its November 26, 1992 letter, *"[s]ince the exclusion of such productive land would inevitably lead to its subdivision into 1.0 ha parcels, and thus the infiltration of urban land uses, both the agricultural potential of your property and the integrity of the surrounding agricultural community would be negatively affected."* However, the Commission *"agreed to allow the subdivision of the subject properties under the minimum lot size of 1.7 ha as proposed for this area under the "Country Estates/Small Farm" designation within the Township of Langley Draft Rural Plan."*

Note: The current subject property was the northernmost lot involved in the above previous application.

After considering the information the Commission concluded as follows:

1. In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted 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/2(b) for the subject property are primarily Class 3.

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.

The limiting subclasses associated with this parcel of land are primarily A (soil moisture deficiency) and P (stoniness).

In addition to the BCLI information, the Commission reviewed a site specific report, *Agricultural Potential of 19810 20th Ave Langley, BC*, prepared by David Sahlstrom, P.Ag. of David Sahlstrom Consulting, dated January 2013 (the "Report"). Mr. Sahlstrom also summarized the Report as part of the Exclusion Meeting.

Conclusion:

The Commission acknowledges that the Report provides a more detailed understanding of the agricultural limitations on the subject property related to soil, these limitations are also shown on the BCLI mapping information, albeit to a lesser degree of detail. Although the Commission agrees that there are limitations, the Commission does not believe that these limitations are determinative that the property cannot be used for agriculture. This is in part evidenced by the historic use of the subject property for turkey production.

Agricultural land is rarely without limitations, or put another way, without agricultural management requirements. The Commission does not support the exclusion of land from the ALR based solely on the presence of limitations to agricultural capability or the need for normal farm management.

Furthermore, the Commission believes that the preservation of agricultural land must be considered over the long term, not just based on the current use of a property. Although the current land owner no longer wants to pursue agriculture and the soil capability presents some limitations to agriculture, these issues should not be determinative to the objectives of a future land owner or that future agricultural opportunities may present themselves through such influences as increased market demand for local goods, technological advances, etc.

2. Non-ALR lands located to the north and west of the subject property, along with smaller lots within the ALR to the south and east.

Conclusion:

Although the Report points out that the neighbourhood may affect the agricultural land use(s) on the subject property, the Commission does not agree that neighbouring non-ALR lands or neighbouring small lots render the subject property completely unsuitable for non-soil bound or soil bound agriculture.

Land use conflicts at the urban-agricultural interface do occur and the government enacted the *Farm Practice Protection (Right to Farm) Act* in order to adjudicate complaints of this nature.

3. The current, non-agricultural, land use of the subject property, specifically (as stated in the Report) that:

The owner has stated that the barns were nearing the end of their useful lives in the 1990s and needed rebuilding. For a number of reasons including his age, disinterest of his heirs in operating a turkey farm, and his opinion that the future of the turkey quota system was uncertain he quit raising turkeys and sold his quota in the early 2000s.

Conclusion:

It appears that the current limited agriculture use of the subject property is more a function of the applicants' decision regarding the use of the property rather than a lack of agricultural potential. The Commission believes that the subject property should be retained in the ALR.

4. Agricultural land in the Province of British Columbia, specifically that which is in the ALR, is a working landscape consisting of land and properties that vary in agricultural capability, suitability and size, amongst other factors.

To use a specific example, some land in the Okanagan can be limited by topography and soil structure and there is a high degree of parcelization (i.e. smaller lots). However, due to hot summers and other agricultural advantages the Okanagan is a prolific fruit producer and supports a vibrant wine industry. This area has specific advantages and disadvantages for certain agricultural uses. Nonetheless, the suitability of these lands makes them integral to the ALR and vital to agriculture in BC. Should these lands have been excluded from the ALR based solely on agricultural capability an entire agricultural industry would have been lost.

Conclusion:

While the subject property may not be directly comparable to the Okanagan, properties such as the subject property serve an important function within the mosaic of agricultural land in the Fraser Valley and the province in general. While the subject property may not be conducive to extensive agricultural pursuits, it could support diversified small scale (soil and/or non-soil based) agricultural enterprises.

In order to maintain the breadth of agricultural land in the ALR the Commission believes it is important to keep the subject property in the ALR.

Finally, the Commission does not believe that any evidence has been provided to suggest that the previous decision of the Commission to retain the subject property in the ALR was incorrect. Exclusion of ALR land based on the arguments presented in this application would be contrary to section 6 (*Purposes of the Commission*) of *Agricultural Land Commission Act*.

IT WAS

MOVED BY: Commissioner Dyson

SECONDED BY: Commissioner Miles

THAT the request to exclude the 5.9 ha subject property from the Agricultural Land Reserve be refused.

CARRIED

Resolution #129/2013