



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

October 11, 2005

Reply to the attention of Gordon Bednard

Fraser & Michele Lane
21873 - 96th Avenue
Langley, BC - V3A 8G6

Dear Sir/Madam:

Re: Application # O-36226
PID: 024-250-023
Lot 2, Section 6, Township 12, New Westminster District, Plan LMP39428

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to retain the existing second dwelling on the southern end of the property. It is understood that the dwelling will be used by your daughter and her family. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank your agent Glenn Bell for taking the time to meet with its representatives on September 14, 2005 at the property. The Commission found the meeting and site visit informative. In particular, the Commission noted that only a portion of the subject property could be presently used for agriculture, as the remainder is either steep slopes, rocky outcrops or swamp. This being the case, the Commission felt that the retention and occupation of the second dwelling would not negatively affect the agricultural utility of the subject property.

The Commission writes to advise that it approved your application subject to:

- the use being restricted to the 0.2 ha area identified on the attached plan;
- your understanding that the presence of the second dwelling would not be considered by the Commission as reason for any future subdivision of the property;
- compliance 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.

The decision noted above is recorded as Resolution #516/2005.

Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: Township of Langley Attn: Shauna Vandenberg file# AC000032
Glenn Bell, #101 - 21616 - 52nd Aven., Langley, BC V2Y 1L7
GB/lv/Encl./36226d1

PLAN SHOWING LOCATION OF IMPROVEMENTS SITUATED ON LOTS 1 AND 2 OF SECTION 6, TOWNSHIP 12, PLAN LNP, NEW WESTMINSTER DISTRICT.

SCALE - 1:5000
 0 10 20 30 40 50
 ALL DISTANCES ARE IN METRES.

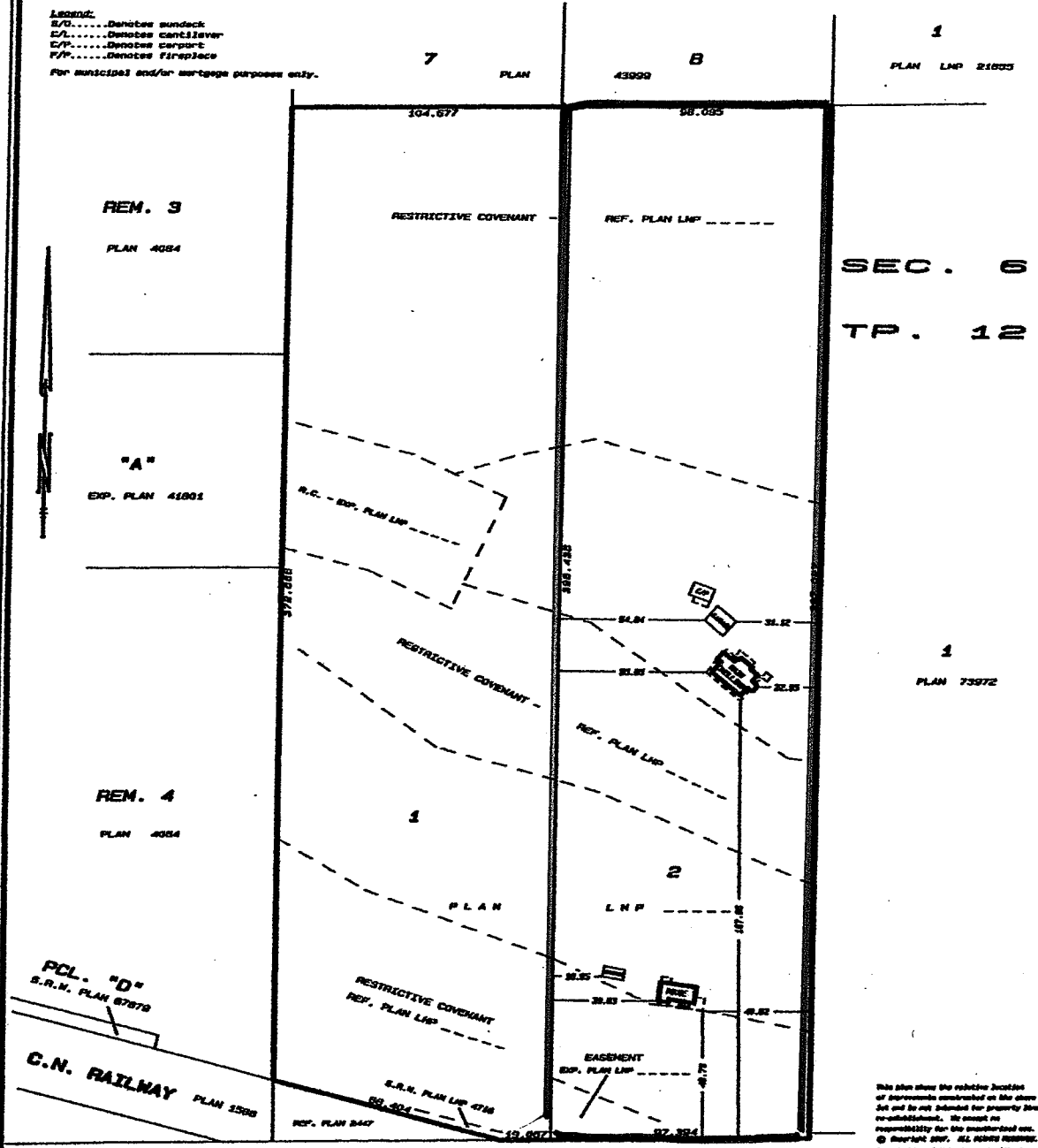
CIVIC ADDRESS: 21673 - 96th Avenue,
 Langley, B.C.

SUBDIVISION APPLICATION 97-27

Legend:

- S/O.....Denotes sidewalk
- C/L.....Denotes centerline
- C/P.....Denotes carport
- F/P.....Denotes fireplace

For municipal and/or mortgage purposes only.



SEC. 6
TP. 12

This plan shows the relative location of improvements constructed on the above lot and is not intended for property line establishment. It cannot be responsible for the unauthorised use of the above plan. All rights reserved. Reproduction of this document without permission is prohibited by law.

WILL S. SCHUBERTZ
 PROFESSIONAL LAND SURVEYOR
 2088 Fraser Highway
 Langley, B.C. V3A 4K9
 Telephone: (604) 837-5101
 Fax: (604) 837-5101

96th AVENUE


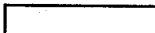
CERTIFIED CORRECT, according to field survey,
 this 3rd day of August, 2000.

S.C. Land Surveyor

RECEIVED

Provincial Agricultural Land Commission

Application: O-36226
 Resolution # 516/2005

-  Subject property.
-  Approved 0.2 ha area for second dwelling

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on September 15, 2005 at Richmond, B.C.

PRESENT: Peter Dhillon Chair
 Carol Paulson Commissioner
 Walter Dyck Commissioner

STAFF: Gordon Bednard, Regional Research Officer
 Tony Pellett, Planner

For Consideration

Gordon Bednard presented a staff report prepared by Simone Magwood dated September 1, 2005 regarding application #O- 36226.

Site Inspection

A site inspection was conducted on September 14, 2005. Those in attendance were:

- Commissioners Dhillon, Paulson, & Dyck
- Agricultural Land Commission Staff: Gordon Bednard, Regional Research Officer and Tony Pellett, Planner
- Glen Bell

The Commission toured the southern portion of the property where the house, which is the subject of the application, is located.

Commission Discussion

The Commission considered the location of the house and the extent to which the occupation of the dwelling may affect the agricultural utility of the property should it be occupied.

IT WAS

Moved BY: Commissioner Carol Paulson

Seconded BY: Commissioner Walter Dyck

THAT the staff report be received and the application be approved as presented. The Commission sees no negative agricultural impact on the property if the house was occupied.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED

Staff Report
Application # O – 36226 –0
Applicant: Fraser & Michele Lane
Agent: Bell & Giuriato

DATE PREPARED: September 1, 2005

TO: Chair and Commissioners – South Coast Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To leave an existing second dwelling on the property as a residence for the applicants' daughter.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicants applied for subdivision in 1998 (application # 30615). The applicants state that at that time, a condition of the subdivision was to abandon the older dwelling at the front of the property so that there would only be one residence on the land. The applicants would now like to fix up the older home at the front of the property for their daughter and her family.

Sixty-two percent of the property was protected by Ministry of Environment covenant during the subdivision process in 1998. The applicants state that the two dwellings are on land areas cut off from one another by covenants and watercourses. The agent for the applicants also state that although it may be possible to subdivide the property into two parcels the owners have elected to apply for approval to keep the second dwelling.

Local Government:

Township of Langley

Legal Description of Property:

PID: 024-250-023

Lot 2, Section 6, Township 12, New Westminster District, Plan LMP39428

Purchase Date:

1979

Location of Property:

21873 - 96th Avenue.

Size of Property:

4.0 ha (The entire property is in the ALR).

Present use of the Property:

Residential hobby farm and wetlands

Surrounding Land Uses:

WEST: Residential (ALR)
SOUTH: Residential (ALR)
EAST: Residential hobby farm (ALR)
NORTH: Residential (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/2h
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

The local Rural Plan designates this parcel as County Estate/Small Farm. Minimum lot size 1.7 ha.

Zoning Bylaw and Designation:

RU-1. minimum lot size 1.7 ha.

PREVIOUS APPLICATIONS:

Application #30615-0

Applicant: Lane, Fraser & Michele
Decision Date: June 26, 1996
Proposal: To subdivide the 8.0 ha subject property into two parcels, each approximately 4.0 ha in size.
Decision: Allowed as submitted.

Application #17942-0

Applicant: Lane, Fraser & Michele
Decision Date: April 27, 1984
Proposal: To construct a new house as a principle dwelling while retaining use of the existing house for the owners' son.
Decision: Allow the construction of the new home subject to rendering the existing house uninhabitable following occupancy of the new residence.

Application #26512-0

Applicant: Lane, Fraser & Michele
Decision Date: March 26, 1992
Proposal: To deposit 5000m³ of soil up to a maximum depth of 1 m.
Decision: Allowed with conditions

STAFF COMMENTS:

Staff note that in 1984, the applicants have applied (application # 17942) to be allowed to retain the existing dwelling on the property (at that time it was to be for their son). The decision given at that time was that construction of the new home was allowed subject to rendering the existing house uninhabitable following occupancy of the new residence. Therefore, it seems as if abandonment of the previous dwelling was not a condition of their subdivision but a condition of building the new house over ten years prior to the subdivision application. The local government has not commented if second dwellings are allowed under the local zoning bylaws.

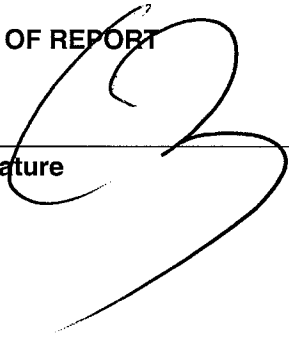
Staff note that the Agricultural Land Commission Act allows the placement of a modular home on a property as a residence for family members subject to local government approval.

Staff recommend that the following conditions be placed on the second dwelling if the Commission decides to allow the applicants to keep it.

1. A covenant prohibiting expansion of the second dwelling.
2. A covenant requiring the second dwelling to be removed or rendered uninhabitable at such time as the property is sold.

END OF REPORT

Signature



Date

