



Agricultural Land Commission
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March 22, 2007

Reply to the attention of Jennifer Carson
ALC File: #O - 37061

Bell & Giuriato
101 - 21616 - 52nd Avenue
Langley, BC V2Y 1L7

Dear Mr. Bell:

Re: **Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 90/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'E. Karlsen', written over a white background.

Erik Karlsen, Chair

cc: The Corporation of the Township of Langley (#AL100129)

Enclosure: Minutes/Sketch Plan

JC/lv
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 20, 2007 in Langley, B.C.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Terra Kaethler	Staff
	Brian Underhill	Staff
	Jennifer Carson	Staff

For Consideration

Application: # O - 37061
Applicant: Donna Wells
Agent: Bell & Giuriato
Proposal: To subdivide the 16.3 ha subject property into two (2) lots, of 8.056 ha.
Legal: PID: 013-331-116
South 1/2 of the North 1/2 of the South West 1/4, Section 20, Township 14, New Westminster District
Location: 7496 - 272nd Street, Langley

Site Inspection

A site inspection was conducted on Monday, February 19, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Terra Kaethler Staff
- Brian Underhill Staff
- Jennifer Carson Staff
- Glenn Bell Agent
- Donna Wells Applicant

The applicant confirmed that the staff report dated January 31, 2007 was received and no errors were identified.

The applicant and the agent met the Commissioners and staff on the property where the subdivision line was being proposed. Discussed onsite was that the property was purchased by the current owner in 1974, and as a result it does not qualify for a homesite severance. The history of the property use is varied. There have been livestock (cattle and sheep), berry crops (raspberry and strawberries) although the site was too wet for them so they ended up putting in a drainage system of ponds which was also used as a trout farm. The applicant mentioned that the permit for this use has been maintained over the years. The Commission recognizes that the applicant has done a considerable amount of work to improve the property for agriculture. Now that her husband has passed away, the applicant does not feel that she can look after the whole property anymore and so would like to subdivide her house and some land off the subject property. The applicant also mentioned that she was concerned about the resale value of the property which is why she made the proposal of subdividing the property in half. The Commissioners identified some concerns with the existing proposal as it would bisect the pond drainage system and also due to the

subdivision of the property in half, the agriculturally capable land would be split up. The applicant suggested that she would agree to a subdivision around her existing house if the Commission preferred. On February 21, 2007, Mr. Bell sent the Commission a revised subdivision plan around the applicant's house and a topographical map.

Onsite the agent mentioned that there would be building sites on the hilly portion on the southern portion of the property. However, in later correspondence, the agent stated that this statement was mistaken and that there were no building sites.

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 improved ratings for the agricultural capability of the soil of the subject property are:

- Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.
- 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 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

T topography

Organic Soils - Organic soils are grouped into seven classes, designated as O1 to O7. The organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.

Subclasses

L degree of decomposition - permeability
W excess water

Assessment of Agricultural Suitability

The Commission assessed whether the 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. The initial proposal to subdivide the property into two equal halves would unnecessarily divide agricultural land making it less suitable for certain types of farming. The Commission also believes that the subsequent proposal to subdivide a piece of property off around the home would adversely impact agriculture as the new property owners would have to build another house elsewhere on the property. The Commission felt that all or a portion of the southern portion of the property which has topographical limitations could be subdivided off as a potential homesite for the applicant should she wish to remain on the property.

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 impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.
5. The Commission would like to advise the applicant that it would reconsider a subdivision of a parcel on the topographically limiting portion of the property should she wish to pursue this option, any revised application regarding the decision of the Commission must be received by the Commission within one year (April 2008).
6. The alternative proposal outlined above is only applicable to Mrs. Donna Wells.

IT WAS

MOVED BY: Commissioner Bose
SECONDED BY: Commissioner Tomlinson

THAT the application be refused as proposed.

CARRIED

Resolution # 90/2007



Staff Report
Application # O – 37061
Applicant: Donna Wells

Agent: Bell & Giuriato

DATE RECEIVED: November 14, 2006

DATE PREPARED: January 31, 2007

TO: Chair and Commissioners – South Coast Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide the 16.3 ha subject property into two (2) lots of 8.1 ha. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

The Corporation of the Township of Langley

Legal Description of Property:

PID: 013-331-116

South 1/2 of the North 1/2 of the South West 1/4, Section 20, Township 14, New Westminster District

Purchase Date:

November 1974

Location of Property:

7496 - 272nd Street, Langley

Size of Property:

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

Present use of the Property:

The property is partially treed and relatively flat. The proposed north lot is currently occupied by a single family dwelling, two barns and a shop. South lot is currently occupied by single family home and barn. The subject property was formerly a trout farm, but currently is not used for farming purposes.

Surrounding Land Uses:

WEST: Abbotsford, undeveloped land and farmland, hillside and residential
SOUTH: High undeveloped hillside
EAST: Pastureland, farmland
NORTH: Cornfields, farmland

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/01
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Designation: Agricultural/Countryside in the Rural Plan (1993)

Zoning Bylaw and Designation:

Zoned Rural Floodplain (1987)
Designation: RU-5
Minimum Lot Size: 8.0 ha

RELEVANT APPLICATIONS:

Application #28871-0

Applicant: LAND OWNERS -34

Decision Date: May 16, 1994

Proposal: Subdivide thirty-four (34) 1.7 ha lots from the 34 subject parcels that range in size from 3.75 ha to 7.86 ha. All of the properties, which total 195.5 ha, are in the ALR.

Decision: Refused on the grounds that subdivision would reduce their agricultural potential, increase the rural residential population and heighten the expectations of surrounding property owners. However, the Commission was prepared to allow the subdivision of four (4) of the most southerly properties on the grounds that they lie within an area designated by the Commission as suitable for subdivision into lots of 1.7 ha.

Application #34050-0

Applicant: Neufeld, Hugo & Helen

Decision Date: November 02, 2001

Proposal: To redevelop and use an existing dwelling on the property for the applicants' son.

Decision: Allowed subject to the submission of a letter of intent stating that the house will once again be rendered uninhabitable when no longer required by the son.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council:

The Council of the Township of Langley forwarded the application with a recommendation of support.

Planning Staff:

Proposed subdivision complies with Langley's land use policies. It is noted that the area is designated Agricultural/ countryside in the Rural Plan and that should it be approved, similar requests may be anticipated.

STAFF COMMENTS:

It is recommended that the Commission consider the following:

- Land surrounding the subject property is being used for agricultural purposes.
- An onsite visit will help to determine whether this subdivision is appropriate or not.

ATTACHMENTS:

1. ALC Context Map
2. Aerial Photograph
3. Sketch of Proposal

END OF REPORT



Signature



Date