



Agricultural Land Commission
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July 27, 2010

Reply to the attention of Ron Wallace
ALC File: 51698

Strato Malamas
4526 Underwood Drive
North Vancouver, BC
V7K 2S2

Dear Sir:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **2570/2010** 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 'B Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Township of Langley (AL100188)

RW/
51698d1



A meeting was held by the Provincial Agricultural Land Commission on July 7, 2010 in Langley, B.C.

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

For Consideration

Application: 51698
Applicant: Strato Malamas
Proposal: To subdivide the 3.97 ha property into two lots of 1.94 ha and 2.03 ha. The northern 1.94 ha parcel would include a 0.22 ha panhandle driveway from 100 Avenue.
Legal: Lot 13 Section 6 Township 12 New Westminster District Plan 2109
Location: 21825 – 100 Avenue, Langley

Site Inspection

A site inspection was conducted on July 6, 2010. Those in attendance were:

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

The Commissioners and staff met the applicant in front yard of house. Mr. Malamas explained that the rest of the property is grown over but he hopes to create a new lot in the rear. Mr. Pellett asked how the rear property would be developed given the presence of a watercourse. Mr. Malamas stated that his neighbour has illegally filled the watercourse but that he has no intention of doing so because it should be possible to build a house without encroaching on the watercourse. Mr. Malamas pointed out that the neighbouring property and many others in the general vicinity have been subdivided in two with Commission permission.

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

- 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.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

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

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 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.

In most cases including this one, panhandles are a waste of land. The neighbouring properties were subdivided lengthwise, without panhandles. Another nearby property on 100 Avenue (also intersected by a watercourse) was refused subdivision by panhandle.

The Commission believed that the property (except at the watercourse) could be farmed as a whole and that allowing a panhandle subdivision in this area would create expectations ultimately resulting in sterilization of a significant amount of land.

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 would negatively 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 Bose
SECONDED BY: Commissioner Pranger

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.

CARRIED
Resolution # 2570/2010