



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: 51725

September 10, 2010

Barry and Delaine McCall
Box 1465
Aldergrove, BC
V4W 2V1

Dear Sir/Madam:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2623/2010 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 'B Underhill', written in a cursive style.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Township of Langley (AL100173)

TK/51725d1



A meeting was held by the Provincial Agricultural Land Commission on August 26, 2010 in Milner, BC.

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

For Consideration

Application: 51725
Applicant: Barry McCall, Barry & Delaine McCall, Kang & Jung Baik, Fred & Donna Badiuk, Brian & Marilyn Woodley, Douglas Rosseau, Lorraine Blackall, Sung Ho & Hyun Jung Kwak, Chamkaur Pannu, Cornerstone Training Stables Inc
Agent: Barry McCall
Proposal: The proposal is to exclude 8 properties located north and west of the Gloucester Industrial Park totaling 14.6 ha from the ALR, in order to facilitate their development as industrial land.
Legal:

1. Lot 11, New Westminster District, EXCEPT Part Dedicated Road on Plan 85670, Section 7, Township 14, Plan 2492
PID: 012-734-063
2. Lot 12, New Westminster District, EXCEPT Part Dedicated Road on Plan 85782, Section 7, Township 14, Plan 2492
PID: 012-734-071
3. Lot 16, Section 7, Township 14, New Westminster District, Plan 2492
PID: 012-734-101
4. Lot 13, Section 7, Township 14, New Westminster District, Plan 2492
PID: 012-734-080
5. Lot 14, Section 7, Township 14, New Westminster District, Plan 2492
PID: 001-619-811
6. Lot 15, Section 7, Township 14, New Westminster District, Plan 2492
PID: 012-734-098
7. Lot 4 Except Part Dedicated Road on Plan 86434; Section 7 Township 14 New Westminster District Plan 2492
PID: 003-370-623
8. Lot 3, Section 7, Township 14, New Westminster District, Plan 2492
PID: 002-459-914

Site Inspection

An on-site inspection was conducted July 6th, 2010. Those in attendance were:

Richard Bullock	Chair, Commission
Sylvia Pranger	Chair, South Coast Panel
Michael Bose	Commissioner
John Tomlinson	Commissioner

No representative of the applicants was present. The Commission did not enter any properties but drove slowly past and viewed each of the properties under application. The Commission believed it had gained a sufficient visual picture of the properties and did not need a further viewing with the applicants or their agent.

Exclusion Meeting

An exclusion meeting was conducted on July 7, 2010 in the boardroom at 9497 201st Street, Langley BC. Those in attendance were:

Richard Bullock	Chair, Commission
Sylvia Pranger	Chair, South Coast Panel
Michael Bose	Commissioner
John Tomlinson	Commissioner
Tony Pellett	Staff
Barry McCall	Agent
Delaine McCall	Agent

Delaine and Barry McCall advised that they represent the owners of all eight properties under application. They advised that they had not received the information specified in section 23 of the ALR Use, Subdivision and Procedure Regulation and that they did not receive a telephone call advising of the exact time the Commission would be present for an on-site inspection.

They also advised:

- the volume of traffic past the subject properties on 56 Avenue exceeds 12,000 vehicles *per* day;
- the original plan for Gloucester Industrial Estates extended north to the rail line [currently operated by the Southern Railway of British Columbia], including the subject properties and providing space for other amenities including a golf course;
- the need for additional industrial space at Gloucester is evidenced by the fact that the originally proposed golf course has been reduced to 30 acres for a driving range and club house, with the rest of the proposed golf course being converted to industrial use;
- the land is not suitable for agriculture, as evidenced by the fact that the most westerly of the subject properties is an equestrian centre which has been there for 10 years but has not been able to grow enough hay on site, therefore must import hay to feed the horses;
- with a lack of agricultural suitability, with the subject properties being the first in line for eventual expansion to the rail line, and with the shrinking availability of

further industrial land at Gloucester, now is the time for the subject properties to be excluded from the ALR for industrial development.

It was subsequently confirmed that the agent did not receive the required information on behalf of themselves and the other applicants. On August 19th, 2010, the agent attended the Commission office and picked up the required information together with a copy of the foregoing summary. On August 24, 2010, the agent advised staff that:

- the foregoing summary is correct;
- the information package did not contain any information with which the agent was not already familiar; had the agent received it before the meeting he would not have changed his presentation in any way; and
- the agent would prefer that the Commission finalize its decision as soon as possible.

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

The Commission discussed that a similar application was made in 2006 to exclude the same eight properties from the ALR in order to facilitate their development as industrial land in concert with the adjacent Gloucester Industrial Estate lands. At that time, the Commission considered that, although the properties are small, they still have prime agricultural capability ratings, and properly managed, could produce a range of agricultural crops. As well, the Commission noted that the local government had not advanced a case for the exclusion of these properties based on a community need analysis and that there had been no planning studies by the local government or the Commission which would indicate that these lands should be excluded from the ALR.

The current application was deferred by The Township of Langley Council until an "Employment Lands Study" was completed. The study included specific analysis to determine the amount of employment lands required to meet the objectives of the Township of Langley's OCP goal of providing one job for each resident in the work force. On January 11, 2010 the study was presented to Council and concluded that sufficient employment lands are currently designated in Township plans to satisfy a 25 year demand.

As such, the Commission did not believe that conversion of agricultural lands to industrial use was warranted.

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 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 Pranger

SECONDED BY: Commissioner Tomlinson

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

CARRIED

Resolution # 2623/2010