



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
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www.alc.gov.bc.ca

Reply to the attention of Terra Kaethler  
ALC File: 51687

January 19, 2011

Sanderson Planning Ltd  
135 – 970 Burrard St  
Vancouver BC V6Z 2R4

Dear Sir:

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

Please find attached the Minutes of Resolution # 2741/2010 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.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: *KA Pellett*

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Township of Langley (AL1001189)

TK/  
51687d1



A meeting was held by the Provincial Agricultural Land Commission on November 2, 2010 at the Sandman Hotel Conference Room, in Langley, B.C.

<b>PRESENT:</b>	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Richard Bullock	Commissioner
	Tony Pellett	Staff
	Terra Kaethler	Staff

**For Consideration**

Application: 51687  
 Applicants: Simon Omelianiec, Sharon Russell, Jody and Charles Shaw  
 Agent: Sanderson Planning LTD  
 Proposal: The proposal is to subdivide three parcels totalling 7.34 ha into sixteen (16) lots varying in size from 0.37 ha (0.92 acres) to 0.57 ha (1.42 acres).

Legal:
 

1. Lot "A" Sec.9 Twp.11 NWD Plan 11842 Except: Part on Bylaw Plan 56923
2. Parcel "A" (Explanatory Plan 12850) of Lot 1 Sec.4 Twp.11 NWD Plan 7640 Except: South 181.2 Feet
3. South 181.2 Feet of Parcel "A" (Explanatory Plan 12850) of Lot 1 Sec.4 Twp.11 NWD Plan 7640

Location:
 

1. 23712 - 56th Avenue
2. 5585-238th Street
3. 5559-238th Street

**Site Inspection**

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

- Richard Bullock           Chair, Commission
- Sylvia Pranger           Chair, South Coast Panel
- Michael Bose           Commissioner
- John Tomlinson       Commissioner
- Tony Pellett           Staff
- Simon Omelianiec     Applicant
- Mario Russell         Applicant
- Stewart Brown       Applicant

While the Commission did not have issue with the proposed subdivision, it did have concerns about the impact of the subdivision on the Hopington Aquifer, which is utilized by farmers in the area. As such, the Commission deferred its decision on the application pending review of a similar application on the Hopington Aquifer (#51744), which was expected to be on the Commission's next regular agenda. Deferral was communicated to the applicants' agent in a letter dated July 29, 2010.

On November 2, 2010, the Commission considered application #51744, and then was able to come to a conclusion regarding the subject proposal.

## 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**

An Agricultural Capability Assessment, prepared by Pottinger Gaherty Environmental Consultants Ltd (PGL) was submitted with the application. The report identified the agricultural capability of the soils of the subject properties as ranging from Class 3 to 5:

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 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

### Subclasses

A      soil moisture deficiency

N      salinity

The Commission noted the report's finding that the properties have limited capability for soil bound agriculture.

### **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 subject property is uniquely isolated from other arable ALR land and is effectively surrounded by non-ALR suburban residential use. As such, the Commission believes that the subject properties have been compromised 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. Given the limited agricultural capability and suitability of the subject lands and their isolation from arable ALR land, the Commission believes the proposal would impact existing or potential agricultural use of surrounding lands only if the proposal were to adversely affect the quality or quantity of water available to agriculture from the Hopington Aquifer.

### **Assessment of Other Factors**

The Commission discussed the impact of the subdivision on the Hopington Aquifer. The Commission recognized that Langley Council has passed a resolution confirming that the questions relating to the protection of the aquifer will be addressed prior to final subdivision approval, but believed that the issue also affects the Commission's mandate.

**Conclusions**

1. That the land under application has limited agricultural capability.
2. That the land under application is not suitable for agricultural use.
3. That the proposal need not impact agriculture if appropriate conditions are implemented with respect to the Hopington Aquifer.

**IT WAS**

**MOVED BY:** Commissioner Tomlinson

**SECONDED BY:** Commissioner Bose

THAT the application be approved;

AND THAT the approval be subject to the following conditions:

- the subdivision must be in substantial compliance with the plan submitted with the application;
- the subdivision must be completed within three (3) years from the date of this decision unless extended by the Commission in response to servicing delays;
- the subdivision must obtain its domestic water from a public supply; and
- the subdivision must discharge its sewerage to a public system unless the Commission receives advice from the Township of Langley that it is satisfied with evidence that a proposed sewage treatment plant for the subdivision cannot under any circumstance contaminate the Hopington Aquifer.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

**CARRIED**

**Resolution # 2742/2010**