



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

April 8, 2011

Reply to the attention of Terra Kaethler
ALC File: 51725

Dwight Stewart
Dwight Stewart Law Corporation
Suite 506 – 815 Hornby St
Vancouver, BC V6Z 2E6

Dear Sir:

Re: Reconsideration Request

Please find attached the Minutes of Resolution # **137/2011** 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 #100173

TK/
51725d1



A meeting was held by the Provincial Agricultural Land Commission on March 10, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Richard Bullock	Chair
	Sylvia Pranger	Vice-Chair, South Coast Panel
	John Tomlinson	Commissioner
	Tony Pellett	Staff
	Terra Kaethler	Staff

For Consideration

A letter from Dwight Stewart Law Corporation was received requesting that the Commission reconsider its decision recorded as Resolution #2623/2010. An Agrologist report was also submitted as new evidence.

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:	<ol style="list-style-type: none"> 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

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

- S33 (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, or
 - (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that information that was not available or considered at the time of the original decision had been provided and as such reconsidered the application.

Reconsideration Meeting

A meeting was held to discuss the reconsideration request on March 10, 2010. Those in attendance were:

- Richard Bullock Chair
- Sylvia Pranger Vice-Chair, South Coast Panel
- John Tomlinson Commissioner
- Tony Pellet Staff
- Terra Kaethler Staff
- Dwight Stewart Lawyer
- R.G. Bob Holtby, P.Ag Agrologist
- Representatives of the Owners of the Subject Properties

Mr. Stewart presented his rationale for reconsideration, including procedural requirements, errors in the original application, and misconceptions about the quality of soils of the subject properties, based on the Canadian Land Inventory (CLI) classifications. Mr. Holtby presented the findings of his report which found that the CLI classifications are incorrect and should be amended to reflect limitations.

Discussion

The Commission reviewed the newly submitted information and accepted the Agrologist's findings pertaining to the agricultural capability of the subject properties. However, it did not conclude that this information warranted exclusion of the subject properties.

It also reviewed its previous decision of Resolution #/2623/2010, which refused the exclusion on the grounds that the subject properties have good potential for agriculture, and that the proposal would adversely impact potential agricultural use the subject properties and surrounding lands.

The Commission was of the view that the new information did not warrant a change in their original decision.

Further, the Commission noted that the local government had not advanced the case for the exclusion of these properties for industrial development in this area. The Commission was not prepared to entertain the conversion of agricultural lands to industrial use without an application from the local government.

IT WAS

MOVED BY: Commissioner Tomlinson

SECONDED BY: Commissioner Pranger

THAT Resolution #2623/2010 be reconsidered and that refusal of the proposal be confirmed.

CARRIED

Resolution # 137/2011