



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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Reply to the attention of Terra Kaethler  
ALC File: 52004

April 29, 2011

Brenda Wagner  
22828 - 38<sup>th</sup> Ave  
Langley, BC  
V2Z 2G9

Dear Madam:

**Re: Application for Non-Farm Use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # **167/2011** 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 'Brian Underhill', written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Township of Langley (AC000052)

TK/  
52004d1



# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 19, 2011 by conference call at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

<b>PRESENT:</b>	Sylvia Pranger	Vice-Chair, South Coast Panel
	John Tomlinson	Commissioner
	Mike Bose	Commissioner
	Tony Pellett	Staff
	Terra Kaethler	Staff

### For Consideration

Application: 52004  
 Applicant: Edward and Mildred Vaughan, Brenda Wagner  
 Proposal: Non-Farm Use for 2nd dwelling. Proposal to continue to use an existing pole barn as a second residence, in lue of the permitted mobile home for immediate family members as allowed in the Regulations.  
 Legal: 011-414-685  
 West 420.4 Feet Lot 3 Except: Part Subdivided by Plan 34434:  
 Section 29 Township 10 New Westminster District Plan 9625  
 Location: 22828 - 38 Avenue, Langley

### Site Inspection

A site inspection was conducted on March 9, 2011. Those in attendance were:

Sylvia Pranger	Vice-Chair, South Coast Panel
John Tomlinson	Commissioner
Tony Pellett	Staff
Terra Kaethler	Staff
Brenda Wagner	Applicant

The Commission met with the applicants on the subject property and viewed the location of the pole barn which had been converted into a second dwelling as well as the location of the existing mobile home. The applicant explained that the mobile home was to be removed and that the proposal was to continue using the second dwelling as a residence for an immediate family member, in lue of a mobile home, as permitted in the ALC Regulations. The Commission noted that the property was in an agricultural area.

### 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**

### **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 identified as Organic Soils, of Class 2 and 3 with excess water, soil moisture deficiency, topography, and undesirable soil structure.

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.

The Commission noted that the property had prime agricultural capability and could support a wide range of crops.

### **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. As such, 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 Commission does not favour increased residential development in an area capable of agricultural use. It was the view of the Commission that two permanent dwellings on the subject property would decrease the agricultural opportunities of the property in the long-term.

### **Assessment of Other Factors**

The Commission consulted with the Township of Langley (the Township) prior to making a decision on this application. It is the Commission's understanding that a building permit was never received from the Township to allow the second dwelling. An application for a building permit was received by the Township in July 2010, but was incomplete.

As such, the Commission believed that the second dwelling was not warranted and should be removed from the property or made uninhabitable. Further, the Commission noted that the existing mobile home must be removed if it is not occupied by immediate family members, in accordance with the ALC Regulations.

### Conclusions

1. That the land under application has agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal will negatively impact agriculture in the long-term.

### IT WAS

**MOVED BY:** Commissioner Tomlinson

**SECONDED BY:** Commissioner Pranger

THAT the application be refused.

AND THAT the second dwelling be removed from the property or made uninhabitable.

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.

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 # 167/2011**