



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

July 14, 2011

Reply to the attention of Eamonn Watson
ALC File: 52169

Juergen Koessler
8979 – 223A Street
Langley, BC
V1M 3S9

Dear Mr. Juergen Koessler:

Re: Application for non-farm use, additional dwelling, 8979 – 223A Street

Please find attached the Minutes of Resolution # **223/2011** 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 be 'Brian Underhill', written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Township of Langley (AC000053)

EW/52169d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 25th, 2011 at the offices of the Commission located at # 133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Roger Mayer	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Tony Pellett	Regional Planner
Eamonn Watson	Land Use Planner
Shaundehl Runka	Policy Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

APPLICATION ID: # 52169

PROPOSAL: Non-farm use, additional dwelling - the applicant wishes to build a new permanent dwelling in addition to the permanent residence and modular home currently on the subject property. The proposed additional dwelling will be located on the southwest corner of the subject property to gain better access to the public bus stop for his disabled daughter.
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owner:	Juergen Reiner Koessler
Date of Acquisition:	June 22, 2009
Parcel ID:	009-133-984
Title No.	CA1241556
Legal Description:	Lot 1 Except Firstly: Part included within Lot 4 Plan 39267, Secondly: Part Dedicated as Road on Plan 39267, Thirdly: Part Subdivided by Plan 57689, District Lot 239, Group 2, New Westminster District, Plan 29837
Civic Address:	8979 – 223A Street, Langley
Size:	32.2 ha
Area in ALR:	32.2 ha

Current Land Use: Hay production, hazelnut trees, old building and sheds, a permanent residence and a modular home.

Farm Classification: Yes
(BC Assessment)

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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.

Agricultural Capability

Based on the information contained in Map 92G/2h (Scale 1:25,000) of the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings are identified as being:

Unimproved Rating: 4:2ADT 4:5W 2:4AP Improved Rating: (4:2DT 4:3DW 2:3AP)

Note: These ratings cover approximately 50% (or 16.1 ha) of the subject property.

Unimproved Rating: 5:4T 3:5T 2:4WD Improved Rating: (5:4T 3:5T 2:3DW)

Note: These ratings cover approximately 50% (or 16.1 ha) of the subject property.

Class and Subclass Descriptions

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.

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.

A soil moisture deficiency
D undesirable soil structure
P stoniness
T topography
W excess water

Agricultural Suitability

The Commission believes that the current use of the subject property for hay and hazelnut production demonstrates that the subject property is suitable for agriculture. In addition, the Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. Although the subject

property is relatively close to a residential area, the Commission believes that the golf course to the west of the subject property provides an adequate buffer for the subject property. In regard to the rural residential development to the south across 88 Avenue, the Commission did not believe this affected the suitability of the subject property. Therefore, the Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes that allowing an additional dwelling on the subject property for other than farm purposes would be inappropriate.

Other Factors

Although the Commission did consider the issue of public transit access addressed by the applicant, it believes that this factor is not an agricultural justification for permitting an additional dwelling.

CONCLUSIONS:

IT WAS

MOVED BY: Commissioner Sylvia Pranger
SECONDED BY: Commissioner Bert Miles

THAT the application be refused for the following reasons:

- The subject property has agricultural capability;
- The subject property is suitable for agriculture; and
- The additional dwelling is not required for farm help.

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 # 223/2011