



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

November 27, 2012

ALC File: # 51765

REMAX Treeland Realty
#101, 6337 198 Street
LANGLEY BC V2Y 2E3

Attention: Bob Bailey

Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # **361/2012** as it relates to the above noted application. As agent it is your responsibility to notify your client accordingly.

Further correspondence with respect to this application should be directed to Tony Pellett.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', is written over a thin horizontal line. The signature is fluid and cursive.

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #**361/2012**

cc: Robert Knall, Planner · Township of Langley

TP/51765d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 21, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #51765.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Eamonn Watson	Land Use Planner
Tony Pellett	Regional Planner
Brian Underhill	Executive Director

REQUEST FOR RECONSIDERATION

The Commission received a letter dated November 21, 2011 requesting reconsideration of its decision recorded as Resolution #2753/2010.

Owner:	Slavko Obrovac
Agent:	Bob Bailey
Original Proposal:	Exclude the entire 20.2 ha parcel under application (Submitted pursuant to section 30(1) of the <i>Agricultural Land Commission Act</i>)
Original Decision:	Refuse as submitted
Current Request:	Exclude that part of the parcel lying to the east of the Bertrand Creek <i>Species at Risk Act</i> setbacks, retaining the balance in the ALR
Legal:	PID: 013-115-529 All that portion of the SW¼ Sec.20 Tp.13 lying to the south of part subdivided by Plan 4399 Except: South 12.50 Chains, NWD
Location:	2620 272 Street, Langley (Aldergrove)

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

- 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:
- evidence not available at the time of the original decision has become available,
 - all or part of the original decision was based on evidence that was in error or was false.

DECISIONS REGARDING THE REQUEST FOR RECONSIDERATION

- The Commission met on March 22, 2012 and concluded that the applicant had provided evidence (re loss of farm access because of the *Species at Risk Act*) that was not available at the time of the previous decision. The Commission decided to defer reconsideration until and unless the owner, his agent and any other directly involved parties were present to address all issues fully. The Commission directed staff to notify all owners of immediately adjacent ALR land, plus the Township of Langley, the City of Abbotsford, Metro Vancouver and the Fraser Valley Regional District.

2. A meeting with the applicant and other directly involved parties was held on September 17, 2012 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
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Eamonn Watson	Land Use Planner
Tony Pellett	Regional Planner

APPLICANT AND AGENTS

Slavko Obrovac	Owner
Bob Bailey	Agent
Bob McRoberts	Owner's lawyer
Brian O'Neil	Owner's business associate

OTHER DIRECTLY INVOLVED PARTIES (REPRESENTING THE ADJACENT PARCEL TO THE EAST)

Brian French	Agent for all owners
Dave Vernon	Agent for owner Gary Bailey

After considering comments supporting exclusion, the Commission decided to conduct an on-site inspection of the lands under application lying to the east of Bertrand Creek.

3. An onsite inspection was held on November 19, 2012.

COMMISSION MEMBERS PRESENT

Jennifer Dyson	Vice-Chair
Bert Miles	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Tony Pellett	Regional Planner
Brian Underhill	Executive Director

APPLICANT AND AGENT

Slavko Obrovac	Owner
Bob Bailey	Agent

TOWNSHIP OF LANGLEY

Robert Knall	Planner
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All present walked to the site *via* the Township's water line easement. The owner conducted the group through the site, showing the hummocky nature of the land, areas of retained surface water, the slope down to the Bertrand Creek and swamp, and the approximate extent of setbacks under the *Species at Risk Act*. Langley Planner Knall advised that because of the distance from the nearest public road, subdivision would not be allowed without a secondary or emergency access from another adjoining property.

COMMISSION CONSIDERATION

After considering the matter the Commission concluded as follows:

1. *Species at Risk Act*
Conclusion: - Direct access across Bertrand Creek is not likely to be allowed.
- Setbacks may reduce the farmable area east of the creek to 6 or 7 ha.
2. Soils east of Bertrand Creek
Conclusion: - The subject land east of Bertrand Creek is undulating and contains some areas which currently do not drain, but the Commission believes that the soils are consistent with the Whatcom soil type combined with minor pockets of the Scat soil type.
- The land could be cleared and regraded for farming.
3. Isolation from other farmed areas
Conclusion: - On the south, the land under reconsideration borders a neighbouring ALR parcel, on the west it borders Bertrand Creek, on the north it borders non-ALR publicly owned land, and on the east it borders land conditionally approved for exclusion from the ALR.
- The land to the east is being developed for residential development in conjunction with effective buffering where it adjoins ALR land (including the subject parcel).
- The land directly to the south of the subject land east of Bertrand Creek is similarly isolated from the rest of its farm, but it can be accessed from Simpson Road. With a cooperative approach it would be possible for a separate farm to be established east of Bertrand Creek, by subdividing along the creek, consolidating the two remainders and preparing the land for farming either separately or in conjunction with one of the two adjoining farmed parcels.
- The adjoining parcel farther to the south along the east side of Bertrand Creek is being used for farm purposes and is accessible from the west *via* a farm crossing over a narrow stretch of Bertrand Creek.

IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Miles

THAT the request for exclusion of the subject lands east of Bertrand Creek be refused;

AND THAT as it has now been over a year since the Commission's original decision the Commission considers this application to be closed. Any further proposals involving the subject property must be made by way of a new application.

CARRIED

Resolution #361/2012