



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

October 26, 2012

ALC File: # 52205

Lori Helga Morris
23500 – 64th Avenue
Langley, BC
V2Y 2P2

Dear Ms. Lori Morris:

Re: Reconsideration Request – ALC Resolution #225/2011

Please find attached the response of the Agricultural Land Commission with respect to your Request for Reconsideration.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure(s): Response to Request

cc: Township of Langley (11-09-0027)

EW/52205d2



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #52205.

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:

Ron Wallace	Land Use Planner
Eamonn Watson	Land Use Planner
Colin Fry	Executive Director

REQUEST FOR RECONSIDERATION

The Commission received an email dated July 13, 2012 requesting reconsideration of its decision recorded as Resolution #225/2011, by which, the proposal to subdivide the subject property was refused.

Owner: Lori Helga Morris

Original Proposal: SUBDIVISION – The applicant is proposing to subdivide the subject property (approximately 65 ha) into two parcels of approximately 35 ha and 30 ha. The subdivision would allow for two separate farm leases (equestrian facilities and berry farm) to reside on separate properties, enabling the potential future sale to the respective lessees.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

Original Decision: Refused for the following reasons:

- The subject property has agricultural capability;
- The subject property is suitable for agricultur[e]; and
- The proposal is inconsistent with the objectives of the *Agricultural Land Commission Act* to preserve agricultural land.

Current Request: The applicant has submitted a Request for Reconsideration on the basis that that Commission considered evidence that was in error or was false. Specifically the applicant stated:

“The [C]ommission is completely in error in stating that approximately 90% [of the land is] class 1-3 agricultural land. Approximately 25 acres are in the Salmon River ravine lands. Another 10 acres or so are flooded wetlands. As the total property area is 156 acres the Commission [has] obviously made their

determination based on erroneous information and as such our [R]equest for [R]econsideration is valid according to your criteria.”

Legal: PID: 001-729-454
The North West Quarter, Section 9, Township 11, New Westminster
District

Location: 23500 – 64th Avenue, Langley

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:
- (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.
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DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission does not believe that the applicant has provided evidence that was not available at the time of the previous decision or demonstrated the all or part of the original decision was based on evidence that was in error or was false. The Commission, as part of the original consideration of the application, reviewed the published BC Land Inventory information. Although, like many areas within the Agricultural Land Reserve, this did show some limitations on the property (as confirmed by the applicant's July 13, 2012 email), these limitations are not an argument for subdivision of a property that is otherwise very capable and suitable for agriculture.

Conclusion: The Commission decided not to reconsider Resolution #225/2011.
