



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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November 26, 2012

ALC File: # 52759

Pat Higginbotham
14357 26 Avenue
Surrey, BC
V4P 2G8

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 348/2012 as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly. The Commission draws your attention to sections 33(1) of the *Agricultural Land Commission Act*.

Section 33(1) of the *Agricultural Land Commission Act* provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application should be directed to Eamonn Watson (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a long, thin horizontal line that spans across the width of the signature area.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #348/2012

cc: Township of Langley (Folder: AL100226, Project: 11-30-0021)

EW/52759d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 18, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52759.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Eamonn Watson Land Use Planner

PROPOSAL

To subdivide the 8-hectare subject property into two lots approximately 1.8 hectares and 6.1 hectares in size (the remainder is associated with road allowances). The subject property currently has two residences; the proposed subdivision would facilitate each residence being on a separate parcel.

(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

APPLICATION MEETING

An application meeting was held on September 18, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. Those in attendance included the Commissioners and staff noted above, Rod Bolivar, Ursula Bolivar, Pat Higginbotham and Clarence Arychuk.

Rod Bolivar provided information with respect to the subject property and the proposed subdivision. Both the applicant and agent responded to questions raised by the Commissioners. In addition, the Mr. Bolivar also provided an information package dated September 14, 2012.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
 - (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and

(c) 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.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The agricultural capability ratings identified on BC Land Inventory (BCLI) map 92G.017 for the subject property are primarily Class 3 and 4, with limiting subclasses of topography, excess water and undesirable soil structure.

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.

Conclusion: Although the subject property is presented with some limitations based on the agricultural capability ratings, the information provided by the applicant both as part of the application and during the application meeting indicates that the subject property is capable of agricultural production.

2. The construction of multiple homes as part of the previous “farm agreement”.

Conclusion: It is clear that the current situation the applicant is dealing with is unfortunate; however the Agricultural Land Commission should not be resolving failed business ventures.

Conclusion: The Commission does not believe that subdivision due to an additional dwelling, regardless of the reason that the additional dwelling was constructed, is appropriate and would be inconsistent with the mandate of the Agricultural Land Commission to preserve agricultural land and encourage farming.

IT WAS

MOVED BY: Commissioner Dyson
SECONDED BY: Commissioner Gillette

THAT the request be refused.

CARRIED

Resolution #348/2012

Commissioner Collins was opposed to the decision.