



Agricultural Land Commission
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www.alc.gov.bc.ca

December 12, 2013

ALC File: 52829

Greenline Management Ltd.
11579 – 196B Street
Pitt Meadows, BC
V3Y 1P2

Attention: Lee Mackenzie

Re: Reconsideration Request – ALC Resolution #419/2012

Please find attached the response of the Agricultural Land Commission with respect to your Request for Reconsideration. As agent, it is your responsibility to notify your clients accordingly.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: ORIGINAL SIGNED BY
[Signature]

Brian Underhill, Executive Director

Enclosure: Response to Request

cc: Township of Langley (File: AL100230)

52829m1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 2, 2013 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 #52829.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Commissioner
Sylvia Pranger	Commissioner
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Eamonn Watson	Land Use Planner
Brian Underhill	Executive Director

REQUEST FOR RECONSIDERATION

The Commission received correspondence dated May 30, 2013 requesting reconsideration of its decision recorded as Resolution #419/2012, by which, the proposal to subdivide the subject property into four (4) lots was refused.

Owner: Jose' s Excavating Ltd. (Inc. No. BC0209588)
(As to an undivided 12455/16639 interest)

Jose Candido Casquilho and Maria Filomena Casquilho
(As to an undivided 4184/16639 interest as joint tenants)

Agent: Greenline Management Ltd. (Lee Mackenzie)

Original Proposal: (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)
To subdivide the 4.0 ha subject property into approximately two (2) 0.56 ha lots, one (1) 1.32 ha lot and one (1) 1.6 ha lot.

Legal: PID: 026-703-670
Lot B, District Lot 318, Group 2, New Westminster District, Plan BCP23876

Location: 7805 – 232nd Street, Langley

Original Decision: That the proposal to subdivide be refused.

Current Request: Reconsideration of the application and the consideration of an alternate two (2) lot subdivision.

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

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.

DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission does not believe that the agent or applicant have provided evidence that was not available at the time of the previous decision or demonstrated that all or part of the original decision was based on evidence that was in error or was false. It is commonly argued that subdivision is warranted as a part of the property may have no agricultural use or is not "farmable". Farms generally require areas to support farm infrastructure such as buildings, storage facilities and/or farm residences. To site infrastructure on the lower agriculture capability areas maximizes the arable areas of a property. Put another way, if the less "farmable" lands are routinely subdivided from the parent parcel, farm infrastructure is pushed onto the "farmable" portion of the property. In short, the Commission understood that the areas utilized for residences, farm buildings and access roads could not be directly used for agricultural production. However, this area has utility for the overall agricultural use of the property.

Furthermore, the Commission determined that the request primarily constitutes a new proposal and as such does not qualify for reconsideration.

Conclusion:

The Commission decided not to reconsider Resolution #419/2012.