



Agricultural Land Commission
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January 2, 2014

ALC File: 53288

David and Elaine Poltorak
23886 – 52nd Avenue
Langley, BC V2Z 2P3

Dear Mr. and Ms. Poltorak:

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

Please find attached the Minutes of Resolution #356/2013 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which 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 is to be directed to Eamonn Watson (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #356/2013

cc: Township of Langley (Folder: AL100245, Project:11-04-0077)

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MINUTES OF THE 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 Application #53288.

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

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

To subdivide the subject property into four (4) lots of approximately 0.48 ha in size. An extension of 239th Street (north-south) would also be required.

PROPERTY INFORMATION:

Owner: David Joseph Poltorak
Elaine Mary Poltorak

Legal: PID: 006-076-483
Lot 38, Section 4, Township 11, New Westminster Plan 46614

Location: 23886 – 52nd Avenue, Langley

Size: 1.9 ha

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:
- to preserve agricultural land;
 - to encourage farming on agricultural land in collaboration with other communities of interest; and
 - 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

The Commission reviewed one previous application involving the subject property and two relevant applications involving nearby properties to the north:

Application #19689
(Salmon River Uplands
Group, 1986)

An application to the exclude fourteen (14) separate parcels totaling approximately 34.0 ha from the Agricultural Land Reserve. The Commission noted that the majority of the land under application was in berry production and the parcel sizes ranged from 1.0 to 3.0 ha. The Commission also viewed the lands on April 23, 1986. Based on its review, the Commission refused the application (Resolution #353/1986) on the grounds that the land has potential for agricultural purposes.

Note – The current subject property (Lot 38) was one of the fourteen parcels under application.

Application #52987
(Johnstone, 2013)

An application to subdivide a 3.8 ha property into eight (8) lots of approximately 0.4 ha. The proposed subdivision also included a road dedication running east-west along the southern property boundary and another running north-south at the midpoint of the property. The Commission refused the proposed subdivision by Resolution #103/2013.

Note – The current subject property is located directly south of this relevant application that is in reference to a property on 238th Street at 55th Avenue.

Application #52989
(Burns, 2013)

An application to subdivide a property into six (6) lots of approximately 0.4 ha. The proposed subdivision also included a road dedication running east-west along the northern property boundary and another running north-south via an extension of 239th Avenue. The Commission refused the proposed subdivision by Resolution #114/2013.

Note – The current subject property is located directly south of this relevant application that is in reference to a property on 238th Street at 54th Avenue.

After considering the information the Commission concluded as follows:

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92G.008 for the subject property are Class 1 and 3.

Class 1 - land is capable of producing the very widest range of crops. Soil and climate conditions are optimum, resulting in easy management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

The limiting subclasses associated with this parcel of land are A (soil moisture deficiency) and P (stoniness).

Conclusion:

The Commission believes the property is capability of supporting a range of agricultural operations. Although the subject property is 1.9 ha, subdivision would limit agricultural options on the subject property and as a result would be contrary to the mandate of the Commission to preserve agricultural land and encourage farming.

The Commission does not believe that any evidence has been provided to suggest that the previous decision of the Commission to retain the subject property in the Agricultural Land Reserve was incorrect. As a result, the Commission must consider its mandate of encouraging farming and preserving agricultural land. Furthermore, the Commission does not believe that this application, or the evidence provided therein, is substantially different than the applications recently considered north of the subject property. Subdivision of Agricultural Land Reserve land based on the argument presented in this application would be contrary to section 6 (*Purposes of the Commission*) of the *Agricultural Land Commission Act*.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Miles

THAT the proposal to subdivide the subject property into four (4) lots of approximately 0.48 ha in size be refused.

CARRIED

Resolution #356/2013