



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

July 2, 2014

ALC File: 53637

John McDonald
316, 5360 – 204th Street
Langley, B.C. V3A 6Z3

Dear Mr. McDonald:

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

Please find attached the Minutes of Resolution #217/2014 as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

The Commission draws your attention to s. 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:

A handwritten signature in black ink, consisting of a stylized 'C' followed by a long horizontal line that tapers to the right.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #217/2014

cc: Township of Langley (File #11-20-0050)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 28, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53637.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Tony Pellett	Planner
Jennifer Carson	Planner
Eamonn Watson	Planner
Colin Fry	Chief Tribunal Officer

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

To subdivide the 4.0 ha subject property into one (1) 2.2 ha parcel and one (1) 1.8 ha parcel.

PROPERTY INFORMATION:

Owner: Robert Brett Wilson and Janet Megan Wilson (As joint tenants)

Legal: PID: 026-703-688
Lot C, District Lot 318, Group 2, New Westminster District, Plan BCP23876

Location: 7777 – 232nd Street, Langley

Size: 4.0 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:

- (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

The Commission reviewed one previous application involving the subject property:

Application ID #43946 (Wright, 2007)	A subdivision application involving four (4) parcels (totaling 16.1 ha) to create 33 lots within the ALR ranging in size from 0.4 ha to 1.0 ha. The Commission refused the proposed subdivision by Resolution #345/2007.
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Note – The current subject property was one of the four parcels involved in the above noted application.

After considering the information the Commission concluded as follows:

1. In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the British Columbia Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The improved agricultural capability ratings identified on BCLI map sheet 92G/2h for the subject property are Class 2 and Class 3.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in 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 T (topography), D (undesirable soil structure), A (moisture deficiency) and W (excess water).

Conclusion:

The subject property has good agricultural capability and in its present size, can support a range of crops.

2. The Commission noted the applicant referred to s. 946 of the *Local Government Act* (LGA) as a factor in support of the request to subdivide the subject property. However, s. 2 of the *Agricultural Land Commission Act* (ALCA) establishes primacy of the ALCA over other legislation.

Section 946 of the LGA in no way compels the Commission to approve a subdivision involving ALR land. The Commission recognizes s. 946 as a tool available to local government to accommodate a subdivision for a relative where the proposed lot is smaller than the minimum lot size specified in a zoning bylaw. If a subdivision for a relative involves land in the ALR, the local government can only use s. 946 if an application for subdivision of land in the ALR has first been approved by the Commission.

Conclusion:

The consideration of s. 946 of the LGA in support of the subdivision proposal is not within the purview of the Commission.

IT WAS

MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Dyson

THAT the proposal to subdivide the subject property into two (2) lots be refused.

CARRIED

Resolution #217/2014