



Agricultural Land Commission
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May 13, 2016

ALC File: 54461

Kurt Alberts
Box 760, 9054 Glover Road
Fort Langley, BC V1M 2S2

Dear Mr. Alberts:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #152/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly. A sketch plan depicting the decision has been attached

Please send one (1) electronic copy or two (2) paper prints of the final survey plan to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

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.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision "may not fulfill the purposes of the commission as set out in section 6". I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Chief Tribunal Officer

Enclosures: Reasons for Decision (Resolution #152/2016)
Sketch Plan

cc: Township of Langley – Attention: Ruby Sandher (File: 10-27-0056/AL100284)
Via electronic mail

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AGRICULTURAL LAND COMMISSION FILE 54461

**REASONS FOR DECISION
OF THE SOUTH COAST PANEL**

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicant: **Koch Greenhouses Ltd.**
(the "Applicant")

Agent: **Kurt Alberts**
(the "Agent")

Application before the South Coast Regional Panel: **William Zylmans, Panel Chair**
Gordon McCallum
Satwinder Bains



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 026-814-641

Lot 1, Section 27, Township 10, New Westminster District, Plan BCP26099
(the "Property")

[2] The Property is 5.7 ha in area.

[3] The Property has the civic addresses 3364 - 240 Street, Langley.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 21(2) of the *ALCA*, the Applicant is applying to subdivide the Property in accordance with the Agricultural Land Commission (the "Commission") Policy #11, *Homesite Severance on ALR Lands* (the "Policy"). More specifically, the Applicant is applying to subdivide a Homesite lot approximately 0.4 ha in size, creating a Remainder lot approximately 5.3 ha in size (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".

[7] On March 4, 2016, the Chair of the Commission referred the Application to the South Coast Regional Panel (the "Panel").

RELEVANT STATUTORY PROVISIONS

[8] The Application was made pursuant to s. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[9] The Panel considered the Application within the context of s. 6 of the *ALCA*:

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.

EVIDENTIARY RECORD BEFORE THE PANEL

[10] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map, and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[11] The Township of Langley resolved to forward the Application to the Commission.



SITE VISIT

[12] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

[13] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified 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/2(a) for the mapping units encompassing the 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 A (soil moisture deficiency), D (undesirable soil structure), T (topography (slope)) and W (excess water).

In this regard, the Panel finds that the land making up the Property is capable of supporting agriculture and is appropriately designated within the ALR.

[14] The Panel considered the Application within the context of the Policy. Based on the documentation provided, the Application is consistent with the intent of the Policy.

[15] The Panel recognizes that the Applicant is a long time farmer and appreciates that the Application would facilitate the Applicant's retirement and continued residency in the existing home on the Property.

DECISION

[16] For the reasons given above, the Panel approves the Proposal to subdivide a Homesite lot approximately 0.4 ha in size, creating a Remainder lot approximately 5.3 ha in size.

[17] The Proposal is approved subject to the following conditions:

- a. The subdivision must be in substantial compliance with the plan submitted with the Application;
- b. The construction of a fence along the boundaries of the Homesite lot, excluding the western boundary along 240 Street;
- c. The planting of vegetation for buffering along the boundaries of the Homesite lot, excluding the western boundary along 240 street;
- d. Compliance with the Policy, including, but not limited to:
 - i. The submission of documentation showing a legitimate intention to sell the Remainder lot; and
 - ii. The submission of an agreement signed by the Applicant that the Homesite lot may not be resold for five years except in the case of estate settlement.
- e. The subdivision plan must be completed within three (3) years from the date of release of this decision.

[18] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[19] Panel Chair **William Zylmans**, concurs with the decision.

Commissioner **Gordon McCallum**, concurs with the decision.

Commissioner **Satwinder Bains**, concurs with the decision.

[20] Decision recorded as Resolution #152/2016.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *ALCA*.



Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #152/2016. The decision is effective upon release.

A handwritten signature in blue ink, appearing to be 'CJF', is written over a horizontal line.

Colin J. Fry, Chief Tribunal Officer

May 12, 2016
Date Released

3364 and 3314 - 240 Street
LOT 1 SECTION 27 TOWNSHIP 10
NEW WESTMINSTER DISTRICT PLAN BCP26099

ALL DISTANCES ARE IN METRES



ALC Application ID 54461
Approved Subdivision
Homesite Severance - Two (2) Lots:
Homesite Lot - Approximately 0.4 ha
Remainder Lot - Approximately 5.3 ha
Resolution #152/2016



240th STREET

