



Agricultural Land Commission
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July 14, 2016

ALC File: 54529

Bruce Morris
23500 64th Avenue
Langley, BC V2Y 2G7

Dear Mr. Morris:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #265/2016) as it relates to the above noted application.

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 is to be directed to Liz Sutton at (Elizabeth.Sutton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Director of Policy and Planning

Enclosure: Reasons for Decision (Resolution #265/2016)
cc: Township of Langley (File: 11-09-0027/AL100285)



AGRICULTURAL LAND COMMISSION FILE 54529

REASONS FOR DECISION OF THE SOUTH COAST PANEL

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

Applicant:

**Lori Morris
(the “Applicant”)**

Agent:

**Bruce Morris
(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: 001-729-454

The North West Quarter Section 9, Township 11, New Westminster District
(the "Property")

[2] The Property is 63.1 ha in area.

[3] The Property has the civic address 23500 – 64th Avenue, 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 63.1 ha Property into a 24.3 ha parcel and a 38.8 ha remainder parcel. The subdivision would allow for two separate farm leases (equestrian facilities and berry farm) to exist on separate properties, enabling the potential future sale to the respective lessees (the "Proposal"). The Proposal along with supporting documentation is collectively (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] 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.

[8] 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

[9] The Panel considered the following evidence:

- 1. The Application
- 2. Local government documents
- 3. Previous application history
- 4. Agricultural capability map, ALR context map and satellite imagery

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

[10] At its meeting of April 25, 2016, the Township of Langley resolved to forward the Application to the Commission as the Application complies with the minimum lot size requirements of the Agricultural/Countryside designation of the Township's Rural Plan and Rural Zone RU-3 of the Zoning Bylaw.

[11] The Panel reviewed a previous application involving the Property:

Application ID: 52205
(Morris, 2011)

To subdivide the subject property into two parcels of approximately 35 ha and 30 ha. The subdivision would allow for two separate farm leases (equestrian facilities and berry farm) to reside on separate properties, enabling the potential future sale to the respective lessees. The Commission made two findings:

“The Commission considered the current agricultural use of the subject property as proof that the subject property is suitable for agriculture. In addition, the Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. Although there is development to the east of the subject property, the natural vegetation and topography along the eastern boundary of the subject property provide a buffer zone. As a result, the Commission does not believe that encroaching non-farm development have caused the subject property to become unsuitable for agriculture.

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission supports the diversification of farm enterprises as a positive way to support economic sustainability for farmers. Thus, considering diversification to be a justification for subdivision would be contrary to the goal of supporting farmers, both current and future. As a result, the Commission believes the proposed subdivision is inconsistent with the goal of preserving agricultural land.”

Refused by Resolution #225/2011.

Reconsideration Request

The Commission received a reconsideration request from the Applicant dated June 18, 2012. The Applicant submitted a request for reconsideration on the basis that the Commission considered evidence that was in error or was false.

Specifically the Applicant stated:

“The [C]ommission is completely in error in stating that approximately 90% [of the land is] class 1-3 agricultural land. Approximately 25 acres are in the Salmon River ravine lands. Another 10 acres or so are flooded wetlands. As the total property area is 156 acre (sic) the Commission [has] obviously made their decision on erroneous information and as such our request for reconsideration is valid according to your criteria”.

The Commission did not consider that the reconsideration request provided evidence that was not available at the time of the previous decision or demonstrated that all or part of the previous decision was in error or was false. The Commission decided not to reconsider Resolution #225/2011.

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/02a for the mapping units encompassing the Property are (7:2AT – 3:2WA), (1), (6:2D – 4:3DW), (4W), (6:3ATP – 4:2WA), (7:3DW – 3:DT), (6:3DW – 4:2AT), (4:3DW – 4:2D – 2:2DT).

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

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.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with this parcel of land are A (soil moisture deficiency), W (excess water), D (undesirable soil structure), P (stoniness) and T (topographic limitations).

[14] In addition, the Panel received a professional Agrologist report, prepared by Dave Melnychuck, P. Ag dated October 2015 (the "Melnychuck Report"). The Melnychuck Report discusses the capability of the southern portion of the Property which is currently unused. The Melnychuck Report finds that the fertility of the soils located in southern portion of the Property can increase to a point where the land would be ready to produce a wide range of field crops, including berries and vegetables. The Melnychuck Report concludes that *"a comprehensive agricultural land improvement of this nature is costly and time consuming and traditionally avoided by lessees. On the other hand farm improvements of this nature are commonly considered by landowners as a wise long term investment because they will have an opportunity to benefit from these initial efforts and investment"*. The Applicant suggests that subdividing the Property will allow for the lessees to buy the parcels on which they currently conduct their agricultural operations, therefore increasing the probability of investment in agricultural improvements on the Property. The Panel finds that the proposed agricultural improvements to the southern portion of the Property could be accomplished on the Property in its current size and configuration. The Panel also finds that it is not necessary for the lessees to subdivide the Property in order to improve their respective agricultural operations.



[15] The Panel considered the proposed lot sizes within the context of the Fraser Valley. The Melnychuck Report finds that the subdivision would create two large parcels which often remain in agricultural use. However, the Panel finds that the size of the Property is a rarity in the Fraser Valley. A region requires a variety of parcel sizes given that different parcel sizes are conducive to different types of agricultural operations. The Panel opposes subdivision of the Property so as to maintain the diversification of parcel sizes in the Fraser Valley.

[16] The Panel reviewed the previous decision and noted the Applicant made an application in 2011 to subdivide the Property into two parcels. The Panel notes that the Commission's comments on the previous application quoted in paragraph 11 are relevant to the current Proposal given the substantial similarities between the two applications.

DECISION

[17] For the reasons given above, the Panel refuses the Proposal.

[18] Panel Chair William Zylmans concurs with the decision.
Commissioner Gordon McCallum concurs with the decision.
Commissioner Satwinder Bains concurs with the decision.

[19] Decision recorded as Resolution #265/2016.

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

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #265/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CJF', is located above the signature line.

Colin J. Fry, Director of Policy and Planning

July 14, 2016

Date Released