



Agricultural Land Commission
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June 14, 2016

ALC File: 54718

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

Dear Mr. Mackenzie:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #206/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

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).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Director of Policy and Planning

Enclosure: Reasons for Decision (Resolution #206/2016)

cc: Township of Langley (File: 10-32-0095/AL100291)

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AGRICULTURAL LAND COMMISSION FILE 54718

REASONS FOR DECISION OF THE SOUTH COAST PANEL

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

Applicant:

**Wilfred Schulz
Floria Schulz
(the “Applicants”)**

Agent:

**Lee Mackenzie
Greenline Management Ltd.
(the “Agent”)**

Application before the South Coast Regional Panel:

**Bill Zylmans, Panel Chair
Gord McCallum
Satwinder Bains**



THE APPLICATION

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

Parcel Identifier: 028-642-520

Lot 1, Section 32, Township 10, New Westminster District, Plan BCP48743
(the "Property")

[2] The Property is 14 ha in area.

[3] The Property has the civic address 22726 Old Yale Road, 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 Applicants are applying to subdivide a 13.95 ha parcel into two lots of 10.76 ha and 3.19 ha (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] The Township of Langley has resolved to forward the application to the Commission on April 11, 2016.

[11] The Panel reviewed previous applications involving the Property:

Application ID: 40753
Legacy File: 35085
(Schulz, 2003)

To locate a double wide mobile home as the third dwelling on the property. Approved by Resolution #540/2003.

Application ID: 39975
Legacy File: 21378
(Schulz, 1987)

To construct a second permanent dwelling. Approved by Resolution #1083/1987.

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/08d for the mapping units encompassing the Property is 7:3DW – 3:3D.

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 D (undesirable soil structure) 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] In the application, the Applicant outlines several reasons to allow the proposed subdivision, one of which is the presence of an old railway right-of-way (the "ROW") and berm which run approximately east-west through the Property. The Panel did not consider the ROW or berm to be a significant impediment to using the property as an agricultural unit as there is road access to the areas to the north and south of the ROW.

[15] The Applicant also stated that the subdivision would provide a lot for development of a new farm. The Panel does not support the subdivision of ALR properties into smaller parcels as it often reduces the types of agriculture that can occur on the property. In addition, introducing residential uses onto the southern portion of the Property would utilize arable land for residential infrastructure (e.g. house, yard, septic) which would reduce the available agricultural area.



DECISION

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

[17] Panel Chair Bill Zylmans, concurs with the decision.

Commissioner Gord McCallum, concurs with the decision.

Commissioner Satwinder Bains, concurs with the decision.

[18] Decision recorded as Resolution #206/2016.

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 #206/2016. The decision is effective upon release.

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

Colin J. Fry, Director of Policy and Planning

June 14, 2016

Date Released