



Agricultural Land Commission
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May 30, 2016

ALC File: 54764
Your File: 144065

H.Y. Engineering Ltd.
200 – 9128 152 Street
Surrey, BC V3R 4E7

Attention: Theresa Rawle

Dear Ms. Rawle:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #166/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) 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 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

Enclosure: Reasons for Decision (Resolution #166/2016)

cc: Township of Langley – Attention: Zorica Andjelic (Folder: AL100278, Project: 11-17-0028)
Via electronic mail

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AGRICULTURAL LAND COMMISSION FILE 54764

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

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

Applicants:

**Christina Lena Vanderhoek
Len Edmondson
(the “Applicants”)**

Agent:

**Theresa Rawle
H.Y. Engineering Ltd.
(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: 004-030-494

Lot "B", Except: Firstly: Part on Highway Plan 28861, Secondly: Parcel "One"
(Explanatory Plan 28555); District Lot 301, Group 2, New Westminster District, Plan
13258
(the "Property")

[2] The Property is 6.4 ha in area.

[3] The Property has the civic address 22706 No. 10 Highway, 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 the Property into three (3) lots, two (2) lots approximately 1.7 ha in size and one (1) lot approximately 2.4 ha in size (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".

[7] On February 26, 2016, the Chair of the Agricultural Land Commission (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. 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.

[11] The Township of Langley (the "Township") resolved to forward the Application to the Commission and advised that the Proposal "complies with the minimum lot size

requirements of the Rural Zone RU-1 of the Township's Zoning Bylaw."

[12] The Panel reviewed one (1) previous application involving the Property:

Application ID: 50061
(Vanderhoek, 2010)

In 2010, the Commission considered an application to place fill on the Property. More specifically, as noted in the Decision recorded as Resolution #2756/2010, the application proposed the placement of "a total of 15,000 m³ (15,000 m² x 1.0 m) of imported soil fill material over ±1.5 ha (20%) of the [Property] as part of a comprehensive management plan to improve the agricultural capability of the site where excess water is the primary limitation." The Commission, by Resolution #2756/2010, approved the application subject to a number of conditions.

SITE VISIT

[13] 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

[14] 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(h) for the mapping units encompassing the Property are Class 3, Class 4, Class 5 and Class 7.

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.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are I (inundation (flooding)), 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.

[15] The previous application noted at paragraph [12] was approved with the express purpose to improve the agricultural capability of the Property. The Panel finds that the Proposal would be at cross purpose with the previous application.

[16] The Panel understands, by way of the Township's forwarding resolution noted above, that the proposed subdivision conforms with the minimum lot size requirements of the Rural Zone RU-1 Zone of the Township's Zoning Bylaw. The Application also reiterates the consistency of the Proposal with the Township's Zoning Bylaw. In this instance, the Panel finds that consistency with the Township's Zoning Bylaw is not sufficient justification to subdivide a property that is both capable and suitable for agricultural use in the ALR.

[17] The Property is in an area of the Township's Rural Plan Small Farm / Country Estates designation that was not endorsed by the Commission.

[18] Although the Property is relatively small, it is capable of supporting a range of agricultural pursuits. The Panel finds that subdividing the Property would inhibit the future use of the Property for agriculture.

[19] The Commission does not generally support the subdivision of properties in the ALR into smaller parcels as it usually reduces the types of agricultural operations that can be pursued on the land. Furthermore, there has been no agricultural rationale provided to support the Proposal. The Panel finds that the Proposal would not preserve agricultural land or encourage farming.

DECISION

[20] For the reasons given above, the Panel refuses the Proposal to subdivide the Property into three (3) lots, two (2) lots approximately 1.7 ha in size and one (1) lot approximately 2.4 ha in size.

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

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

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

[22] Decision recorded as Resolution #166/2016.

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 #166/2016. The decision is effective upon release.



Colin J. Fry, Chief Tribunal Officer

May 30, 2016
Date Released