



Agricultural Land Commission
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www.alc.gov.bc.ca

November 16, 2016

ALC File: 54803

Carol M. Locken
6780 - 264th Street
Aldergrove, BC V4W 1P8

Dear Ms. Locken:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #392/2016) as it relates to the above noted application. A sketch plan depicting the decision has been attached.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the Agricultural Land Commission Act](#), the Chair may direct the executive committee to reconsider any 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 s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention 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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Kamelli Mark at (Kamelli.Mark@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'KMARK'.

Kamelli Mark, Land Use Planner

Enclosures: Reasons for Decision (Resolution #392/2016)
Sketch plan

cc: Township of Langley (File: 14-18-0015/AL100292)

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AGRICULTURAL LAND COMMISSION FILE 54803

REASONS FOR DECISION OF THE SOUTH COAST PANEL

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

Applicant:

**Carol M. Locken
(the “Applicant”)**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Gordon McCallum**



THE APPLICATION

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

Parcel Identifier: 004-562-330

Lot 41, Section 18, Township 14, New Westminster District, Plan NWP3337
(the "Property")

[2] The Property is 5.1 ha in area.

[3] The Property has the civic address 6780 - 264th Street, Aldergrove.

[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 5.1 ha Property into two parcels sized 1.7 ha and 3.4 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 Applicant in advance of this decision.

[10] At its meeting of March 7, 2016, the Township of Langley (the "Township") Board resolved to forward the Application to the Commission and advised that the Application complies with the minimum lot size requirements of the Rural Zone RU-1 of the Township's Zoning Bylaw.

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

Application ID: 43579
Legacy File: 37056
(Locken, 2006)

Application to subdivide the 5.1 ha property into two parcel, one approximately 2.8 ha and one approximately 2.2 ha in size. The Commission concluded that:

- 1) the land under application has agricultural capability and is appropriately designated as ALR;
 - 2) that the land under application is suitable for agricultural use;
 - 3) that the proposal will adversely impact agriculture.
- However, if a larger lot is created with the portion

of the subject property south of the stream, the Commission feels that it would be a benefit to agriculture; and that

- 4) as it currently stands, the proposal is inconsistent with the objective of the *ALCA* to preserve agricultural land.

The application was refused by ALC Resolution #59/2007.

Application ID: 53083
(Locken, 2013)

Application to subdivide the 5.1 ha property into one 1.7 ha parcel and one 3.3 ha parcel. The Commission concluded that:

- 1) the property has good agricultural capability and in its present size, could support a wide range of crops;
- 2) the subject property is similar in size to other parcels in the area;
- 3) the proposal for subdivision is inconsistent with the Commission's position with regard to the Township of Langley's "Small Farms/Country Estates" Rural Plan and with the objective of the *ALCA* to preserve agricultural land.

The application was refused by ALC Resolution #406/2013.

[12] The Panel reviewed two relevant applications relating to the application:

Application ID: 52952
(Hovde, 2012)

To subdivide a 5.0 ha property into two 2.5 ha parcels.
The Commission concluded that:

- 1) The property has prime agricultural capability and can support agricultural use;
- 2) With regard to applications previously approved involving parcels not within the “Small Farm/Country Estate” designation area endorsed by the Commission. Although the subdivisions were not consistent with the position on the Rural Plan designation, the Commission specifically stated that the subdivisions “*should not be seen as a precedent for the subdivision of parcels to the east or west,*” this would include the subject property. The Commission continues to believe that subdivision on the subject property would be contrary to the objectives of the *ALCA* to preserve agricultural land and encourage farming.
- 3) The Commission does not believe that the Township of Langley Small Farm/Country Estate designation on the subject property is a justification for subdivision because this designation was not endorsed by the Commission on the subject property.
- 4) With regard to the argument that the subdivision will enable the relocation of a family member to the property. The Commission does not agree with the permanent subdivision of the property to facilitate a residence for a family member.

The application was refused by ALC Resolution #421/2012.

Note: Application 52952 is located two properties north of the Property.

Application ID: 53016
(Lambert, 2013)

To subdivide the 3.7 ha property into two parcels of approximately 2.0 ha and 1.7 ha. The Commission concluded that:

- 1) The subject property has good agricultural capability and in its present size, can support a range of crops and agricultural operations. This is further evidenced by the use of the subject property for equestrian purposes.
- 2) The boundary adjustment was in aid of agriculture and by way of resolution #491/2006 the Commission only approved three (3) lots as opposed to the proposed four. The Commission continues to believe that an additional lot would be inappropriate.
- 3) The Commission did not endorse the Township of Langley Rural Plan designation of “Small Farm/Country Estates” for the subject property. Furthermore, the Commission believes that the additional subdivision of the subject property is inconsistent with the objective of the ALCA to preserve agricultural land and encourage farming.

The application was refused by ALC Resolution #123/2013.

Note: The subject property is located just north-west of the Property, across 264th Street.



Reconsideration Request A Reconsideration Request was received by the Commission on January 13, 2015. The Executive Committee considered that a professional report submitted with the reconsideration request represented evidence that was not available at the time of the original decision and found it appropriate to reconsider Resolution #123/2013.

In reconsidering Resolution #123/2013, the Executive Committee found that:

- 1) Given the agricultural capability and the physical constraints on the Property, that subdivision would not further impact the ability to utilize the land for agriculture. In this particular instance, the potential agricultural uses of the land will remain the same after subdivision.
- 2) That an additional lot will not substantively change the agricultural suitability of the land given the number and size of surrounding lots.
- 3) This decision should not be interpreted as an endorsement of the "Small Farm/Country Estates" designation for the property and is not specifically related to the application.

The application was approved by ALC Resolution #202/2015.

SITE VISIT

[13] On June 15, 2016, the Panel conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

- [14] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications* and was provided to the Applicant on June 20, 2016 (the “Site Visit Report”).

FINDINGS

- [15] 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 rating identified on BCLI map sheet 92G.018 for the mapping unit encompassing the Property is (5:2T – 3:3T – 2:3DW).

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 D (undesirable soil structure), W (excess water) and T (topographic limitations).

In this regard, the Panel finds that the Property has good agricultural capability and is appropriately designated as ALR.

- [16] The Property is bisected by a creek that winds through the proposed 1.7 ha lot on the southern side of the Property. With respect to the purpose of the Proposal, the Applicant states: “*I would like to subdivide 1.7 ha, the minimum lot size, on the south side of my property. The creek basically divides the property and we have not been able to include it in our beef operation as the cattle will not cross the creek*”. The Panel finds that the creek is an impediment to utilizing the Property as contiguous agricultural operation.



[17] With respect to the Township's Rural Plan designation of "Small Farm/Country Estates" applicable to the Property, the Panel echoes the comments made in the previous and relevant decisions in that the designation is not a justification for subdivision. This decision should not be interpreted as an endorsement of the Township's designation of the Property.

DECISION

[18] For the reasons given above, the Panel approves the Proposal to subdivide the Property into two parcels sized 1.7 ha and 3.4 ha.

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

- a. the preparation of a subdivision plan to delineate the area to be subdivided per the drawing submitted with the Application;
- b. the subdivision be in substantial compliance with the plan submitted with the Application;
- c. submission of two (2) paper copies or one (1) electronic copy of the final survey plan to the Commission;
- d. the subdivision plan being completed within three (3) years from the date of release of this decision;

[20] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

[21] 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.

[22] These are the unanimous reasons of the South Coast Panel of the Agricultural Land Commission.



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

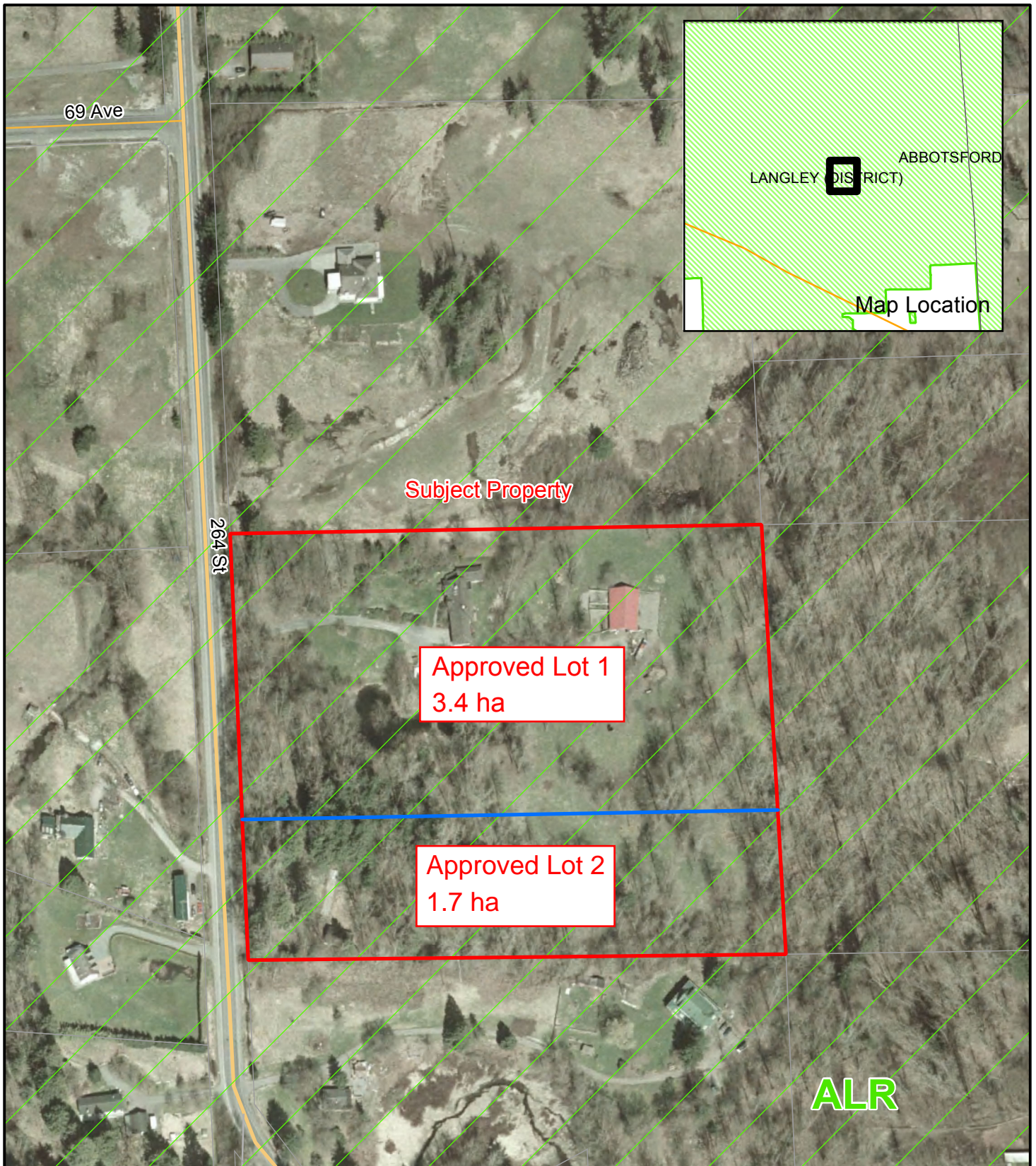
[24] This decision is recorded as Resolution #392/2016 and is released on November 16, 2016.

CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'W. Zylmans', is written over a horizontal line.

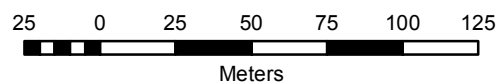
William Zylmans, Panel Chair, on behalf of the South Coast Panel

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Airphoto Map
2009 Natural Colour - Ortho

Map Scale: 1:2,500



ALC Application 54803
Approved Subdivision
ALC Resolution #392/2016