



Agricultural Land Commission
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November 28th, 2016

ALC File: 55050

21975 100th Avenue
Langley, BC
V1M 3V1
Canada

Dear Mr. and Ms. Huff:

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

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #401/2016) as it relates to the above noted application.

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 Kelsey-Rae Russell at (Kelseyrae.Russell@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'K Russell', written in a cursive, stylized script.

Kelsey-Rae Russell, Land Use Planner

Enclosures: Reasons for Decision (Resolution #400/2016)
ALC Resolution #675/2002
ALC Letter December 4, 1992
Sketch Map

cc: Township of Langley (File: 12-06-0023/AL100300)

55050d1



AGRICULTURAL LAND COMMISSION FILE 55050

REASONS FOR DECISION OF THE SOUTH COAST PANEL

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

Applicants:

**Savina Huff
Grant Huff
(the “Applicants”)**

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: 012-534-188

Lot 16 Section 6 Township 12 New Westminster District Plan 2109
(the "Property")

[2] The Property is 3.8 ha in area.

[3] The Property has the civic address 21975 100th Avenue, Langley, BC

[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 two parcels of 1.7 ha and 2 ha, with a 0.1 ha road dedication for the Township of Langley (the "Proposal"). The Proposal along with supporting documentation is collectively the application (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. Relevant Applications
- 4. Agricultural capability map, ALR context map and satellite imagery

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

[10] At its meeting of June 27th 2016, the Township of Langley resolved to advise the ALC that the proposed subdivision complies with the land use and minimum parcel size provisions of the Township's Zoning Bylaw.

[11] The Panel reviewed four relevant applications relating to the Application:

Application ID: 51698
(Malamas, 2010)

To subdivide the 3.97 ha property into two 1.94 ha and 2.03 parcels.. The application was approved by ALC Resolution #288/2011.

Application ID: 52471
(Cheruss Holdings Inc, 2012)

To subdivide the 3.8 ha property into two 1.8 ha and 2.0 ha parcels. The application was approved by ALC Resolution #150/2012.



Application ID: 52596
(Riley, 2012)

To subdivide the 4 ha property into two 1.7 ha and 2.3 ha parcels. The application was approved by ALC Resolution #48/2012

Application ID: 53004
Legacy File: 53004
(Saponaro and Jahnsen, 2012)

To subdivide the 3.9 ha property into two lots of approximately equal size along the east-west midpoint. The application was approved by ALC Resolution #104/2013

Note: The above applications were all approved in accordance with ALC Resolution #675/2002.

FINDINGS

[12] The Panel finds that the Proposal is consistent with ALC Resolution #675/2002 (attached) which provides for the consistent consideration of ALC subdivision in specific areas, and in accordance with the minimum lot size designated in the Township's Official Community plan.

[13] The Township of Langley has requested, as part of the Application, to have a 10 m road dedication on the property, which will total 0.1 ha in area. The road dedication Proposal is consistent with ALC Resolution #675/2002.

DECISION

[14] For the reasons given above, the Panel approves the Proposal to subdivide the property into two parcels of 1.7 ha and 2 ha with a 0.1 ha road dedication on the Property.

[15] 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. that 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; and
- d. the subdivision must be completed within three (3) years from the date of this decision.

[16] 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.

[17] 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.

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

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

[20] This decision is recorded as Resolution #401/2016 and is released on November 28th, 2016.

CERTIFICATION OF DECISION

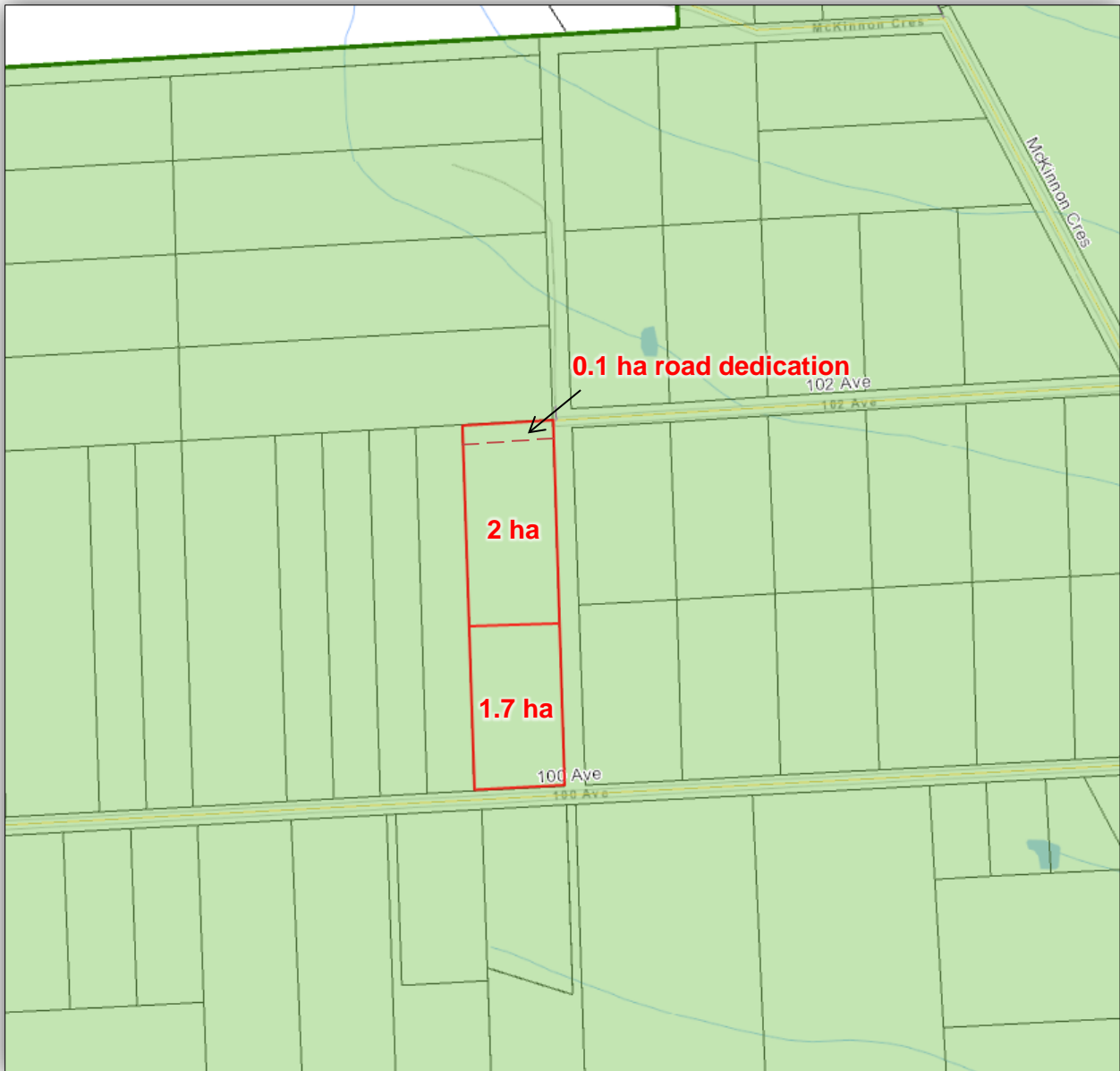
A large, stylized handwritten signature in black ink, likely belonging to William Zylmans, is positioned above the certification text.

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

END OF DOCUMENT



Application ID# 55050 (Huff)
Conditionally Approved Subdivision
ALC Resolution # 401/2016



December 4, 1992

Mr. Kurt Alberts
Director of Community Development
Township of Langley
4914 - 221st Street
Langley, B.C.
V3A 3Z8

Dear Mr. Alberts:

Re: Langley Rural Plan - Our File #24610

Consideration of the draft Langley Rural Plan has now been completed. On behalf the Commission I want to thank Council and staff for the opportunity to meet on October 21, 1992 to discuss the Plan. Along with the field work completed that day, meeting Council aided the Commission's overall understanding of the effort and importance that the Township has placed in planning for the rural areas.

There remain some concerns with the draft Plan that will be discussed below. However, the Commission wants to emphasize that the Langley Rural Plan, on many levels, is the most positive local government policy document with respect to agriculture that the Commission has had the opportunity to review.

As alluded to in the Plan, Langley is the home of an agricultural industry that is of Provincial significance. The Agricultural Land Reserve has now been in place for almost two decades. It is hoped that the Reserve, as a defined landscape, will realize a strong degree of stability in coming years. Since the designation of the ALR in 1974 there has been about 2,340 hectares excluded from the Reserve in Langley. This represents a 9% decrease with most exclusions occurring in the late 1970's and early 1980's. This represents the largest adjustment of the ALR, both in real and percentage terms, of any municipality in the Lower Mainland. However, I should quickly add that two thirds of the land excluded in Langley was through block applications that were normally preceded by extensive, joint ALR reviews involving both Council and the Commission. This resulted in the Commission either excluding or agreeing to the exclusion of over 80% of the land removed from the ALR.

While the first several years marked a period of appraisal and adjustment for the Reserve, more recently exclusions have been less frequent resulting in greater stability in the ALR. Given this situation, the implementation of the Plan at this time is highly complimentary to the Provincial agricultural land preservation program.

It is appreciated that the rural landscape of Langley is exceedingly diverse with several competing interests and a number of important resource values. The Plan, however, has succeeded in sensitively meeting these challenges and from the Commission's perspective includes policies that will ensure a continuing place for agriculture to grow and make an even greater contribution to the local economy in rural Langley.

A key new policy direction is the proposed adjustment of the minimum lot size for subdivision of land in most of the ALR. The Commission has been concerned for many years that the 4.2 acre (or in some cases smaller) minimum lot size applied to much of the ALR not only heightened expectations for further subdivision, but was inconsistent with promoting a stable and growing agricultural industry. The decision to support increased minimum lot sizes throughout a majority of the Reserve is strongly supported. In addition the policy of providing for concentrated centres for Rural Commercial and Agro-Service centres in defined locations is also endorsed.

The Commission considers the centre piece of the Plan to be Part 4, the Economic Development policies. This section represents a very progressive statement of rural/agricultural economic initiatives and sets a standard for other local governments involved in rural area planning. What sets these economic development policies apart from other documents considered by the Commission is the combination of broad supportive statements with practical programs (e.g. the Farm Fresh Guide) tailored to the needs of Langley agriculture. The Commission is aware and wishes to acknowledge that besides the efforts of Council and staff, this section of the Plan was greatly assisted by the Economic Development Commission.

Another important aspect of the Plan is its recognition and balanced handling of the several other legitimate interests within rural Langley besides agriculture. These of course include important environmental considerations, heritage and landscape protection, recreation and servicing requirements.

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In terms of suggested amendments to the draft Plan the Commission wishes to forward the following comments.

1. As has been noted in previous correspondence the Commission had hoped that all ALR lands would have been included within the rural planning area. It is recognized that the Salmon River Uplands and Aldergrove areas will be part of future planning initiatives and the Commission looks forward to working with Council and staff in these efforts where the ALR may be involved. However, with reference to Maps 2 and 3 on pages 18 and 19, the Commission wishes to explore the possibility of not including these maps within the Rural Plan. Both maps highlight ALR lands that are designated 'Urban Growth Areas' within the Official Community Plan. This represents an obvious discrepancy between Provincial policy and that of Council. While not wishing to prejudge future planning programs the Commission is concerned that the maps may further promote unwarranted expectations of changes to the ALR.
2. As you are aware the Commission has considered in detail the Small Farms/Country Estate designation of the Plan. As a general rule the Commission would prefer to see a single 'Agricultural' designation applied to all land in the ALR and avoid policies that tend to promote differing land use policies within the Reserve. In addition, particularly in the case of Langley which currently has an agricultural landscape that is heavily parcelized, the promotion of further subdivision is generally seen as detrimental to agriculture.

However, the Commission has endorsed application of the Small Farms/Country Estate designation to some portions of the ALR. Maps 1 to 4 (attached) highlight the proposed Small Farms/Country Estate areas and indicate those portions of the ALR that the Commission concurred with its designation. It will be noted that following the Commission's meeting with Council and subsequent consideration that some adjustments have been made relative to the Commission's previous review of the Small Farms/Country Estates designation. Those areas endorsed by the Commission are considered to currently reflect the policies of the Small Farms/Country Estate designation. Within these areas every effort will be made to ensure consistency between Commission decision making on future applications for subdivision and the minimum lot size provisions of the Plan.

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However, there is concern, within those areas not endorsed, that further parcelization would not be in the best interests of agriculture. In most cases the average lot size is considerably larger than the proposed 4.2 acre minimum and the land has prime agricultural capabilities. In order to ensure greater consistency with Provincial policy the Commission wishes to request that Council considered amends to the proposed Plan to place those areas not endorsed within the Agriculture/Countryside designation.

The Commission wishes to thank Council and staff for the opportunity to be involved, since the initial workshops, in the process involving the Rural Plan. The Plan, with its focus on rural land use issues, is largely unique in the Commission's experience. As stated above the Plan has set new standards from which other planning efforts involving rural/agricultural areas will be judged.

If there is any further explanation required concerning the above comments to not hesitate to contact the Commission accordingly.

Yours truly,

AGRICULTURAL LAND COMMISSION

per: ORIGINAL SIGNED BY

K. B. Miller, Chair

bcc: Linda Swain

/js(4153)

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") held on the 17th day of December 2002, in the residence of Commissioner Walter Dyck at 48639 McConnell Road, Chilliwack BC.

Present:	W. Dyck	Commissioner
	C. Paulson	Commissioner
	K. Miller	Commissioner
Absent:	P. Dhillon	Vice-Chair
Staff Present:	T. Pellett	Planner
	S. Gordon	Research Officer

Staff presented a report dated 04 December 2002 on the relationship of a proposed Township of Langley delegation agreement with those areas of the Township designated "Small Farms/Country Estates" in the *Langley Official Community Plan Bylaw 1979 No. 1842 Amendment (Rural Plan) Bylaw 1993 No. 3250* (hereinafter called the "1993 Rural Plan"). Staff advised that Township staff have also suggested it would be helpful for the delegation agreement to recognize all or part of Langley's major street network with the rider that delegation would not apply to any situation where a new major street alignment would isolate farmland between the street and the ALR boundary in such a way as to afford grounds for exclusion of the land from the ALR.

On 14 November 2002, all present except Commissioner K. Miller toured parts of the "Small Farms/Country Estates" together with Regional Agrologist Mark Robbins and Township of Langley staff planner Brian Doyle. On 16 December 2002, all present toured the balance of the "Small Farms/Country Estates".

In discussion, the Commissioners noted that the perspective gained by viewing all the "Small Farms/Country Estates" areas had made it possible

- to appreciate the rationale used by the members of the 1993 Agricultural Land Commission in consenting to certain areas and declining to consent to other areas so designated,
- to offer further comment on areas under discussion for a "Small Farms" designation in the 10-year major review of the 1993 Rural Plan, and
- to consider use of the revised Rural Plan as the principal basis for the possible delegation to the Township of Langley of authority under Section 26 of the *Agricultural Land Commission Act, 2002*, provided there are safeguards to ensure the principal farmlands are not subdivided to a uniform minimum lot size.

IT WAS

MOVED BY Commissioner Carol Paulson

SECONDED BY Commissioner Walter Dyck

THAT the staff report be received

AND THAT the Township of Langley be advised that the Commission considers the following criteria should be among those to be included in the proposed agreement to delegate authority to the Township under Section 26 of the *Agricultural Land Commission Act, 2002*:

1. Use of the Rural Plan (not the present zoning bylaw) as the principal basis for delegation, with the Salmon River Uplands being withheld from delegation until after further study and mutually agreed designations;
2. Recognition of all or part of Langley's major street network with the rider that delegation would not apply to any situation where a new major street alignment would isolate farmland between the street and the ALR boundary in such a way as to afford grounds for exclusion of the land from the ALR;
3. Retention in the Rural Plan of a designation with a minimum lot size of 8.0 ha (or larger) and another with a minimum lot size of 1.7 ha, each subject to approval under the *Agricultural Land Commission Act, 2002*; the preferable name for the 8.0 ha designation is "Agriculture" and for the 1.7 ha designation is "Small Farms";
4. Retention in the Rural Plan of the caveat that in either designation, applications [under the *Agricultural Land Commission Act, 2002*] will be reviewed based on agricultural considerations, with the added caveat that in the area designated "Agriculture", subdivision will be the exception rather than the rule;

5. Replacement in the Rural Plan of prohibitions (e.g. fur farms in parts of the "Agriculture/Countryside" area) and possible limitations (e.g. intensive agricultural uses in the "Small Farms/Country Estates" area) by a reference to the intent to obtain the approval of the minister responsible for the administration of the *Farm Practices Protection (Right to Farm) Act* for a farm bylaw and/or special management areas with standards to be developed in consultation with the farm community and the Ministry of Agriculture, Food and Fisheries;
6. Modification of the Rural Plan so that the "Small Farms" designation applies only to those areas identified by the Commission's letter of 04 December 1992, except as follows:
 - a. if any discrete block of land agreed by that letter has already been subdivided to the extent that no further opportunity exists to create new 1.7 ha parcels, there is no need to retain that discrete block in the "Small Farms" designation;
 - b. the entire area of the parcel described as *Lot A, Sec. 24, Twp. 8 NWD, Plan 79713* may be designated "Small Farms";
 - c. the entire area of the farm described as *Lot 1, Lot 2 and Lot 3, D.L. 323 Gp. 2 NWD, Plan 2010* should be deleted from the "Small Farms" designation; and
 - d. the entire area of the parcel described as *Parcel "ONE" (Reference Plan 8301) of Lot A, D.L. 323 Gp. 2 NWD, Plan 5369* may be designated "Small Farms".

CARRIED.