



Agricultural Land Commission
133–4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

November 4th, 2016

ALC File: 55120

Gerry Vandeburght
22572-72nd Ave
Langley, BC V2Y 2K4

Dear Mr. Vandeburght:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #365/2016) 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 (KelseRae.Russell@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "K Russell". The signature is written in a cursive, flowing style.

Kelsey-Rae Russell, Land Use Planner

Enclosures: Reasons for Decision (Resolution #365/2016)

cc: Township of Langley (File: 11-17-0020)

55120d1



AGRICULTURAL LAND COMMISSION FILE 55120

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

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

Applicant:

**Gerry Vanderburgt
(the “Applicant”)**

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: 005-903-866

Lot 27 Except: Part Subdivided by Plan 50662, District Lot 301, Group 2, New Westminster District, Plan 42931

(the "Property")

[2] The Property is 4.2 ha in area.

[3] The Property has the civic address 22572-72nd Ave, 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 4.2 ha Property into two 2.1 ha parcels. One of the parcels is proposed for the Applicant's son (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 May 30, 2016, the Township of Langley (the “Township”) resolved to advise the Agricultural Land Commission that the Proposal complies with the minimum lot requirements of the Township’s Zoning Bylaw.

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

Application ID: 8822
Legacy File: 00363
(Beales, 1976)

To subdivide and consolidate the land described as District Lot 301, Group 2, Lot C, Plan 13258 and the Property in order to move the legal boundary so that existing buildings are encompassed by District Lot 301, Group 2, Lot C, Plan 13258. The Commission allowed the subdivision and consolidation with the condition that the property remains in the ALR. The application was



approved by ALC Resolution #4165/1976.

Note: ALC Resolution #4165/76 resulted in the current lot configuration of the Property.

Application ID: 8478
Legacy File: 31448
(Vanderburgt, 1997)

To subdivide the Property into two approximately 2 ha parcels. The Commission concluded that the subdivision would have negative effects on the agricultural potential of the Property, heighten expectations of surrounding property owners in the ALR, and lead to a greater likelihood of urban/agricultural conflicts in the future. The application was refused by ALC Resolution #663/1997.

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/02h for the mapping units encompassing the Property approximately 75% (7:2D – 3:1), 20% 3T, and 5% (6:2D – 4:3DW).

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.

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

In this regard, the Panel finds that the land making up the Property is prime agricultural capability and is capable of supporting agriculture and is appropriately designated within the ALR.

[14] The Applicant stated that the subdivision would provide a new lot for development of a farm for a relative. The Panel does not support the subdivision of ALR properties, especially those which are actively farmed, and of prime agricultural capability, 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. The Panel finds that the Property is more suitable for agriculture if maintained in its current size and configuration.

DECISION

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

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

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

[18] This decision is recorded as Resolution #365/2016 and is released on November 4th, 2016.



CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'W. J. Zylmans', with a long horizontal flourish extending to the right.

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

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