



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

March 20th, 2017

ALC File: 54757

Sanderson Planning Ltd
135-970 Burrard Street
Vancouver, BC V6Z 2R4

Attention: Michael Sanderson

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

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #67/2017) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

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.Rusell@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 stylized and cursive.

Kelsey-Rae Russell, Land Use Planner

Enclosure: Reasons for Decision (Resolution #67/2017)

cc: Township of Langley (File: 11-10-0082)

54757d1



AGRICULTURAL LAND COMMISSION FILE 54757

REASONS FOR DECISION OF THE SOUTH COAST PANEL

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

Applicants:

**Mark Funk
Vickie Funk
Arthur Funk
Helen Funk
521465 B.C. Ltd., Inc. No.
521465
(the “Applicants”)**

Agent:

**Michael Sanderson, of
Sanderson Planning Ltd.
(the “Agent”)**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Satwinder Bains
Sam Wind**



THE APPLICATION

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

Parcel Identifier: 011-353-988

Lot 1, Section 10, Township 11, New Westminster District Plan 9017
(the "Property")

[2] The Property is 7.2 ha in area.

[3] The Property has the civic address 24381 56 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 create six rural residential lots of a minimum 0.37 ha, and approximately ± 4.4 ha to be dedicated to the Township of Langley for conservation purposes, as well as a public access trail along the boundary that would divide the proposed conservation area and the residential lots (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. The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:

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 Report*, prepared by PGL Environmental Consultants, dated September 2015
5. Agricultural capability map, ALR context map and satellite imagery

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

[10] At its meeting of November 21, 2016, the Township of Langley Council resolved:

That Council advise the Agricultural Land Commission that the subdivision application submitted by Sanderson Planning on behalf of the owners of [the] property located at 24381-56 Avenue, within the Agricultural Land Reserve complies with the minimum parcel size provisions of the Suburban Residential SR-1 Zone of the Township’s Zoning Bylaw, and request consideration based on agricultural merits.

[11] The Panel reviewed one relevant application relating to the Application:

Application ID: 14717
Legacy File: 23977
(Paddon, 1989)

To subdivide the 10 ha property into six 1.7 ha parcels.
The Commission found that the existing and future surrounding non-farm developments have reduced the long-term agricultural potential of the subject property. The application was approved by Resolution #173/90.

Note: Application 14717 is located adjacent to the west of the Property.

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), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings identified on BCLI map sheet 92G/02a for the mapping units encompassing the Property are Class 1, 3, 4, 5, and 7, more specifically 30% (7:1 3:3AP), 55% (8:7T 2:5T), and 15% (4W).

Class 1 - land is capable of producing the very widest range of crops. Soil and climate conditions are optimum, resulting in easy 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.



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 A (soil moisture deficiency), P (stoniness), T (topographic limitations), and W (excess water).

[14] As part of the Application, the Panel received a professional Agrologist report, prepared by PGL Environmental Consultants, dated September 2015 (the "PGL Report"). The PGL Report conducted soil mapping at a scale of 1:2,000 versus the available BCLI map at 1:25,000. For this reason, the Panel referred to the PGL Report for assessment of agricultural capability.

[15] Test pits were excavated in 10 different locations on upland area of the Property to confirm soil types. With regards to the siting of the 10 test pits, the PGL Report states that *"the steeply sloping ravine and its base were not investigated as the Owner does not intend to develop these portions of the property"*. Based on the excavation of 10 test pits across the upland portion of the Property, the agricultural capability ratings for the Property are 8:7T 2:5T along the slopes of the Salmon River, 4W along the banks of the Salmon River, 2A in the northeastern portion of the Property, and 3A in the northeastern corner of the Property. In this regard, the Panel finds that the portion of the Property proposed for residential development is of prime agricultural capability. The remainder of the Property is Class 7.

[16] The Panel finds that the introduction of the proposed residential parcels would increase the residential use of agriculturally designated land of prime agricultural capability and reduce the possibility of agriculture being carried out on the Property. Moreover, the proposed development may lead to further pressures for subdivision. With regards to the dedication of a portion of the Property near the Salmon River to the Township of Langley for

conservation purposes, the Panel noted that the portion of the Property proposed for conservation has sloped topography; however this does not preclude the Property from being used for an agricultural purpose such as grazing. As such, the Panel is not amenable to subdividing the Property in order to dedicate a portion of it to the Township of Langley for conservation purposes.

[17] With Regards to the proposal for a trail through the Property, the Panel noted that trails often result in conflicts between trail users and agricultural operations. In agricultural areas, trails can result in issues of trespass, harassment of livestock, crop damage, bio-security, invasive plants, liability, litter, vandalism and privacy. As such, the Panel is not amenable to allowing a trail on the Property.

[18] The mandate of the Commission is to preserve agricultural land and to encourage farming within the Agricultural Land Reserve and the Panel finds that the Application does not fulfill the purposes of the mandate.

DECISION

[19] For the reasons given above, the Panel refuses the Proposal to subdivide create six rural residential lots of a minimum 0.37 ha, and an area of approximately ± 4.4 ha to be dedicated to the Township of Langley for conservation purposes, as well as a public access trail along the boundary that would divide the proposed conservation area and the residential

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

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

[22] This decision is recorded as Resolution #67/2017 and is released on March 20th, 2017.



CERTIFICATION OF DECISION

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

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

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