



Agricultural Land Commission
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February 19, 2018

Reply to the attention of: Sara Huber
ALC File: 53333

Via Allegro Development Company Ltd
DELIVERED ELECTRONICALLY

Attention: Blake Hudema

Re: Application 53333 to exclude land from the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Executive Committee for the above noted application (Resolution #59/2018). As agent, it is your responsibility to notify the applicant accordingly.

Review of Decisions by the Chair

Under section 33.1 of the *Agricultural Land Commission Act (ALCA)*, the Chair of the Agricultural Land Commission (the Commission) has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to Sara Huber at (Sara.Huber@gov.bc.ca).

Yours truly,

A handwritten signature in black ink, appearing to be 'S.H.', is written over a white rectangular area.

Sara Huber, Land Use Planner

Enclosure: Reasons for Decision (Resolution #59/2018)

cc: Township of Langley (File: 100246) Attention: Patrick Ward



AGRICULTURAL LAND COMMISSION FILE 53333
REASONS FOR DECISION OF THE EXECUTIVE COMMITTEE

Exclusion application submitted under s. 30(1) of the *Agricultural Land Commission Act*

Applicants: Marjorie Butler
Charleen Lowe
Natalie Butler
Allan Hays

Agent: Blake Hudema, Via Allegro Development
Company Ltd.

Property: Parcel Identifier: 009-240-535
Legal Description: Lot A, Except: Firstly: The
North 169.4 Feet; Secondly: The Easterly 33 Feet;
Thirdly: Part Subdivided By Plan 85653; Section
30, Township 13, New Westminster District, Plan
10121
Civic: 3250 – 264 Street, Langley BC
Area: 17.6 ha

Executive Committee: Frank Leonard, Chair
William Zylmans, South Coast Panel Chair
Richard Mumford, Interior Panel Chair
Linda Michaluk, Island Panel Chair
David Zehnder, Kootenay Panel Chair
Dave Merz, North Panel Chair
Gerald Zimmerman, Okanagan Panel Chair

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (the ALCA). The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.
- [2] The Applicants are applying to the Agricultural Land Commission (the “Commission”) to exclude the Property from the ALR for residential development (the “Proposal”).
- [3] The first issue the Executive Committee considered is whether the Property is appropriately designated as ALR based on its agricultural capability and suitability.
- [4] The second issue the Executive Committee considered is whether the exclusion of the Property for residential purposes would impact the surrounding ALR land.
- [5] The third issue the Executive Committee considered is whether the Proposal is consistent with the Commission’s comments regarding the Aldergrove Community Plan Update.
- [6] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
- (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

- [7] The Proposal along with related documentation from the Applicants, Agent, local government, Commission, and third parties is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Agent in advance of this decision.

[8] On December 8, 2017, the Executive Committee conducted a meeting with the Applicants and Agent at the ALC Office (the Applicant Meeting). An applicant meeting report was prepared and was certified as accurately reflecting the observations and discussions of the Applicant Meeting by the Agent on January 8, 2018 (the “Applicant Meeting Report”).

BACKGROUND

[9] In 1995, the Township of Langley (the “Township”) submitted a “block” application requesting exclusion of 25 properties, totalling 194.1 ha of land, in order to accommodate future growth of the Aldergrove community. The block exclusion application included the Property. At the time, the Commission expressed concern that if land to accommodate urban growth was consistently acquired from the ALR, food lands under provincial protection would diminish at a rapid rate. The Commission stated that local governments must explore other avenues to accommodate urban growth both within a larger regional context and through more innovative and creative urban land use planning options, such as denser infill and redevelopment possibilities in order to accommodate more people within a smaller geographic area rather than eroding the ALR. The application was refused by Resolution #245/96.

[10] The Application was originally submitted in 2013. On June 17, 2013, the Township Council reviewed the Application and resolved:

That Council authorize referral of the exclusion application submitted by Genstar Development Company for property located at 3250 – 264 Street within the Agricultural Land Reserve to the Provincial Agricultural Land Commission, as the proposal allows for the expansion of the Aldergrove Community Plan area in accordance with overall Township growth management objectives and Metro Vancouver’s Regional Growth Strategy.

[11] The Commission received the Application in July 2013. In 2015, the Commission sent a letter to the Applicants stating that the Commission was aware that the Township was undertaking a planning initiative for the Aldergrove area that may involve the Property. The Commission advised that, if the Applicants wish to proceed with the Application, it may be

beneficial to view the result of the planning initiative prior to the Commission reviewing the Application. Therefore, the Commission awaited the results of the Township's planning review prior to further consideration of the Proposal.

[12] In October 2016, the Township forwarded the Commission a draft copy of the Aldergrove Community Plan Update.

[13] On July 23, 2017, the Executive Committee offered comments to the Aldergrove Community Plan Update and its consistency with the purposes of the ALCA and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the "Regulation"). With specific reference to Sub-Area 2 where the Property is located, the Executive Committee provided the following findings:

The Executive Committee finds that the properties comprising both Sub-Area 2 and Sub-Area 3 are capable of supporting agriculture either at present or in future based on site visit observations, BCLI mapping, and historical aerial imagery. The Executive Committee finds that basic improvements such as ditch cleaning and brush clearing could be easily implemented in order to bring both Sub-Area 2 and Sub-Area 3 back into agricultural use.

The Executive Committee finds that the proposed exclusion of Sub-Area 2 for residential purposes may increase urban-agricultural conflicts due to the proximity of the existing mushroom farming operation located directly to the north. Although the Executive Committee acknowledges that appropriate edge planning could be done in order to mitigate these potential conflicts, this factor alone does not justify the proposed exclusion.

By Resolution #2653/2017, the Executive Committee did not endorse the Aldergrove Community Plan Update and requested that the Township make revisions to the plan.

EVIDENCE AND FINDINGS

[14] To assess agricultural capability on the Property, the Executive Committee referred to agricultural capability 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 applicable to the Property are Class 2 and 3, more specifically, approximately, 65% (6:2W 4:3W), 15% (7:2T 3:3DW), 10% (4:2T 4:2WA 2:3DW), 5% (5:3T 3:2T 2:3DW), and 5% 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 W (excess water), T (topography), D (undesirable soil structure), and A (soil moisture deficiency).

[15] Based on the agricultural capability ratings identified in the BCLI map, the Panel finds that the Property has prime agricultural capability.

[16] On June 23, 2017, the Executive Committee completed a site visit in advance of its review of the Aldergrove Community Plan Update for four Sub-Areas. During the site visit, the Executive Committee made the following observations about Sub-Area 2:

- Sub-Area 2 is not currently cultivated;
- Sub-Area 2 is primarily covered in fallow field and brush with some treed areas primarily along the eastern edge;
- Sub Area 2 has some areas found to be wetter than others, although not to the extent that would preclude agricultural use; and,
- Sub-Area 2 has existing drainage.

[17] The Executive Committee reviewed the site visit observations, BCLI mapping, and historical aerial imagery and found that Sub-Area 2 is capable of supporting agriculture either at present or in future. Therefore, the Executive Committee finds that the Property remains appropriately designated as ALR.

[18] In Resolution #2653/2017, the Executive Committee found that the proposed exclusion of Sub-Area 2 for residential purposes may increase urban-agricultural conflicts due to the proximity of the existing mushroom farming operation located directly to the north. The Executive Committee confirms their position that the exclusion of the Property (located in Sub-Area 2) from the ALR would negatively impact the surrounding ALR land and would increase the potential for urban-agricultural conflicts including trespass, harassment of livestock, crop damage, bio-security, invasive plants, liability, litter, vandalism and privacy issues.

DECISION

[19] For the reasons given above, the Executive Committee refuses the Proposal.

[20] These are the unanimous reasons of the Executive Committee.

[21] A decision of the Executive Committee is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

[22] Resolution #59/2018
Released on February 19, 2018



Frank Leonard, Chair

On behalf of the Executive Committee