



## **AGRICULTURAL LAND RESERVE APPLICATIONS**

### **Procedures for Processing Applications for Subdivision and/or Exclusion under the Agricultural Land Commission Act**

This brochure is a general guide to land owners and their agents who are interested in applying for subdivision in, and/or exclusion from, the Agricultural Land Reserve (ALR). It categorizes the three types of applications involving subdivision or exclusion in the Reserve; highlights the major steps and requirements in processing an application; and highlights the involvement of the Township of Langley, which generally serves as a clearinghouse for applications.

The preservation of agricultural land and protection of this land from encroachment by non-farm uses and subdivision is a primary objective of both the British Columbia Agricultural Land Commission (BCALC) and the Township of Langley, as reflected in the Agricultural Land Commission (ALC) Act and the Township's Rural Plan. The Agricultural Land Commission Act and the Township's Subdivision and Development Control Bylaw and Zoning Bylaw are the main legislation controlling subdivision of land in the ALR. In addition, the Township has several other bylaws including official community plans which may interact with the ALC Act, associated Regulations and Orders of the Commission. Although the ALC Act and Regulations supersede Municipal subdivision requirements, Municipal bylaws must still be complied with prior to subdivision. Local bylaws may provide: restrictions on the use of Reserve Land; siting requirements for buildings and structures; and minimum subdivision requirements, affecting parcel size, frontage and depth.

A number of steps must be completed before an application for subdivision or exclusion is ready for consideration and final decision by the Commission. These steps are summarized on the following pages and are outlined in the Flow Chart shown on page four.

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1. Prior to submitting a written application, the land owner or agent should discuss the general characteristics and merits of the proposal with Municipal staff. Early discussion will familiarize the land owner with the different types of applications and the Municipality's basic policies regarding agricultural land preservation. Requirements with respect to servicing, minimum lot size, frontage and lot dimensions, layout options and other considerations that may impact a proposed subdivision can be discussed. The land owner should also review the brief entitled "Applicant's Information Package" prepared by the Land Commission and available through the Planning and Development Division.

Based on discussion between the land owner and staff, one of the following three types of applications may be pursued:

- a. **Application for Subdivision under Section 20 (1) of the ALC Act**

This type of application involves a request for subdivision of land(s) intended to remain in the Reserve. The land owner must complete a Schedule 1 application under Section 20 (1) of the ALC Act.

- b. **Application for Exclusion under Section 12 (1) of the ALC Act**

Where exclusion of land from the Reserve is preferred prior to subdivision, the land owner must complete a Schedule 1 application under Section 12 (1) of the ALC Act.

- c. **Application for Subdivision under the Township's Subdivision and Development Control Bylaw**

Under B.C. Regulation No. 7/81, applications for subdivision in the ALR may by-pass the initial requirements of Commission approval and land owners may apply directly to the Township's Approving Officer. A subdivision application may be made directly to the Approving Officer when it meets all of the following conditions:

- i) does not result in an increase in the number of land registry parcels;
- ii) involves boundary adjustments that, in the opinion of the Approving Officer, will allow for the more efficient use of agricultural land or the better utilization of farm buildings for farm purposes; and
- iii) creates no parcels less than 8093.5 m<sup>2</sup> in area.

For further information on this type of application, please refer to the brochure entitled "SUBDIVISION APPROVAL PROCESS", available from the Planning and Development Division.

2. Application forms are available from the Planning and Development Division and when completed must be forwarded to the Planning and Development Division by the registered owner or by an agent authorized in writing by the owner. The application form must be **fully** completed and accompanied by an applicable non-refundable fee payable to the Township of Langley, and proof of property ownership. A layout **sketch** should be prepared by the applicant or agent and drawn to standard scale, showing: the subject property; surrounding parcels; and proposed lots (shown in dotted lines). Maps, photographs and descriptive text may be helpful in describing soil conditions, ravines, slopes, watercourses and existing and proposed land uses on or adjacent to the subject property. The reasons for the application, including supporting arguments, should be clearly presented in the application.

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3. The Planning and Development Division reviews the application and forwards it, accompanied by a staff report, to Council.
  4. Council considers the application and makes a recommendation to the Commission. This recommendation reflects several considerations including, but not limited to the following:
    - a. conformity of the proposal to local policies and regulations found in official community plans and zoning, subdivision and other bylaws;
    - b. comparison of proposed lot sizes and frontages to surrounding lot sizes and frontages;
    - c. compatibility of land uses in the immediate area;
    - d. the existing and proposed road pattern in the area and the need for additional or upgraded roads to serve the subdivision and immediate area;
    - e. site constraints due to topography, watercourses and other natural features;
    - f. the potential of the subdivision for precipitating additional subdivision requests in the area; and
    - g. the history of subdivision and development activity on the subject parcel and the immediate area.
  5. The application, Council's recommendation and staff report(s) are forwarded to the Commission.
  6. Agricultural Land Commission staff ensure the information is complete and submit the application to the Commission. In the case of applications for exclusion, the applicant is given an opportunity to present the proposal at a hearing before the Commission.
  7. The Commission decides to allow or refuse the application and notifies the applicant and appropriate authorities.
  8. For applications that are allowed, the applicant may subsequently apply to the Township's Approving Officer for subdivision.

For applications that are refused the applicant may request reconsideration by the Commission only, if there is substantial new information or if the decision was based on information that was in error or false. There are no appeal provisions except on a question of law or excess of jurisdiction to the Supreme Court. The remedies of the Judicial Review Procedures Act apply to all applications.

For further information on the requirements and procedures for applications under the ALC Act, please contact the Township's Planning and Development Division or the office of the B.C. Agricultural Land Commission.

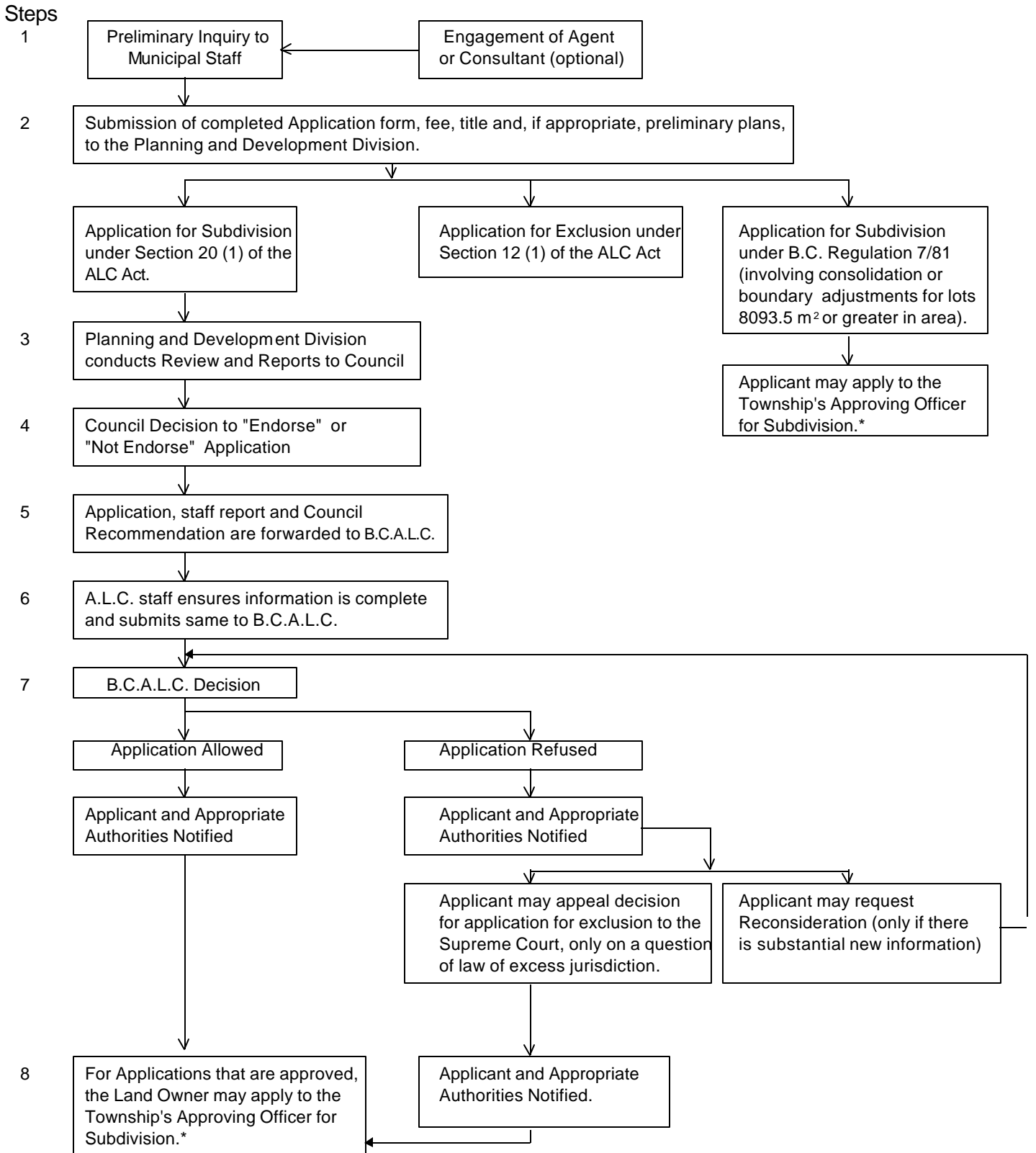
Should you have any questions during the processing of your application, please feel welcome to contact our office. If you quote your application and file number you will help expedite any follow-up response on our part.

For further information please contact:

Township of Langley  
Planning and Development Division  
4914 - 221 Street, Langley, B.C. V3A 3Z8

Telephone: (604) 533-6034  
Telefax: (604) 533-6110

**FLOWCHART FOR PROCESSING APPLICATIONS  
FOR SUBDIVISION AND/OR EXCLUSION UNDER THE ALC ACT**



NOTE: Township of Langley (Council and staff) involvement is highlighted by shaded boxes.  
\* Refer to the brochure entitled "Subdivision Approval Process"