



May 30, 2006

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

Reply to the attention of Gordon Bednard

Timothy & Joanne Berman
9021 - 207B Street
Langley, BC V1M 2R2

Dear Sir/Madam:

Re: **Application # O-36531**

PID: 011-052-554

West 352 Feet Lot 1, Part South West 1/4, Section 6, Township 12,
New Westminster District, Plan 4084

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to place up to 7000 cubic metres of fill material and topsoil on a 0.4 ha portion of the above property. It is the understanding of the Commission that approximately 3500 cubic metres of material has already been placed on the land under a permit from the Township of Langley. This application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank Joanne Berman for taking the time to meet with its representatives on April 25, 2006 at the property. The Commission found the meeting and site visit informative. In particular, the Commission noted that the area proposed for the 3500 cubic metre balance of the fill material was a low-lying portion of the property which would be improved from an agricultural land-use perspective by the addition of fill and topsoil, and the addition of drainage works.

The Commission writes to advise that it approved your application subject to:

- This allowance is for the placement of a total of 7000 cubic metres of fill and topsoil (including the 3500 cubic metres already added to the property);
- the fill area being restricted to the 0.4 ha area identified on the attached plan;
- the installation of drainage works as specified on the plans submitted with the application and as shown attached;
- compliance 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. The Commission suggests you contact the Township of Langley at your earliest convenience.

The decision noted above is recorded as Resolution # **237/2006**. Please quote your application number in any future correspondence.

Yours truly,
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

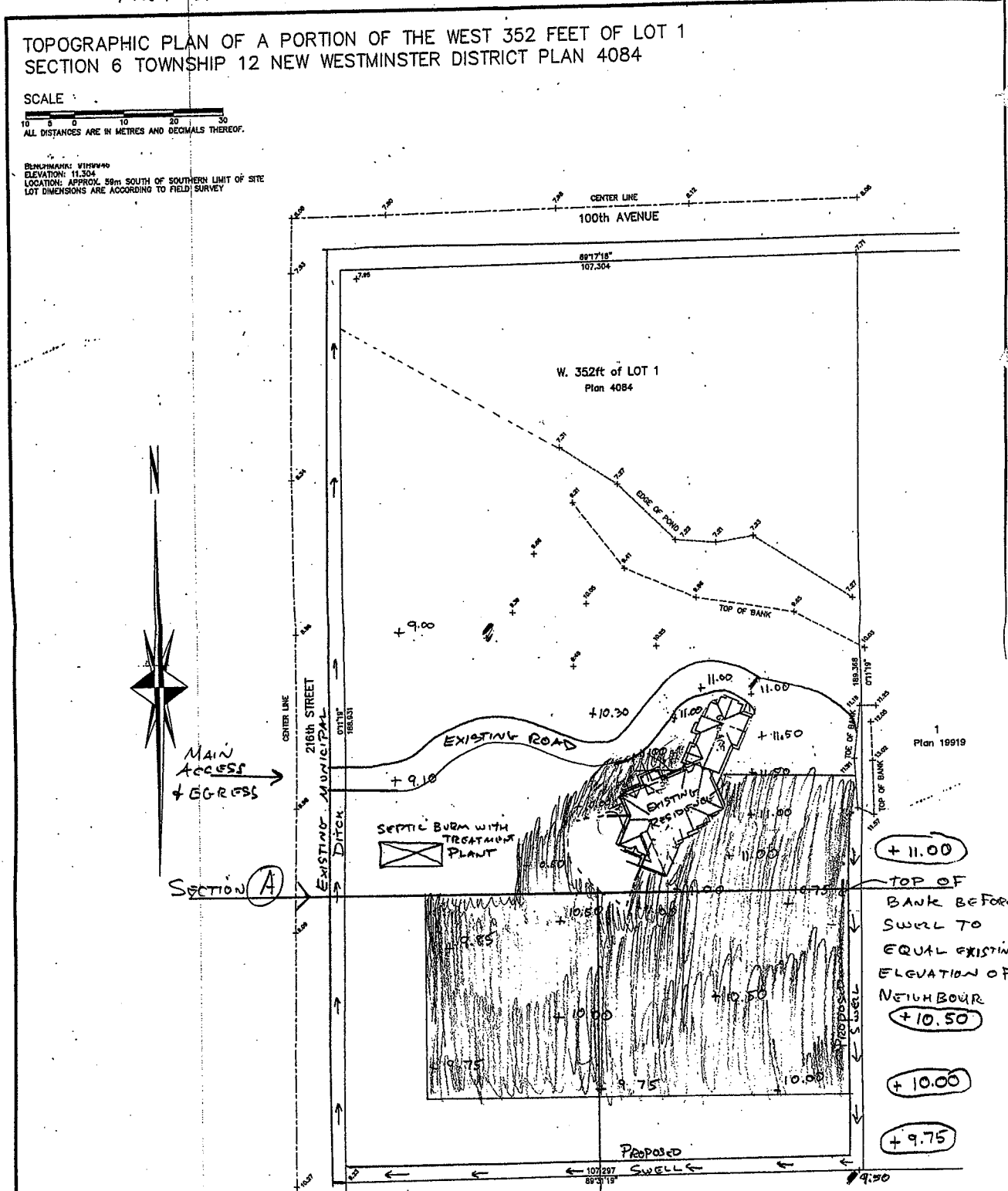
cc: Township of Langley - Attn: Phil Lemay (# SO000366)
GB/lv/Encl./36531d1

#4: SHADED AREA INDICATING FILL PLACEMENT LOCATION WITH
 PROPOSED ELEVATIONS AND SWELLS WITH EXISTING HOUSE.
 9924 216 STREET

TOPOGRAPHIC PLAN OF A PORTION OF THE WEST 352 FEET OF LOT 1
 SECTION 6 TOWNSHIP 12 NEW WESTMINSTER DISTRICT PLAN 4084

SCALE
 10 0 10 20 30
 ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

BENCHMARK: VTRW440
 ELEVATION: 11.304
 LOCATION: APPROX. 59m SOUTH OF SOUTHERN LIMIT OF SITE
 LOT DIMENSIONS ARE ACCORDING TO FIELD SURVEY

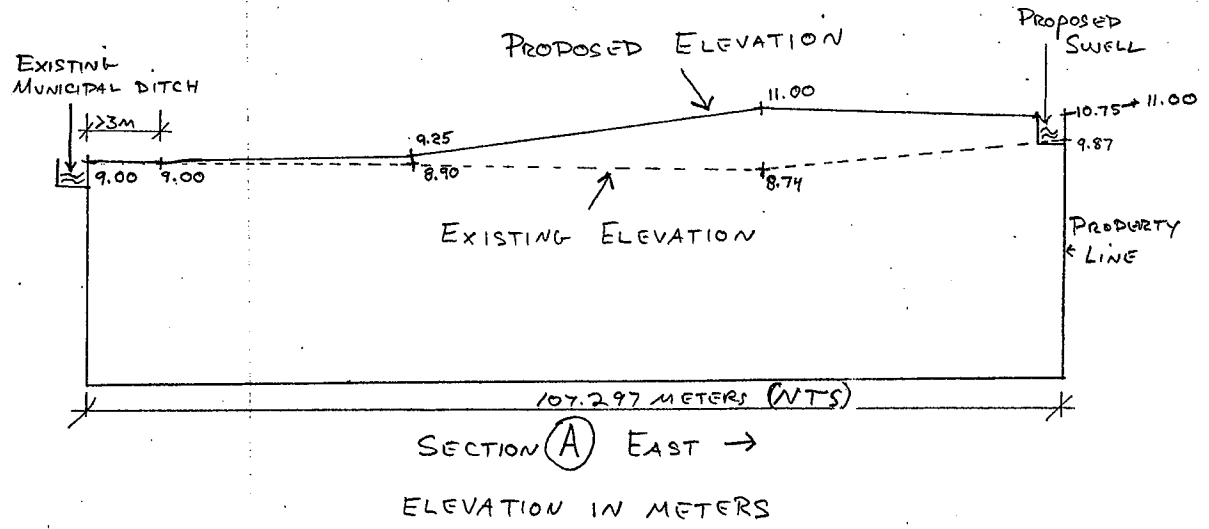
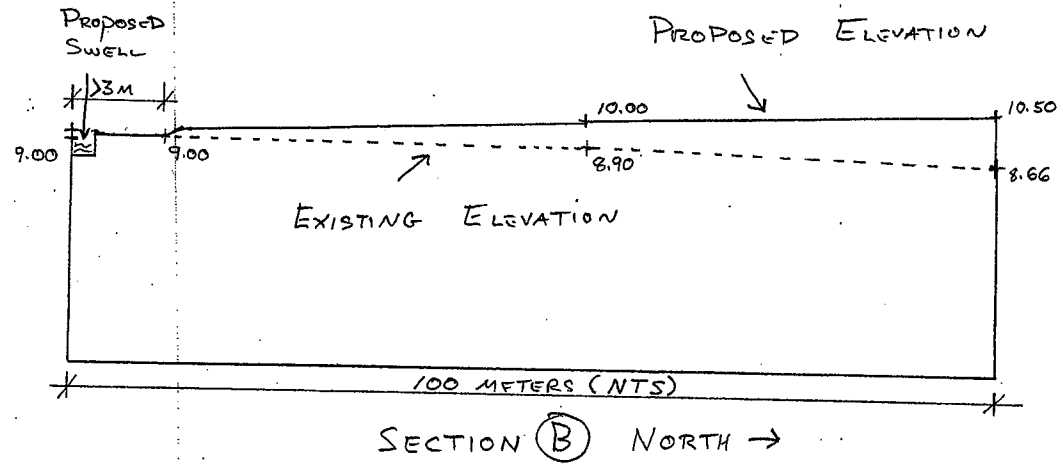


FILL MATERIAL
 AREA AFFECTED
 ≈ 4000 M² OR
 APPROX 0.4 Ha
 OR 0.99 ACRE.

+ 11.00
 TOP OF BANK BEFORE SWELL TO EQUAL EXISTING ELEVATION OF NEIGHBOUR
 + 10.50
 + 10.00
 + 9.75
 NEIGHBOR ELEVATIONS
 (E) PROPERTY LINE

N 1/2 OF 2
 Plan 4084
 SECTION (M)

#3: PROPOSED ELEVATIONS AND SWELLS BLENDING
 IN WITH HOUSE BACKFILL
 9924 216 STREET
 APPROX. 7000M³ OF FILL REQUIRED



ELEVATION IN METERS



Staff Report
Application # O – 36531
Applicant: Timothy & Erica Berman

DATE PREPARED: April 11, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Gordon Bednard, Regional Research Officer

PROPOSAL: To place up to 7000 cubic metres of fill, consisting of clean excavation material and soil, over a 0.4 ha area of this 2.1 ha property, for landscaping around a new residence.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Two previous allowances have been granted for limited filling of the subject lands. According to one of the applicants there has already been 3000 cubic metres deposited under a permit issued by the Township.

Local Government:

The Corporation of the Township of Langley

Legal Description of Property:

PID: 011-052-554
West 352 Feet Lot 1, Part South West 1/4, Section 6, Township 12, New Westminster District,
Plan 4084

Location of Property:

9924 - 216 th Street, Township of Langley

Size of Property:

2.1 ha (The entire property is in the ALR).

ALR Area under application:

0.3 – 0.4 ha

Present use of the Property:

residential

Surrounding Land Uses:

WEST: Mostly forested with some cleared ALR properties.
SOUTH: Larger residential and farm properties in ALR
EAST: 1.7 ha rural residential lots in ALR
NORTH: 4 ha lots, residential and hobby farms, in ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/2h
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

N/A

Zoning Bylaw and Designation:

RU-1

PREVIOUS APPLICATIONS:

Application #24845-0

Applicant: Christensen, Jon
Decision Date: July 25, 1990
Proposal: deposit 3000m3 of clean fill up to a maximum depth of 1m
Decision: allowed with conditions

Application #24844-0

Applicant: Hackworth, W.W.
Decision Date: July 25, 1990
Proposal: deposit 456m3 of clay loam up to a maximum depth of 1 m
Decision: allowed with conditions

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Forwarded without comment or recommendation

STAFF COMMENTS:

Subject to confirmation of the necessity for the fill by onsite inspection, staff would recommend allowance with the following conditions:

- \$5000 bond to ensure rehabilitation and improvement of property for agriculture, and installation of ditches/swales as necessary
- signoff by registered professional regarding the satisfactory rehabilitation of the property
- placement of only 3000 cubic metres, the balance having been deposited previously under permit from the Township of Langley
- installation of swales and ditches where necessary to ensure adjacent properties are not flooded by runoff from the subject lands

END OF REPORT

Signature

Date

