



Agricultural Land Commission
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January 30, 2007

Reply to the attention of Terra Kaethler
ALC File: #O-36881

0700223 BC Ltd
22538 Fraser Highway
Langley, BC V2Z 2T8

Attention Mr. Haan:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 675/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlson, Chair

cc: Township of Langley (SO000377)
Phil Lemay, Soils Conservation Officer
William Ulrich, Development Planner

TK/lv/Enclosure: Minutes
36881d1.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on December 19, 2006 in Langley, B.C.

PRESENT:	Erik Karlsen	Chair
	Lorne Seitz	Commissioner
	John Tomlinson	Commissioner
	Mike Bose	Commissioner
	Tony Pellett	Staff
	Terra Kaethler	Staff

For Consideration

Application: # O- 36881
Applicant: 0700223 BC Ltd.
Proposal: To deposit 8,500 m³ of soil to a depth of 1 metre on a 0.85 ha portion of the property. The fill is intended to facilitate the expansion of the industrial use currently situated on the northern portion of the property.
Legal: PID: 009-329-391
Lot 2, Except: Part on Statutory Right of Way Plan LMP1456, Section 26, Township 10, New Westminster District, Plan 10488
Location: 25284 Fraser Highway

Site Inspection

A site inspection was conducted on December 19, 2006. Those in attendance were:

- Erik Karlsen, Sylvia Pranger, Lorne Seitz, John Tomlinson, Mike Bose - ALC members
- Tony Pellett and Terra Kaethler - ALC Staff
- Ron Haan and Partner - Agents

The Commission toured the property and observed the considerable amount of material that has been deposited without Commission approval. For all intents and purposes the fill project has been completed.

Discussion

The Commission noted the applicant's statement on the application form was, "*There will be no benefit to the agricultural use.*" There is absolutely no agricultural objective in filling the property and the work done to date has seriously compromised the agricultural capability of the land.

It was also noted that the applicant's have not applied for permission to expand the industrial land use. As such, placing fill on the property in advance of receiving this approval was both premature and presumptuous. There is no evidence in the file documentation to suggest the Township of Langley planning department was presented with a non-farm use application to expand the industrial land use on to the southern portion of the property. Rather a non-farm use application for fill was submitted in an attempt to legitimize the unauthorized fill activity.

The Commission considers it inappropriate to address the fill issue in advance of considering whether or not a change in the land use from agricultural to industrial is warranted. The Commission believes the application should be referred to the Township's planning department so that it may undertake its standard review of ALR non-farm use applications.

If the Township chooses not to support the conversion of this land to industrial uses the Commission will seek advice from the Township on how best to remove the fill and rehabilitate the site. In the meantime the Commission believes that all fill activities and further development and non-farm use of the site should cease until this matter is resolved.

IT WAS

MOVED BY: Commissioner Tomlinson
SECONDED BY: Commissioner Bose

THAT the application be refused.

AND THAT all fill activities must cease

AND THAT further non-farm development of the property is prohibited

AND THAT the non-farm use of the fill area is prohibited

AND THAT the file material be referred to the Township's planning department so that it may undertake its standard review of a ALR non-farm use application proposing to develop an industrial use on agricultural land.

AND THAT the Commission will revisit this matter upon receipt of all the appropriate documentation from the Township, including but not limited to, a revised Local Government Report addressing the proposed industrial land use, a forwarding resolution from Council authorizing the application to proceed to the Commission as per section 25(3) of the *Agricultural Land Commission Act*, and any and all other relevant documents the Township may wish to provide.

AND FINALLY THAT the Commission will commence discussions with the Township regarding enforcement action and rehabilitation of the property if:

- the applicant and or its agents continue to place fill on the property
- the applicant and or its agents further develop the property for industrial uses
- the applicant and or its agents use the filled area for industrial purposes
- the Township of Langley Council does not authorize the application to proceed to the Commission as per section 25(3) of the *Agricultural Land Commission Act*
- after considering the matter further the Commission does not approve the expansion of the industrial land use
- the matter remains unresolved as of April 30, 2007.

CARRIED

Resolution # 675/2006



Staff Report
Application # O – 36881
Applicant: 0700223 BC Ltd
Agent: Ron Haan

DATE RECEIVED: August 18, 2006

DATE PREPARED: November 28, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To deposit 8,500 cubic metres of sand and gravel over an area of 0.85 ha at a depth of one metre. The intention is to clean up debris and level the property for storage

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

BACKGROUND INFORMATION:

Local Government:

The Corporation of the Township of Langley

Legal Description of Property:

PID: 009-329-391
Lot 2, Part South East 1/4, Section 26, Township 10, New Westminster District, Plan 10488,
EXCEPT Plan LMP1456

Purchase Date:

Not identified

Location of Property:

25284 Fraser Highway

Size of Property:

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

Present use of the Property:

Metal manufacturing business, building supply storage and rental residence

BACKGROUND INFORMATION CONTINUED:

Surrounding Land Uses:

WEST: Feed company
SOUTH: Field
EAST: Crane Company
NORTH: Fraser Highway

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/2a
The property is identified as having mixed Prime and Secondary ratings.

Zoning Bylaw and Designation:

Township of Langley Zoning Bylaw No. 2500/M6
Uses permitted: Minimum lot size 1.7 ha - Industrial

PREVIOUS APPLICATIONS:

Application #18883-0

Applicant: Kirton, Ronald
Decision Date: August 20, 1985
Proposal: To expand existing non-farm use on the 2.41 ha property to allow for the development, manufacture, assembly and distribution of refrigeration units.
Decision: Allowed subject to the use being limited to the existing buildings.

Application #18883-1

Applicant: Hil-Ron Construction Ltd.
Decision Date: March 11, 1986
Proposal: To construct an additional building on an existing concrete slab of approx. 5000 sq ft to be used for the manufacturing of refrigeration units.
Decision: Allowed subject to the use limitations stated in Res. #848/85

Application #24808-0

Applicant: Coward & Humphrey, Gail & Sharon
Decision Date: July 24, 1990
Proposal: To establish a cellular telephone antenna tower and 44.5 sq. m equipment building on the 2.4 ha property.
Decision: Allowed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

- **Corporation of Township of Langley:** All soil deposit permits are issued in accordance with the Soil and Other Material Deposit Regulation Bylaw 1993 No.2871

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Re: Application # O-36881

STAFF COMMENTS:

- The applicant noted that the project has already been completed.


ATTACHMENTS:

- ALR Constituent Map #37
- Sketch of Proposed Area
- ALC Context Map 92G.008 - Aerial Photo
- Letter from Welsh/Oraschuk (neighbour to North)

END OF REPORT



Signature



Date