



Agricultural Land Commission
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November 8, 2007

Reply to the attention of Jennifer Carson
ALC File: O-37530

John Levar
25020 - 32nd Avenue
Langley, B.C.
V3W 1Y1

Dear Mr. Levar:

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

Please find attached the Minutes of Resolution # 554/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Erik Karlson, Chair

cc: The Corporation of the Township of Langley (SO000461)

Enclosure: Minutes



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 06, 2007 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Colin Fry	Staff
	Tony Pellett	Staff
	Ron Wallace	Staff
	Jennifer Carson	Staff

For Consideration

Application: # O- 37530
Applicant: John and Barry Levar
Proposal: Non-farm use to deposit fill to prevent further flooding on the property.
Legal: PID: 011-987-821
Lot 30, Section 23, Township 10, New Westminster District, Plan 1091
Location: 25020 - 32 Avenue, Langley

Site Inspection

A site inspection was conducted on September 25, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Tony Pellett Staff
- Gordon Bednard Staff
- Ron MacLeod Staff
- Thomas Loo Staff
- Jennifer Carson Staff
- John Levar Applicant

The Commission met with the applicant on the subject property to discuss the application and view the area that has flooded in the past. Mr. Levar explained that he has dug the ditch down the centre of his property to help drain the Township of Langley's ditch which has flooded his property in the past. It was noted that the driveways have no culvert which could add to the flooding problems. At this point the Commission deferred the application in order to discuss the issue with the Township of Langley.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land

2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Discussion

On October 16th 2007 the Commission received an email from Brad Badelt with the Township who indicated that "the drainage that enters Mr. Levar's property is part of the historical drainage path in the area. There has been minimal land use change in the catchments (aside from some land clearing). The culvert that crosses the municipal roadway is only meant to convey the historical drainage and should not have increased the runoff onto Mr. Levar's property. Due to the topography it is not possible to route the drainage elsewhere (nor is it desirable, as this could increase flooding elsewhere). The Township is not opposed to Mr. Levar's application, provided that a surface drainage path (shallow swale) is maintained. This would allow Mr. Levar to use more of his land, without causing any additional flooding upstream or on adjacent properties."

The Commissioners were satisfied with this response from the Township of Langley.

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The improved agricultural capability ratings of the soil of the subject property are:

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Subclasses

- | | |
|---|----------------------------|
| D | undesirable soil structure |
| T | topography |
| W | excess water |

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commissioners believe that by filling a portion of his property, while maintaining the drainage through his property, Mr. Levar will be able to improve the agricultural utilization of his property if he so wished as well as protect the existing buildings (barn and storage shed) which have been flooded in previous years. The Commission believes the proposal would not adversely impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will not adversely impact agriculture.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Tomlinson

SECONDED BY: Commissioner Bose

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- The Commission's further approval of any changes to the proposal.
- The filling be undertaken in the dry season and that the property has a vegetative cover on it by September 15, 2008.
- The maintenance of the surface drainage path, in the form of a shallow swale as required by the Township of Langley.
- A report from a Professional Agrologist indicating that the agricultural potential of the property has been improved as a result of the filling project once it has been completed.
- Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

CARRIED

Resolution # 554/2007