



**Agricultural Land Commission**  
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January 21, 2010

Reply to the attention of Ron Wallace  
ALC File: O-38991

Matcon Landfill Management Inc.  
4481 – 232<sup>nd</sup> Street  
Langley, BC V2Z 2S2

Attention: Trevor Wynd, Manager

**Re: Application to Deposit Fill on the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 2046/2009 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a large, thin, diagonal line that extends from the top right of the signature area down towards the bottom right of the page.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Gursharan and Kuljit Dhaliwal, 23693 – 16<sup>th</sup> Avenue, Langley, BC V1M1W2  
Township of Langley (SO000607)



**A meeting was held by the Provincial Agricultural Land Commission on December 8, 2009 at the Best Western Regency at 32110 Marshall Road, Abbotsford, B.C.**

<b>PRESENT:</b>	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Ron Wallace	Staff
	Tony Pellett	Staff

**For Consideration**

Application: O-38991  
 Applicant: Gursharan and Kuljit Dhaliwal  
 Agent: Matcon Landfill Management Inc.  
 Proposal: To deposit fill to raise the elevation of the northern lowland to meet that of the southern portion of the property. The fill placement will raise the soil elevation in the northern portion by ±2 m. In the process it is proposed to alter the drainage through the property and build a wetland in the corner of the property.  
 Legal: Lot 11, Section 16, Township 10, New Westminster District, Plan 40049  
 Location: 23693 – 16<sup>th</sup> Avenue, Langley

**Site Inspection**

A site inspection was conducted on December 8, 2009. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Ron Wallace Staff
- Tony Pellett Staff
- Trevor Wynd Agent from Matcon Landfill Management Inc.
- Libor Michalak Ecologist from Keystone Environmental
- Lori Larsen Professional Agrologist

The Commissioners and staff met with the proponents to view the property and discuss the proposed fill project. The Commission staff asked the proponents to address the letters of concern expressed by some local residents that the fill could cause the properties to the north to become increasingly wet and to comment on the report prepared by David Sahlstrom, P.Ag. entitled *Potential Impacts to Neighbouring Properties from the Fill Placement Application*. These correspondences were made available to the proponents prior to the meeting and they were able to provide explanation that the proposed fill would not impact the adjacent properties and that the fill would lead to improved agricultural capability on the subject property.

**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**

### **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 agricultural capability of the soil of the subject property is

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.

Organic Soils - Organic soils are grouped into seven classes, designated as O1 to O7. The organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.

#### **Subclasses**

L degree of decomposition - permeability

W excess water

### **Assessment of Agricultural Suitability**

The Commission assessed whether 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 Commission was unconvinced that the proposed fill would improve the agricultural capability of the subject property. It believed the improvement of the land for agricultural purposes can be achieved using conventional farm management practices.



## 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 proposed fill is not necessary and that the land can be improved for agricultural purposes using conventional farm management practices.

## IT WAS

**MOVED BY:** Commissioner Bose  
**SECONDED BY:** Commissioner Pranger

THAT the application be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
  - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

## CARRIED

**Resolution # 2046/2009**