



Agricultural Land Commission
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September 9, 2005

Reply to the attention of Ron Wallace

Nick Novak & Adam Nowak
964 - 256th Street
Aldergrove, BC V4W 2J2

Dear Sirs:

Re: **Application #O-36145**
North ½ of the North ½ of the South ½ of the South West ¼ , Section 12,
Township 10, Except: East 33 Feet, New Westminster District

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to place 15000 m³ of fill from a depth of 0-3 m on a 1 ha portion of the above noted property. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on August 3, 2005. The Commission found the meeting and site visit informative. The Commission felt that filling the property as proposed would not improve the agricultural capability of the land and it is for this reason that it refused your application as proposed.

However, the Commission is prepared to reconsider the application subject to the submission of a professional agrologist's report, that must include drainage considerations, on how the proposed fill will increase the agricultural utility of the property.

The decision noted above is recorded as Resolution **#469/2005**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Township of Langley (#SO000310)

RW/lv
36145d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the “Commission”) on August 4, 2005 in Chilliwack, B.C.

PRESENT: Peter Dhillon Chair
 Carol Paulson Commissioner
 Walter Dyck Commissioner

STAFF: Colin Fry, Director of regional Operations
 Tony Pellett, Planner

For Consideration

Colin Fry presented the staff report dated July 21, 2005 regarding application #O-36145-0, Nick Novak and Adam Nowak. The application is to place 15000 m³ of fill from a depth of 0-3 m on a 1 ha portion of the 8 ha property.

Site Inspection

A site inspection was conducted on August 3, 2005. Those in attendance were:

- Commissioners Dhillon, Paulson, & Dyck
- Agricultural Land Commission Staff: Tony Pellett, Planner
- Applicant Adam Nowak

Mr. Nowak showed the panel the proposed fill area and explained the proposed drainage ultimately to Bertrand Creek via other parcels.

The site inspection lasted from 2:55 p.m. to 3:10 p.m.

Commission Discussion

The Commission refused the application but would reconsider it upon receipt of an agrologist’s report which must include drainage considerations.

IT WAS

MOVED BY: Commissioner Dyck
SECONDED BY: Commissioner Dhillon

THAT the staff report be received and the application to place 15000 m³ of fill from a depth of 0-3 m on a 1 ha portion of the subject property be refused as it felt the filling of the property as proposed would not improve the agricultural capability of the property. However, the Commission would reconsider the application on receipt of an agrologist’s report that must include drainage considerations.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.



Staff Report
Application # O – 36145 – 0
Applicant: Nick Novak & Adam Nowak

DATE PREPARED: July 21, 2005

TO: Chair and Commissioners – South Coast Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To place 15000 m³ of fill from a depth of 0-3 m on a 1 ha portion of the 8 ha property.

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

BACKGROUND INFORMATION:

The applicants wish to place the fill on the property in order to level the property to make it productive and so that they can plant fruit trees on it. The proposed fill area is to the far west of the property.

Local Government:

The Corporation of the Township of Langley

Legal Description of Property:

PID: 013-291-971

North ½ of the North ½ of the South ½ of the South West ¼ , Section 12, Township 10, Except: East 33 Feet, New Westminster District

Location of Property:

964 256 Street

Size of Property:

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

Present use of the Property:

One horse barn, one storage barn, one house and one mobile home.

Surrounding Land Uses:

WEST: 256 St. - Forest (ALR)
SOUTH: Fore St. (ALR)
EAST: Fore St. (ALR)
NORTH: 10th Ave - Horses (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/2A
The majority of the property is identified as having Prime Dominant ratings. The portion of the property proposed for filling is rated as (3AP)

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The application was forwarded without comment

STAFF COMMENTS:

Staff recommend a site visit to determine if filling the land is the best way to meet the applicant's objectives. There is little information in the application regarding the site and the need for the fill. Since this is a considerable amount of material, staff recommends the Commission only consider the application once a report from a professional agrologist is received which considers if the material is necessary to improve the land for agriculture, and if so, gives guidance as to how the placement should proceed. There should also be a follow-up report from the agrologist certifying that the fill was placed properly and the site rehabilitated. Finally, security bonding should be in place to ensure the placement is done satisfactorily.

END OF REPORT

Signature

Date