



Agricultural Land Commission
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October 19, 2005

Reply to the attention of Gordon Bednard

B and B Contracting
Gary Breaks
17341-56th Avenue
Surrey, BC - V3S 1C2

Dear Sir:

Re: Application #O-36225

PID: 025-412-361

Lot 2, Section 2, Township 7, New Westminster District, Plan LMP52909

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to place 26 500 m³ of fill to a depth of 1 m on 2.6 ha of the 2.8 ha property. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*.

The Commission appreciated the attendance of your agents from B&B Contracting at the property on September 14, 2005. The Commission found the meeting and site visit informative. The Commission toured the property and noted that a large amount of fill had already been placed on the land, some of which exhibited evidence of contamination (broken asphalt and construction debris). It was also noted that fill was spread over an area well in excess of what could be reasonably considered as necessary for construction of a dwelling and farm buildings and that no building permits, professional soils reports or farm development plans had accompanied the application.

The Commission considered that the existing fill was in excess of that necessary for uses allowed under the Regulations and given that there was no professional soils report accompanying the application, a case for improving the agricultural potential of the property by placing fill had not been made. As well, the Commission had concerns regarding the quality of the fill material based on observations made during the onsite inspection where asphalt and other non-soil debris was observed in the fill.

For these reasons, the Commission refused your application as proposed. The Commission further resolved that:

- a) All filling activities must immediately cease;
- b) All construction debris and other contaminated material must be immediately removed from the property;
- c) An agrologist report which would justify the retention of existing non-contaminated fill must be received by the Commission;
- d) Plans for any residence, agricultural buildings and a farm development plan must be submitted to the Commission;
- e) The above conditions must be met within 90 days of this letter - failure to receive confirmation that the above conditions have been met will result in the Commission ordering that all fill material be removed from the property.

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The decision noted above is recorded as Resolution #529/2005.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: Township of Langley Attn: Paul Albrecht
Gary & Virginia Wigton, 3843 SW Marine Drive, Vancouver, BC - V6N3Z7

GB/lv
36225d1

THAT the staff report be received and the application be refused for the above reasons.
The Commission further ordered that:

- 1) All filling activities must immediately cease;
- 2) All construction debris and other contaminated material must be removed from the site immediately;
- 3) An agrologist report must be received by the Commission which would justify the retention of existing non-contaminated fill;
- 4) Plans for any residence, agricultural buildings and a farm development plan must be submitted to the Commission;
- 5) The above conditions must be met within 90 days of the decision notification letter from the Commission – failure to receive confirmation that the above conditions have been met will result in the Commission ordering that all fill material be removed from the property.

CARRIED

Staff Report
Application # O – 36225 – 0
Applicant: Gary & Virginia Wigton
Agent: Gary Breaks - B & B Contracting

DATE PREPARED: August 31, 2005

TO: Chair and Commissioners – South Coast Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To place 26 500 m³ of fill to a depth of 1 m on 2.6 ha the 2.8 ha property

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

BACKGROUND INFORMATION:

The applicants wish to raise the land to alleviate wetness and to create pasture. They state the fill will be a mixture of excavation material and topsoil coming from various construction sites. They are planning to fill 2.6 ha of the property to a depth of 1 m. The proposed work is to take place over one year. A previous owner was given permission to deposit approximately 4000 m³ of fill on approximately 1.75 ha of the property in 2001.

Local Government:

Township of Langley

Legal Description of Property:

PID: 025-412-361

Lot 2, Section 2, Township 7, New Westminster District, Plan LMP52909

Location of Property:

641 - 204th Street.

Size of Property:

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

Present use of the Property:

Vacant

Surrounding Land Uses:

WEST: Hobby Farms (non-ALR)
SOUTH: Horse Stable (non-ALR)
EAST: GVRD park (non-ALR)
NORTH: Residence and Barn (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/2(b)
The majority of the property is identified as having ratings as follows: 6:3AD 4:5W (6:3D-4:3DW)

PREVIOUS APPLICATIONS:

Application #33470-0

Applicant: Kvist, Kenneth
Decision Date: October 24, 2000
Proposal: To subdivide the 8 ha property into two 4 ha lots.
Decision: Allowed as endorsed by the Commission in the Langley Rural Plan.

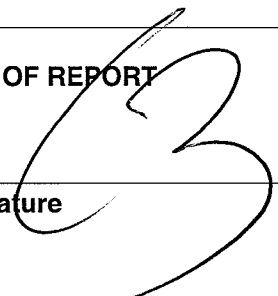
Application #34037-0

Applicant: Kvist, Kenneth
Decision Date: November 02, 2001
Proposal: To deposit approximately 4000 cubic meters of fill on approximately 1.75 ha of the property to alleviate poor drainage over the proposed homesite and yard.
Decision: Allow with conditions.

END OF REPORT

Signature

Date



Sept 21 05