



Agricultural Land Commission
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February 23, 2009

Reply to the attention of Ron Wallace
ALC File: O-38580

James Hinton
14831 Buena Vista Avenue
White Rock, BC V4B1X3

Dear Sir:

Re: Application to Deposit Fill Within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 25/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Township of Langley (SO000577)
Aplin and Martin Consultants Ltd Suite 201- 12448 - 82 Avenue Surrey, BC
V3W3E9

RW/
i/O-38580d1



A meeting was held by the Provincial Agricultural Land Commission on January 26, 2009 in Langley, B.C.

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

For Consideration

Application: # O- 38580
Applicant: James Hinton
Agent: Aplin and Martin Consultants Ltd
Proposal: To fill 2.45 ha of the 4.1 ha property for the purpose of raising the land and improving the drainage. It is proposed that about 61,250 cubic meters of soil material will be placed over the majority of the property, excluding the area surrounding the existing residence (at the northern end of the property) and a forested area along the eastern property boundary. The fill depth will vary from 0 to 3.5 m in depth in order to raise the land surface and provide more adequate drainage.

Legal: PID: 005-033-764
Lot 21, Section 25, Township 7, New Westminster District, Plan 40223

Location: 21298 - 36th Avenue, Langley, BC

Site Inspection

A site inspection was conducted on January 26, 2009. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Ron Wallace Staff
- Tony Pellett Staff
- James Hinton Applicant
- Pavel Doukhine Applicant
- James Kay Alpin and Martin Consultants Ltd.

The Commissioners and staff met with the applicant to view the property and discuss the proposed fill operation. It was noted the property is somewhat sloping and that there has been some disturbance to the soils as outlined in the Report prepared by Madrone Environmental Services. It was also noted the property has areas with standing water and that the property is somewhat characterized by excess water limitations.

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 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Subclasses

M soil moisture deficiency
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 believed the report prepared by Madrone Environmental Services Ltd. provides a good framework for the proposed fill project to improve the property for agricultural purposes. However, the Commission also believed more information should be provided pertaining to the hydrology and drainage patterns that would result from the proposed fill being placed on the subject property. A new report should be provided outlining how drainage patterns will be impacted and what measures need to be taken to avoid drainage disturbances to adjacent properties and keeping soils out of water courses or lower lying areas.

In addition the Commission requires the applicant to secure necessary approval from the Ministry of Environment for the potential impact the proposed fill will have on the surrounding area.

Lastly, the Commission believes that the applicant must contact each of the adjacent property owners in order to confirm their concurrence with the proposed fill project.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Tomlinson

THAT the application be refused as proposed. However, subject to receipt of information in the form of a report from a qualified professional pertaining to the hydrology and drainage patterns that would result from the proposed fill being placed on the subject property the Commission would prepared to reconsider the application.

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 # 25/2009