



**Agricultural Land Commission**  
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March 19, 2009

Reply to the attention of Ron Wallace  
ALC File: O-38651

Jang and Satwinder Dhaliwal  
12789 - 97A Avenue  
Surrey, BC V3V2H7

Dear Sir/Madam:

**Re: Application to Place Fill or Remove Soil in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 44/2009 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

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cc: The Township of Langley (SO000570)  
Fisheries and Oceans Canada, 100 Annacis Parkway, Annacis Island, New  
Westminster, BC V3M 6A2 Attention: Alan Jonsson

RW/  
i/O-38651d1



**A meeting was held by the Provincial Agricultural Land Commission on January 26, 2009 in Langley, 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- 38651  
 Applicant: Jang and Satwinder Dhaliwal  
 Proposal: The subject property totals approximately 7.9 ha and the field has recently been re-graded and is unused, in preparation for blueberries. The application is to process a Stop Work Order issued by the Township of Langley, that was placed on the property August 13, 2008. The applicant states that the 3 loads of illegal fill was dumped on the property without his knowledge.  
 Legal: North East ¼ of the North West ¼ Section 12, Township 10, New Westminster District, EXCEPT Firstly: West ¼, Secondly: East ¼  
 Location: 25928 - 16th Avenue, Langley.

**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
- Mr. Dhaliwal                         Applicant

The Commissioners and staff met with the applicant to view the property and discuss the proposal for fill. It was noted that fill had already been added to the property and that a channel that traversed the property immediately south of the residence and barn had been filled. The applicant indicated that the filling has ceased and that the property is being prepared for blueberry production.

**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 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 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 not prepared to support the fill application as it had been done without Commission approval and without consultation with a professional Agrologist (or another professional with specialized knowledge in soil structure and hydrology). In addition, it was observed from the onsite inspection and brought to the attention of the Commissioners by a letter dated November 7, 2008 from Fisheries and Oceans Canada (DFO) that a fish bearing channel that traversed the property immediately south of the residence and barn has been filled in. The Commission supports the recommendation of DFO to remove the recently deposited fill in order to restore the form and function of this watercourse. Due to the environmental sensitivity of this task the Commission believed that direction regarding the fill removal should be provided to the land owner by DFO in this particular case.

#### **IT WAS**

**MOVED BY:**            Commissioner Tomlinson  
**SECONDED BY:**        Commissioner Bose

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 # 44/2009**