



Agricultural Land Commission
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January 26, 2010

Reply to the attention of Ron Wallace
ALC File: O-38918

Nachatter and Rajinder Gill
3421 Elkford Drive
Abbotsford, BC V2T 5C5

Dear Sir/Madam:

Re: Application to Place Fill in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2085/2009 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 the 'Per:' label.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Township of Langley (SO000405)



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.

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

For Consideration

Application: 38918
 Applicant: Nachatter Gill
 Agent: N/A
 Proposal: The property owner has prepared a site plan and cross sections of the two proposed fill areas (totaling ±0.5 ha) and has estimated the required amount of fill to be 5,000 m³. A report entitled *Fill Placement Assessment* was prepared by Golder Associates for the subject property.
 Legal: PID 017 481 597 Section 7, Township 14, NWD, Plan LMP 1570
 Location: 6285 272 Street, 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
- Nachatter Gill Applicant

The Commissioners and staff met with the applicant to view the property and discuss the proposal to place fill in two low lying areas of the property. The Commission noted that farm use of the two low lying areas appeared to be limited by excess water and topography.

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

Subclasses

A	soil moisture deficiency
P	stoniness
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 reviewed the report prepared by Golder Associates and noted the summary comment that "if good quality soils are properly placed" in the subject areas, "the potential agricultural productivity would be improved." However based on the site inspection, the Commission believed the improvement of the low lying areas for agricultural purposes can be achieved using conventional farm management practices including redistributing the existing soils on the property.

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 Pranger
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 # 2085/2009