



Agricultural Land Commission
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July 21, 2010

Reply to the attention of Ron Wallace
ALC File: #50710

Michael Scholtens
22274 - 64 Avenue
Langley, BC
V2Y 2N8

Dear Sir:

Re: Request for Reconsideration

This is further to your letter received in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #2340/2010.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 2558/2010 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B. Underhill', is written over the printed name.

Brian Underhill, Executive Director

cc: Township of Langley (SO000640)

Enclosure: Minutes



A meeting was held by the Provincial Agricultural Land Commission on July 7, 2010 in Langley.

PRESENT:	Richard Bullock	Chair
	Sylvia Pranger	Chair, South Coast Panel
	John Tomlinson	Commissioner
	Mike Bose	Commissioner
	Tony Pellett	Staff

For Consideration

A letter from Mike Scholtens was received requesting that the Commission reconsider its decision recorded as Resolution #2340/2010. It indicated that “the major hurdle we have before moving forward would be the deposit of a \$100,000 security deposit.” The applicant is hoping to have it reduced to \$10,000 on the grounds that he plans to live on the property with his family; that he plans to be in business for the long term; that he has been growing ornamental plants for 12 years; and that a comprehensive plan has been prepared by Catherine Orban, P.Ag.

Application: 50710

Applicant: Michael & Mirjam Scholtens

Agent: Catherine Orban

Original proposal: To deposit fill material over the subject property as outlined in the Agrologist Report prepared by Catherine Orban, P.Ag. The proposed fill is to improve the property for the production of nursery plants.

Original decision: The application was allowed subject to the following conditions:

- The applicant is to contact the adjacent neighbours to the east and west of the subject property, to inform them of the fill project. Should any concerns be expressed, the applicant is to inform the Commission of these concerns in order to address them.
- The fill project is to be in substantial compliance with the procedures outlined in the report prepared by Catherine Orban, P.Ag.
- A \$100,000 security deposit which will be returned upon successful completion of the fill project.
- That Catherine Orban, P.Ag. will oversee the fill project, provide yearly monitoring reports and upon final completion of the project, provide a closure report.
- The fill project must be completed within two (2) years from the date of the decision.
- Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

Current proposal: To reduce the \$100,000 security deposit to \$10,000 as the current amount is beyond what he can afford to secure this project. The applicant has also requested to have the completion date moved from 2 to 4 years.

Legal: Lot 1, Section 7, township 11, NWD, Plan 70144

Location: 22274 – 64 Avenue, Langley

Site Inspection

A site inspection was conducted for the original application on March 24, 2010. Those in attendance at that time were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Tony Pellett Staff
- Michael Scholtens Applicant
- Catherine Orban Consulting Agrologist

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

- S33(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, or
 - (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

Discussion

The Commission agreed that the information provided regarding the impact of a \$100,000 bond was new information worthy of reconsideration.

IT WAS

MOVED BY: Commissioner Bose
SECONDED BY: Commissioner Pranger

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request to amend the decision be approved as follows and subject to the following conditions:

- Allow reduction of \$100,000 security deposit to \$25,000 subject to registration of a covenant to remove everything above the 'underlay nursery cloth layer' (i.e., gravel material) before the owner leaves the property and rehabilitate back to an agricultural standard unless a new operator acceptable to the Commission at that time agrees to continue the operation and submits a bond in an amount acceptable to the Commission at that time.
- Allow time extension in that the fill project must be completed within four (4) years from the date of this decision.

- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

Except for the above changes, all other conditions from Resolution #2340/2010 remain the same.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 2558/2010