



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: 50709

April 29, 2011

Cas Seitz and Patricia Derochers
23634 - 20th Ave
Langley, BC
V2Z 2Z8

Dear Sir and Madam:

Re: Application to Deposit Fill Material In the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 168/2011 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 'B. Underhill', written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Township of Langley (AL SO000642)

TK/
50709d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 19, 2011 by conference call at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Sylvia Pranger	Vice-Chair, South Coast Panel
	John Tomlinson	Commissioner
	Mike Bose	Commissioner
	Tony Pellett	Staff
	Terra Kaethler	Staff

For Consideration

Application: 50709
 Applicant: Cas Seitz and Patricia Derochers
 Proposal: Soil Change - Requesting approximately 5000 cubic metres of topsoil and sod over a 1.15 ha area.
 Legal: 008-485-330
 Lot 6 Section 16 Township 10 New Westminster District Plan 38157
 Location: 23634 - 20 Avenue, Langley

Site Inspection

A site inspection was conducted on March 9, 2011. Those in attendance were:

Richard Bullock	Chair
Sylvia Pranger	Vice-Chair, South Coast Panel
John Tomlinson	Commissioner
Tony Pellett	Staff
Terra Kaethler	Staff
Cas Seitz	Applicant
Patricia Derochers	Applicant

The Commission met with the applicants on the subject property and viewed the location of the proposed fill. It was noted that the proposal area was low-lying and subject to flooding. The applicants discussed the drainage of the surrounding area, particularly the challenge of maintaining drainage ditches in the area to restrict flooding on the subject property.

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

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 identified as Organic Soils, of Class 2 and 3 with excessive wetness.

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.

The Commission reviewed the report by David Sahstrom, P.Ag., prepared on June 30, 2009. The report concluded that the proposal area was at the bottom of a natural depression, or catchment area and subject to flooding. The Commission recognized that changes in drainage patterns and the reduced capacity of the drainage ditches due to poor maintenance in the surrounding area had increased the level of flooding in recent years.

However, the Commission did not believe that the proposed soil deposition was a suitable solution to this problem. The Commission was of the view that the placement of fill on the property would only serve to exacerbate the flooding issues in the area. As such, the Commission believed that the proposal would negatively impact existing or potential agricultural use of the subject property and surrounding lands in the long term.

Further, the Commission consulted with the Township of Langley prior to making a decision on this application. The Commission understands that the Township of Langley will be undertaking a drainage study of the area, including the subject property. The conclusions of that study may result in the maintenance of drainage ditches in the surrounding area. The Commission is prepared to work with the Township of Langley on an overall drainage plan and in this way hopes to provide assistance.

Conclusions

1. That the land under application has agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal will negatively impact agriculture.

IT WAS

MOVED BY: Commissioner Pranger
SECONDED BY: Commissioner Tomlinson

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 168/2011