



Agricultural Land Commission
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March 27, 2012

Reply to the attention of Eamonn Watson
ALC File: 38293

Mal S. Kondolay
5181 – 264th Street
Langley, B.C.
V4W 1K4

Dear Sir:

Re: Application for the Deposit of Fill in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 47/2012 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 'Brian Underhill', is written over a light blue horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Phil Lemay, Soil Conservation Officer, Township of Langley, File: SO000376

MC/38293d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Jim Johnson	Commissioner
Sylvia Pranger	Commissioner

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
Eamonn Watson	Land Use Planner
Brian Underhill	Executive Director

APPLICATION ID: #38293

PROPOSAL: To deposit ~ 81,500 cubic meters of fill on 8 ha of the 9 ha property to a depth of 1 meter to improve the soil capability and plant blueberries.
(Application submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

PROPERTY

Owner: Mal and Hardev Kondolay
Date of Acquisition: January 2001
Parcel ID: 006-783-040
Title No. BR 10073
Legal Description: Lot 3, Section 1, Twp 11, NWD, Plan 33271
Civic Address: 5181 – 264th Street, Langley
Size: 9 ha
Area in ALR: 9 ha
Current Land Use: Undeveloped with a warehouse on the northeast corner and residence
Farm Classification: Yes No
(BC Assessment)

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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.

Agricultural Capability

Based on the information contained in Map 92G.008 (Scale 1:25,000) of the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings for the property are identified as being:

Unimproved Rating: 5:3TAW 3:2TAW 2:5W Improved Rating: (5:3T 2:2T 2:3DW)

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 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

The limiting subclasses are as follows:

A & M	soil moisture deficiency	D	undesirable soil structure
T	topography	W	excess water

The applicants submitted a Fill Placement Plan from Madrone Environmental Services Ltd. (dated February 24th, 2011). The report provided detailed information about the project, including the acceptable properties of the fill material, topsoil management, erosion control, and the final soil profile. The report concluded that the placement of 81,500 cubic meters of fill should have the effect of raising the agricultural capability one full class rating from Class 3 to Class 2, with continued limitations of undesirable soil structure and excess water.

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. The subject property lies in an agricultural area and surrounding farm properties are of similar size, and affected by similar soils and topography.

The Commission noted that a 6,000 sq ft vacant warehouse is located on the northeast corner of the property, constructed on a fill base.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against its mandate of preserving agricultural land and encouraging agriculture. The Commission acknowledged the Madrone Report's assertion that it is possible to improve the agricultural capability of the subject property by filling. However, the Commission also believed that, in practice, there may be challenges to achieving this improvement. It is the Commission's experience that maintaining the quality of fill over the fill project (anticipated to be several years), with different types and sources of fill material (even if it is uncontaminated) is difficult, and that the level of oversight may be inconsistent. In addition, it is uncertain as to whether blueberries will be planted.

The Commission is very concerned about the number and scale of fill projects proposed for lands in the ALR in the Fraser Valley. It does not believe that the majority of the projects arise

out of any substantial interest in agricultural development, but instead are proposed to accommodate the high demand for soil disposal sites for development projects in urban areas. The Commission believes that there are other locations outside the ALR where fill can be disposed. More importantly the Commission believes that filled properties are less likely to be used productively for agriculture than unfilled properties, due to difficulties in maintaining fill quality, and the length of time required to re-establish soil structure and biology.

In addition the Commission also believes that there can be negative impacts on adjoining properties if filling is permitted. Excessive drainage can occur onto the lower parcels from the filled parcel, resulting in challenges for soil bound crops. This can also precipitate further applications for filling.

For the reasons noted above, the Commission believes that the land has greater potential to be used for agriculture in its present condition than if filled. There may be other actions can be taken to help alleviate the current challenges to agricultural development rather than filling.

CONCLUSIONS:

1. That the property under application has agricultural capability, is appropriately designated as ALR and is suitable for agricultural use.
2. That the filling proposal has potential to negatively impact agriculture.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: **Commissioner** Richard Bullock

SECONDED BY: **Commissioner** Jennifer Dyson

THAT the application to place 81,500 cubic meters of fill on the property 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 #47/2012