



Agricultural Land Commission
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January 16th, 2017

ALC File: 54184

Gene Anderlini,
201-27126 Fraser Hwy
Aldergrove, BC V4W 3P6

Dear Mr. Anderlini

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution # 7/2017) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the executive committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Kelsey-Rae Russell at (Kelseyrae.Russell@gov.bc.ca).

Page 2 of 2

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "K Russell". The signature is stylized and cursive.

Kelsey-Rae Russell, Land Use Planner

Enclosure: Reasons for Decision (Resolution #7/2017)
 Sketch Plan
 Cross-Section

cc: Township of Langley (File: ENG SO000473)

54184d1



AGRICULTURAL LAND COMMISSION FILE 54184

**REASONS FOR DECISION
OF THE SOUTH COAST PANEL**

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicant: Yuan Shang Gong
(the “Applicant”)

Agent: Gene Anderlini
(the “Agent”)

Application before the South Coast Regional Panel: William Zylmans, Panel Chair
Satwinder Bains



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 013-293-460

North Half of the North half of the South East Quarter Section 18 Township 10

Except: Part Subdivided by Plan 43072, New Westminster District

(the "Property")

[2] The Property is 13.9 ha in area.

[3] The Property has the civic address 1995 224th St, Langley, BC.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 20(3) of the *ALCA*, the Applicant is applying to place 38,537m³ of fill on a 4.9 ha portion of the Property, in order to improve the agricultural capability of the land (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Public comments from third parties of which disclosure was made to the applicant
4. Agricultural capability map, ALR context map, and satellite imagery
5. Technical Report by W. Carr Consultants Ltd dated October 2014
6. Detailed Soil Survey by W. Carr Consultants Ltd dated November 3rd, 2016
7. All other correspondence and documentation received from the Applicant and Agent subsequent to the submission of the Application to the ALC

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] At its meeting of May 25th, 2015, the Township of Langley resolved that the application be referred to the Agricultural Land Commission.

SITE VISIT

[11] On October 3rd 2016, the Panel conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[12] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications* and was provided to the Agent on October 11th, 2016 (the "Site Visit Report"). On October 20th, 2016, the Agent confirmed that the Site Visit Report accurately reflects the observations and discussions on October 3rd, 2016

FINDINGS

[13] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92G/2a for the mapping units encompassing the Property are Class 2 and Class 3, comprising of approximately 70% 4:3TD 3:2TD 3:3DW, 15% 4:O3LW 4:3DW 2:3DT, 10% 5:3TD 3:2TD 2:3DW and 5% 6:3TD 4:2TD.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

The limiting subclasses associated with this parcel of land are W (excess water), D (undesirable soil structure), O and L (organic soil that will degrade if improved) and T (topographic limitations).

[14] In addition, the Panel received a report, prepared by W. Carr Consultants Ltd, dated October 2014 (the "Technical Report"). The Technical Report finds that a 4.9 ha area of the Property proposed for filling is degraded due to historical clearing and has been identified for rehabilitation. The Technical Report recommends that suitable, well-draining fill be deposited strategically to remediate the area and to make it viable for farm operations.

[15] At the request of the ALC Agriologist, W. Carr Consultants Ltd. prepared a detailed soil survey report to assess site soils. The Panel received a detailed soil survey, prepared by W.

Carr Consultants Ltd, dated November 3rd, 2016 (the “Soil Survey”). The Soil Survey finds that the majority of the soils on the Property are primarily limited by agricultural capability Class 4D limited by poor drainage. The Soil Survey recommends that the proposed fill program be undertaken in order to bring the Property into agricultural production.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclass is D (undesirable soil structure).

[16] The Application states that the Proposal will rehabilitate soils that have been degraded from historic land clearing. The Panel reviewed the Technical Report and Soil Survey and considered the discussion and observations of the Site Visit and find that the topography and drainage patterns are inhibiting factors to the agricultural capability of the Property. The Panel agrees that the land has been degraded and requires rehabilitation in order to improve the agricultural potential of the Property.

[17] Due to the agricultural capability limitations and degradation of previous land clearing, the Panel finds that the land can be rehabilitated through carefully monitored reclamation. That said, the Panel is concerned about drainage patterns resulting from filling that may affect the Property and neighbouring properties. The Panel believes that these concerns will be addressed by the Township of Langley’s requirement for an Engineering Drainage Plan to be reviewed and signed off on by a Professional Engineer.

DECISION

[18] For the reasons given above, the Panel approves the Proposal to place 38,537m³ of fill on a ~4.9 ha portion of the Property.

[19] The Proposal is approved subject to the following conditions:

GENERAL

- a. All fill placement activities must be conducted in substantial compliance with the information submitted with the Application and conditions set out in this decision;
- b. Fill placement activities are restricted to the 4.9 ha area shown in the Sketch Plan attached to this decision;
- c. The total volume of material is limited to 38,537m³;
- d. The total fill placement must be limited in depth to achieve the finished grade elevations as identified in the Cross-Section attached to this decision.
- e. Approval to place fill is granted for the sole benefit of the Applicant and is non-transferable without the written approval of the Commission;
- f. The fill project must be implemented in a phased approach, consisting of two (2) distinct phases as per the attached Sketch Plan.
 - Phase 1 must be completed to the satisfaction of the Commission prior to the implementation of Phase 2;
 - Upon completion of Phase 1 and Phase 2, the Commission shall conduct a site inspection of the Property;

TOPSOIL SALVAGE

- g. Under the direction of the qualified registered professional, all existing topsoil must be salvaged for use during the reclamation of the project where appropriate.
 - Stockpiled soils should be windrowed and located in an area where they will not be disturbed and will not impede site drainage.
 - Stockpiles should not exceed 3 metres in height and slopes should be no steeper than 3:1.
 - Stockpiles should be seeded and established with an appropriate plant cover, or other suitable soil erosion control measure must be applied to protect the stockpiles from wind, runoff and other removal process;

- Stockpiled soil must not be removed from the Property without written permission from the Commission;
- Filling activities shall not commence until a status report detailing salvaging activities, salvaged topsoil volumes, topsoil quality, erosion and sediment control measures, and stockpiles locations has been provided to the satisfaction of the Commission.

FILL MATERIAL

- h. Unauthorized fill material must not be placed on the Property, this includes fill containing construction and demolition debris, contaminants, clay, and boulders (>25 cm diameter).

WEED CONTROL

- i. Appropriate weed control must be practiced on all disturbed areas;

DECISION TERM

- j. The fill project must be completed within three (3) years from the date of release of this decision.

OVERSIGHT BY A QUALIFIED REGISTERED PROFESSIONAL

- k. The project must be overseen by a qualified registered professional, with specific knowledge of soils, drainage, fill placement and land reclamation.
- l. Will Carr is the qualified registered professional associated with the Application. If Will Carr is replaced by any other qualified registered professional the Commission must review and approve the change and all fill placement activities must be conducted in substantial compliance with the information submitted with the Application and conditions set out in this decision.

STATUS REPORTS

- m. Status reports must be submitted after project milestones (i.e., topsoil salvaging, final subgrade profile, topsoil replacement) and every three months (or per every 3000 m³) to update the Commission on the progress of the project.
- n. The status report must include, but are not limited to:

- Confirmation that operations are in compliance with the reclamation plan and terms and conditions set by the Commission;
- Evidence that fill quality meets the conditions of this Application (supported by photographs, site and soils field data);
- Confirmation that the salvaged stockpiles have not been disturbed/degraded;
- A record of fill volume and fill source locations;
- Confirmation that no contaminated materials have been brought onto the site (i.e. Phase 1 reports from fill source locations). The Commission may request soil samples be sent to laboratories for analysis or may collect samples for analysis. A monitoring fee of will be charged to the Applicant as per the fee outlined in the Regulation, Section 33.1 (1)
- A technician must be on-site monitoring all imported fill to confirm that fill quality is suitable for site rehabilitation.

CLOSURE REPORT

- o. A final report, prepared by the qualified registered professional, must be submitted to the Commission upon completion of the project. The final report must include, but is not limited to, the following:
 - A written description of the completed project;
 - Evidence that the fill placement project has been completed as described in Commission;
 - Confirmation of the post-fill agricultural capability and evidence that filling activities have improved the agricultural capability/suitability of the site. This should be supported by detailed soil test pits, site information, and photographs.
 - A soil fertility analysis of the upper 30 cm of the soil profile;
 - An overview of post-fill site drainage including any new drainage infrastructure and an assessment of potential drainage impacts to adjacent

- properties. A site visit to assess drainage should be conducted after a heavy, sustained rainfall event;
- Final cross section profiles of the fill project area showing final contours, and depth and volumes of imported fill;
 - Outstanding issues and recommended remedial actions.
- p. The qualified registered professional is responsible for ensuring that status reports are provided to the Commission in a timely manner.
- q. If the status reports are not provided to the Commission as per the schedule indicated in condition m. the qualified registered professional must immediately notify the Commission indicating why. If the registered qualified professional fails to notify the Commission in a timely manner a stop work order will be issued.

FINANCIAL SECURITY

- r. To ensure the successful reclamation of the project area and appropriate oversight should you cease to consult with a qualified registered professional, a financial security in the form of an Irrevocable Letter of Credit (the "ILOC") in the amount of \$96,000 must be made payable to the Minister of Finance c/o the Agricultural Land Commission. The ILOC is to ensure the Proposal is conducted in accordance with the information submitted with the Application and the conditions of this decision;

For greater clarity, some or all of the ILOC will be accessible to and used by the Commission upon default of the operator to comply with any or all aspects of the conditions of approval contained herein.

Release of the ILOC will be dependent on receipt of evidence that the fill placement project is completed to a standard deemed satisfactory by the Commission. In this regard, the Commission will consider the status and final reports that must be prepared by a qualified registered professional and submitted to the Commission in fulfillment of condition o. above;

- [20] 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.

[21] These are the unanimous reasons of the South Coast Panel of the Agricultural Land Commission.

[22] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[23] This decision is recorded as Resolution #7/2017 and is released on January 16th, 2017

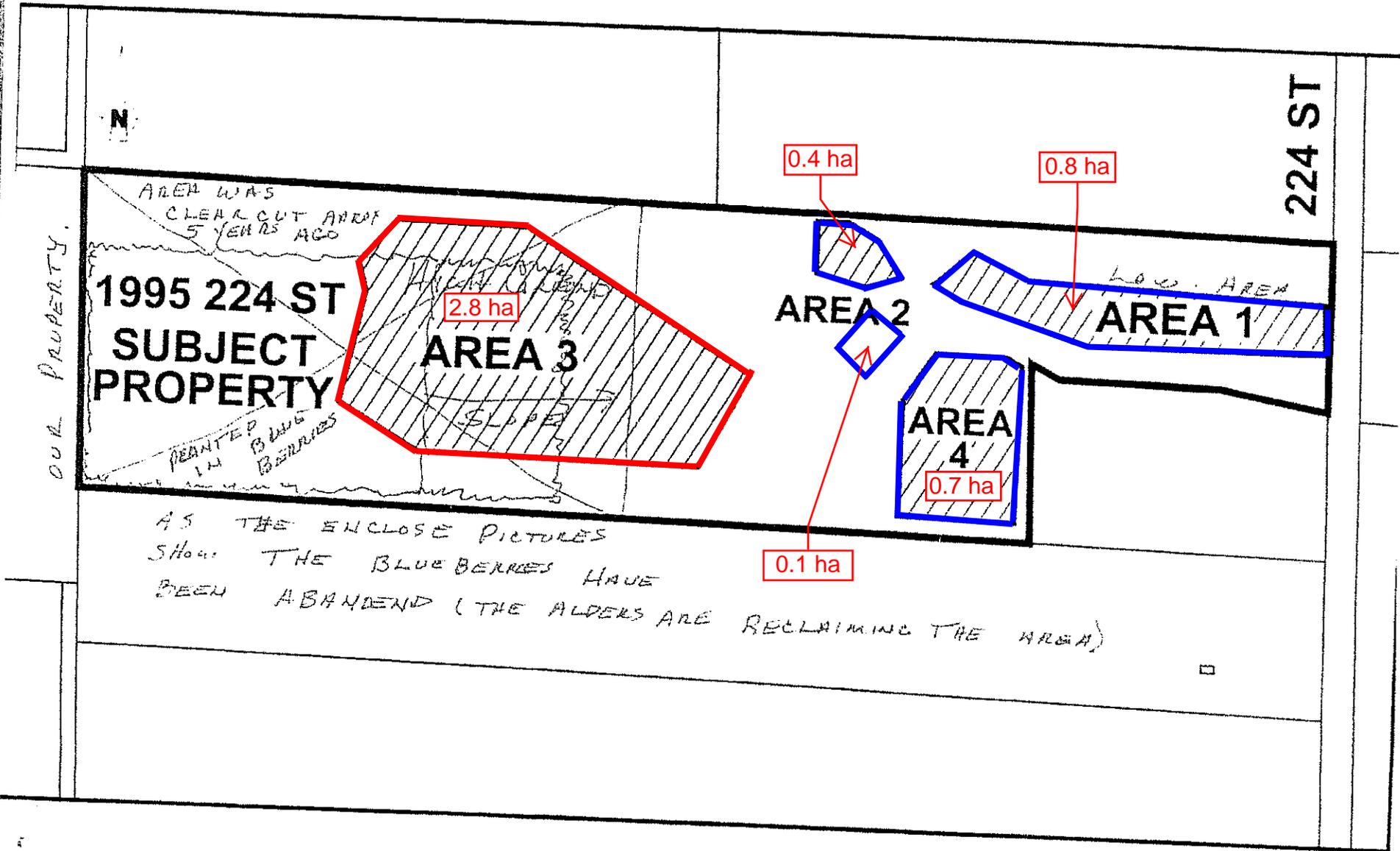
CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'W. J. Zylmans', with a long horizontal flourish extending to the right.

William Zylmans, Vice Chair, on behalf of the South Coast Panel

END OF DOCUMENT

Application ID # 54184 (Gong)
Conditionally Approved Non-Farm Use
ALC Resolution #7/2017



-  Conditionally Approved Area for Phase 1 of the Non-Farm Use Fill Project.
-  Conditionally Approved Area for Phase 2 of the Non-Farm Use Fill Project.

Application ID #54184 (Gong)

Conditionally Approved Non-Farm Use - Cross Sections

ALC Resolution #7/2017

TOPOGRAPHICAL SURVEY PLAN AND PROPOSED FILL OF A PORTION OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH EAST QUARTER SECTION 18 TOWNSHIP 10 EXCEPT: PART SUBDIVIDED BY PLAN 43072 NEW WESTMINSTER DISTRICT

PID : 013-293-460

CIVIC ADDRESS :

1995 - 224 STREET
LANGLEY, B.C.

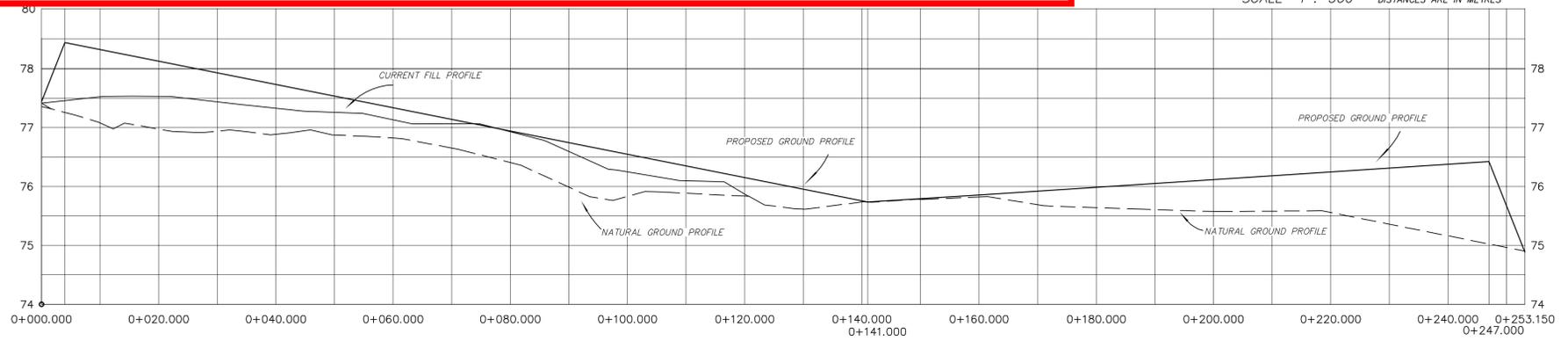
ELEVATION DERIVATION

ELEVATIONS ARE DERIVED FROM CITY OF LANGLEY CONTROL MONUMENT No. 8449711 ELEVATION=78.363m DATUM NAD83 (CSRS) 2005

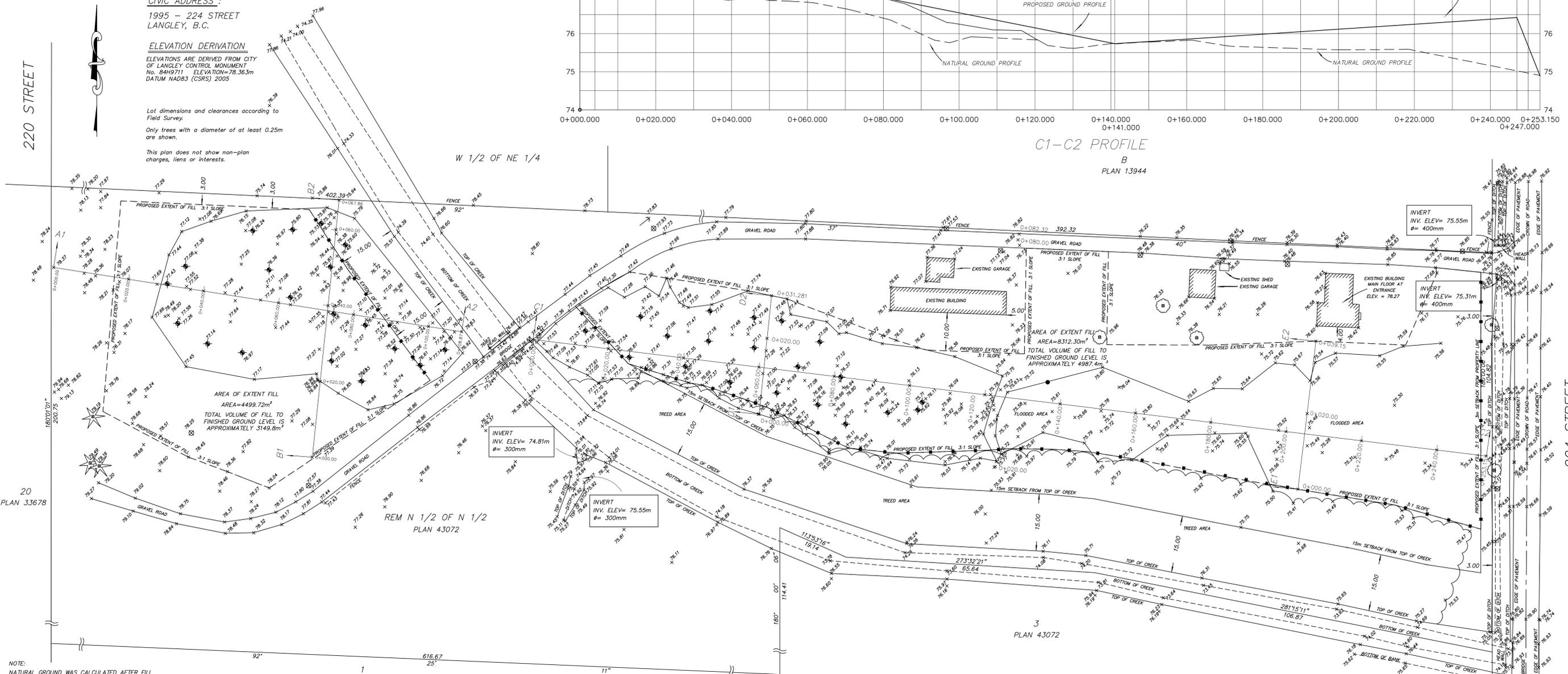
Lot dimensions and clearances according to Field Survey.

Only trees with a diameter of at least 0.25m are shown.

This plan does not show non-plan charges, liens or interests.



C1-C2 PROFILE
B
PLAN 13944

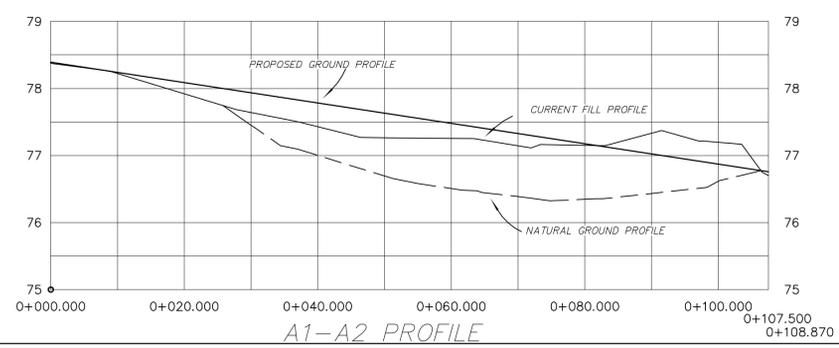


NOTE:
NATURAL GROUND WAS CALCULATED AFTER FILL BY USING TEST HOLES EXCAVATED BY SITE CONTRACTOR.

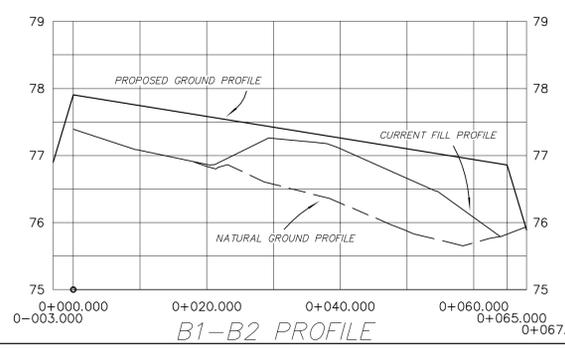
This plan was prepared for inspection purposes and is for the exclusive use of our client. The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made or actions taken based on this document. This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners. All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

THIS TOPOGRAPHICAL SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS 11th DAY OF MARCH, 2008. ADDITIONAL TEST HOLE SURVEY DATED: 11 JUNE 2008.

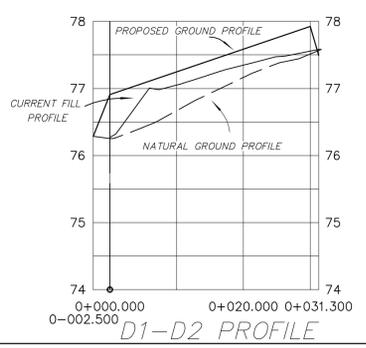
LAKHJOT S. GREWAL
B.C.L.S.



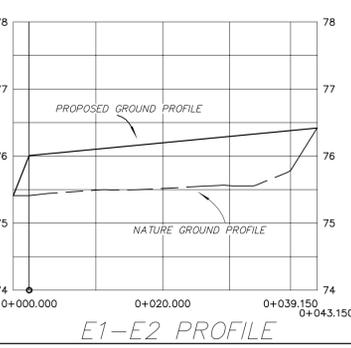
A1-A2 PROFILE



B1-B2 PROFILE



D1-D2 PROFILE



E1-E2 PROFILE

- LEGEND :
- ◆ DENOTES SEDIMENT FENCE
 - DENOTES GUY WIRE
 - ⊗ DENOTES POWER POLE
 - ⊕ DENOTES TEST HOLE
 - ⊙ DENOTES UTILITY POLE
 - DENOTES DECIDUOUS TREE
 - ⊛ DENOTES CONIFEROUS TREE

GREWAL & ASSOCIATES
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