



REPORT TO MAYOR AND COUNCIL

PRESENTED: OCTOBER 20, 2025 - REGULAR MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: AGRICULTURAL LAND COMMISSION APPLICATION
 NO. 100471 (GRAHAM / 22439 – 96 AVENUE)

REPORT: 25-166
FILE: 12-05-0026

PROPOSAL:

Non-farm use application to the Agricultural Land Commission (ALC) submitted by Zachary Graham to permit the placement of fill for an area for a private BMX (bicycle motocross) training track at 22439 – 96 Avenue in the Agricultural Land Reserve (ALR).

RECOMMENDATION SUMMARY:

That Council consider the application for non-farm use and select one of the following:

- a) Refer the application to the ALC for consideration based on agricultural merits; or
- b) Not refer the application to the ALC.

RATIONALE:

The proposed non-farm use complies with the Township's Zoning Bylaw, subject to Agricultural Land Commission approval. The BMX training track is intended exclusively for the applicant's personal use and may be considered ancillary to the on-site residence.

RECOMMENDATION:

That Council consider the non-farm use application submitted by Zachary Graham to the Agricultural Land Commission to permit the placement of fill for an area for a private BMX training track at 22439 – 96 Avenue and select one of the following:

- a) Refer the application to the Agricultural Land Commission for consideration based on agricultural merits; or
- b) Not refer the application to the Agricultural Land Commission.

EXECUTIVE SUMMARY:

The owner has applied for a non-farm use to place fill on an approximately 46 m x 26 m (151 ft x 85 ft) area at 22439 – 96 Avenue to establish a private BMX training track.

The landowner indicates they placed approximately 288 m³ of fill over the central portion of the property for the purpose of constructing a private BMX training track. This activity does not fall within the categories of exempted fill placement or soil removal under the Agricultural Land Reserve regulations and therefore requires authorization from the ALC. A Notice of Intent (NOI) was subsequently submitted to the Agricultural Land Commission (ALC) to keep the fill, but on August 8, 2025 a delegate of the ALC's Chief Executive Officer determined the activity was not a permitted agricultural use and could not be approved through the NOI process.

AGRICULTURAL LAND COMMISSION APPLICATION
NO. 100471 (GRAHAM / 22439 – 96 AVENUE)
Page 2 . . .

ALC staff ordered that no further fill be placed or retained unless the landowner first obtains approval through a non-farm use application.

Should Council advance the application and the ALC approve the proposed non-farm use, a retroactive soil deposit permit along with all applicable municipal, provincial and federal approvals would be required before the use could commence.

PURPOSE:

To provide Council with information and recommendation options with respect to an ALR non-farm use application submitted under Section 20(2) of the ALC Act by Zachary Graham.

REFERENCE:

Owner:	Zachary Graham 22439 – 96 Avenue Langley, BC V1M 3T6
Legal Description:	Lot B District Lot 241 Group 2 New Westminster District Plan EPP44313
Location:	22439 – 96 Avenue
Area:	1.93 ha (4.77 ac)
Existing Zoning:	Rural Zone RU-1
Rural Plan:	Small Farms / Country Estates
Agricultural Land Reserve:	In the Agricultural Land Reserve

BACKGROUND/HISTORY:

- The property at 22439 – 96 Avenue is designated Agriculture in the OCP, designated Small Farms/Country Estates in the Rural Plan, zoned Rural Zone RU-1 and located in the ALR.
- The subject property and four neighbouring properties were created through a subdivision application within the ALR (Resolution #138/2011).
- The landowner placed approximately 288 m³ of fill over the central portion of the property for the purpose of constructing a private BMX training track for recreational use. This activity does not fall within the categories of exempted fill placement or soil removal under the Agricultural Land Reserve regulations and therefore requires authorization from the ALC. A Notice of Intent (NOI) was subsequently submitted to the ALC seeking to retain the fill.
- The permitting process for placing fill for a non-farm use facility (such as a BMX track) within the ALR involves sequential approvals by the ALC and the Township. The applicant must first submit a Soil & Fill Notice of Intent (and, if required, a Non-Farm Use application) via the ALC Portal. Township Council must pass a resolution on the non-farm use proposal (i.e. whether to refer or support it) before the ALC issues its final decision. Under Township of Langley Soil Deposit & Removal Bylaw No. 4975, the Township will not issue a Soil Deposit & Removal Permit until the applicant provides evidence of the ALC's written approval; the final permit issuance is conditional on compliance with all bylaw requirements.
- On August 8, 2025, a delegate of the ALC's Chief Executive Officer reviewed the NOI and determined that the proposed activity was not a permitted use under the ALR Use Regulation. The delegate concluded that the NOI process can only approve fill placement or soil removal associated with permitted agricultural activities.
- Pursuant to section 20.3(2)(c) of the ALC Act, the delegate issued an order prohibiting any further fill placement or retention unless the landowner first obtains approval through a non-farm use application.
- Currently, the proponent has now submitted a non-farm use application seeking approval to retain the existing fill and maintain the private BMX track.

- The ALC Act allows Council the opportunity to provide recommendations on non-farm use applications made to the ALC. Information available to Council to consider making recommendations are policies contained in the Township's Official Community Plan, Rural Plan and Zoning Bylaw; as well as other site-specific information.

DISCUSSION/ANALYSIS:

- The applicant has applied under Section 20(2) of the ALC Act for a non-farm use for property located at 22439 – 96 Avenue. The subject site is located in the ALR and is designated Small Farms/Country Estates in the Township's Rural Plan and is zoned Rural Zone RU-1.
- The site currently accommodates one primary residential building and related accessory structures. According to the applicant:

“The parcel is currently used for small-scale agricultural production. A portion of the property is maintained in grass forage for hay, which is cut and sold seasonally. The property will also support a small herd of 4 goats for pasture management and personal use.”
- The applicant has placed fill to establish a private BMX training track of approximately 46 m × 26 m. According to the applicant, the track is intended to support their son's long-term development in BMX racing, enabling year-round practice at home and preparation for competitions.
- As noted by the applicant:

“the track has been designed to be reversible: no concrete, asphalt, or permanent structures are proposed, and the site could be restored to open agricultural use if required in the future. This proposal does not represent a commercial or public recreational venture. The track is strictly private, for family use only, and its purpose is the development of a single high-performance athlete. Unlike commercial facilities, there will be no admission, no public events, and no large-scale traffic impacts. The footprint is modest relative to the overall parcel size and carefully designed to avoid interference with surrounding farmland or existing agricultural activities.”
- The proposal involves a private recreational BMX use and associated landscaping. Staff note that there is no provision in the Township Zoning Bylaw prohibiting the construction of a BMX track.
- While the ALC regulations do not specifically reference BMX tracks, precedent from ALC decisions indicates that, under certain circumstances and based on agricultural merits, applications for BMX tracks have been approved. For example, Resolution #69/2016 supported a public recreational development within the City of Penticton and a separate decision (#175/2016) considered a private recreational proposal ancillary to a residential use within the Squamish-Lillooet Regional District, provided the facility was used solely for the applicant's personal use.
- The subject property is bordered to the north and east by a watercourse. As part of the 2012 subdivision approval, a streamside protection covenant was registered and fencing has been installed to safeguard the watercourse.
- While the subject property is not located within a designated floodplain zone, the Township's OCP Map 13 – Floodplain identifies a portion of the site as being within the floodplain area. As such, the proposal, if approved, will be subject to the applicable floodplain provisions of the Soil Deposit and Removal Bylaw.

- Should Council advance the application and the ALC approve the proposed non-farm use, a retroactive soil deposit permit, along with all applicable municipal, provincial and federal approvals, would be required before the use could commence.

Adjacent Uses:

	Existing Use	Rural Plan Designation	Existing Zoning	ALR
North:	A property with a dwelling and a farm	Small Farms / Country Estates	Rural Zone RU-1	In ALR
South:	96 Avenue, beyond which is a property with dwelling and farm	Agricultural / Countryside	Rural Zone RU-1 and Rural Floodplain Zone RU-4	In ALR
East:	Two properties with dwellings and farms	Small Farms / Country Estates	Rural Zone RU-1	In ALR
West:	A property with a dwelling and a farm	Small Farms / Country Estates	Rural Zone RU-1	In ALR

Policy Considerations:

Pursuant to Section 20 of the Agricultural Land Commission Act, the proponent is required to submit a non-farm use application to permit the placement of fill for a private BMX training track. Council's consideration of the application is required before it can be forwarded to the Agricultural Land Commission (ALC) for review. Should Council advance the application and the ALC approve the proposed non-farm use, a retroactive soil deposit permit, along with all applicable municipal, provincial, and federal approvals, would be required before the use could commence.

Respectfully submitted,

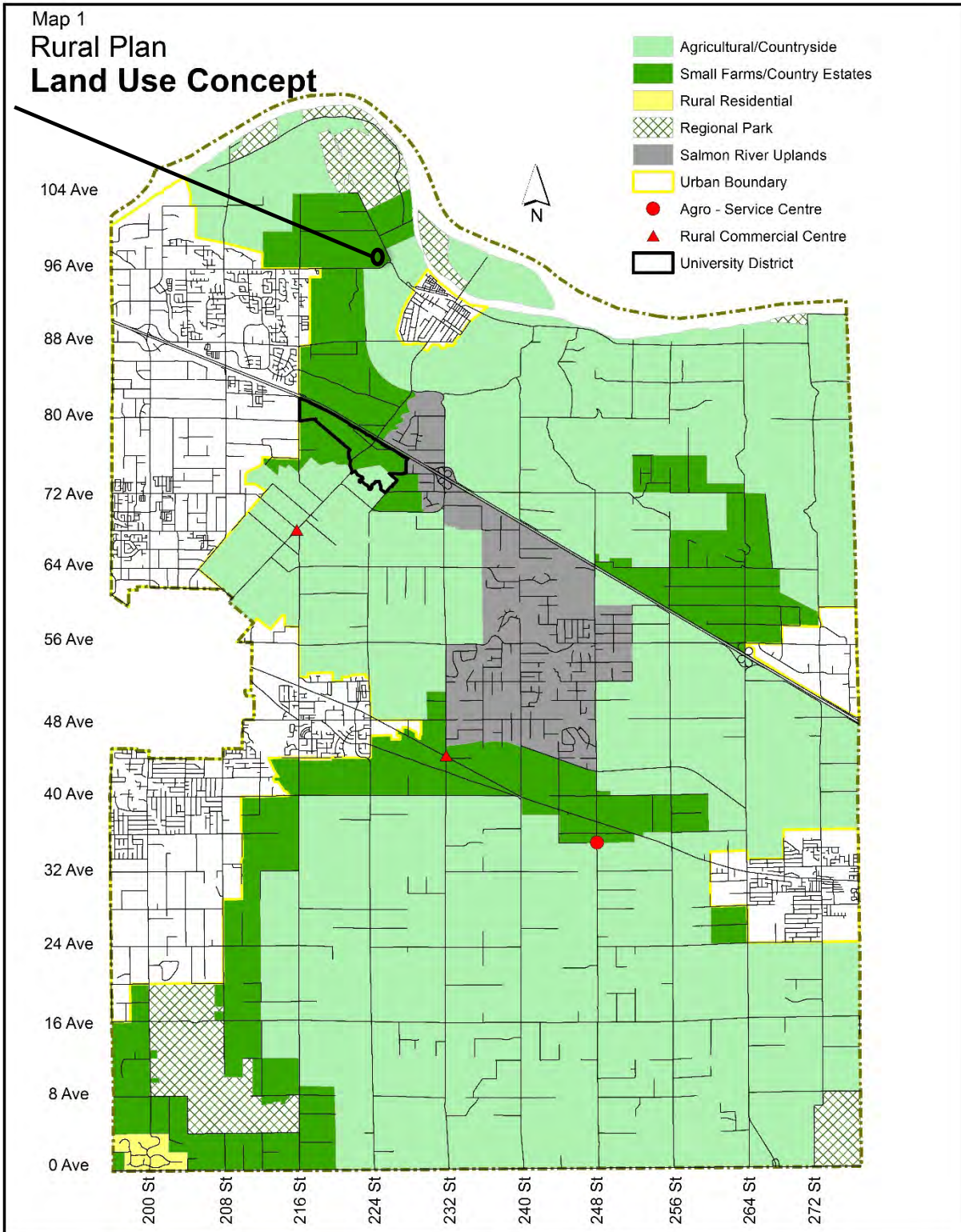
Mohammad Nemati
 PLANNING TECHNICIAN
 for
 COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A Maps and Graphics
 ATTACHMENT B ALC Notice of Intent Order (August 8, 2025)



AERIAL CONTEXT MAP

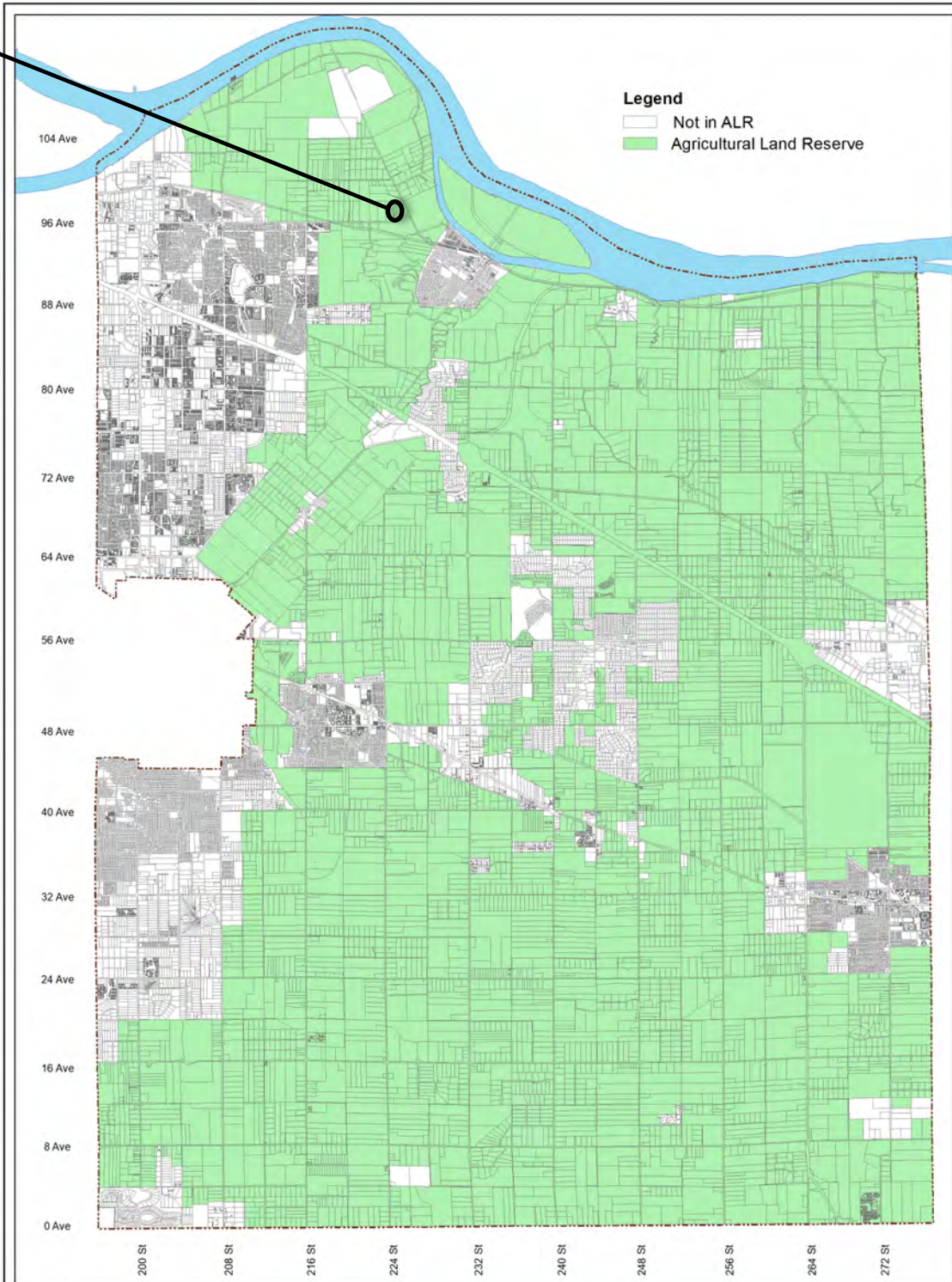
SUBJECT



Amendment Bylaw No. 5103 - September 29, 2014

F:\data\Geomatics\Planning\LONG_RANGE\Community_Plans\Rural\2014-09-29_Pln_Rural_Plan.mxd

SUBJECT



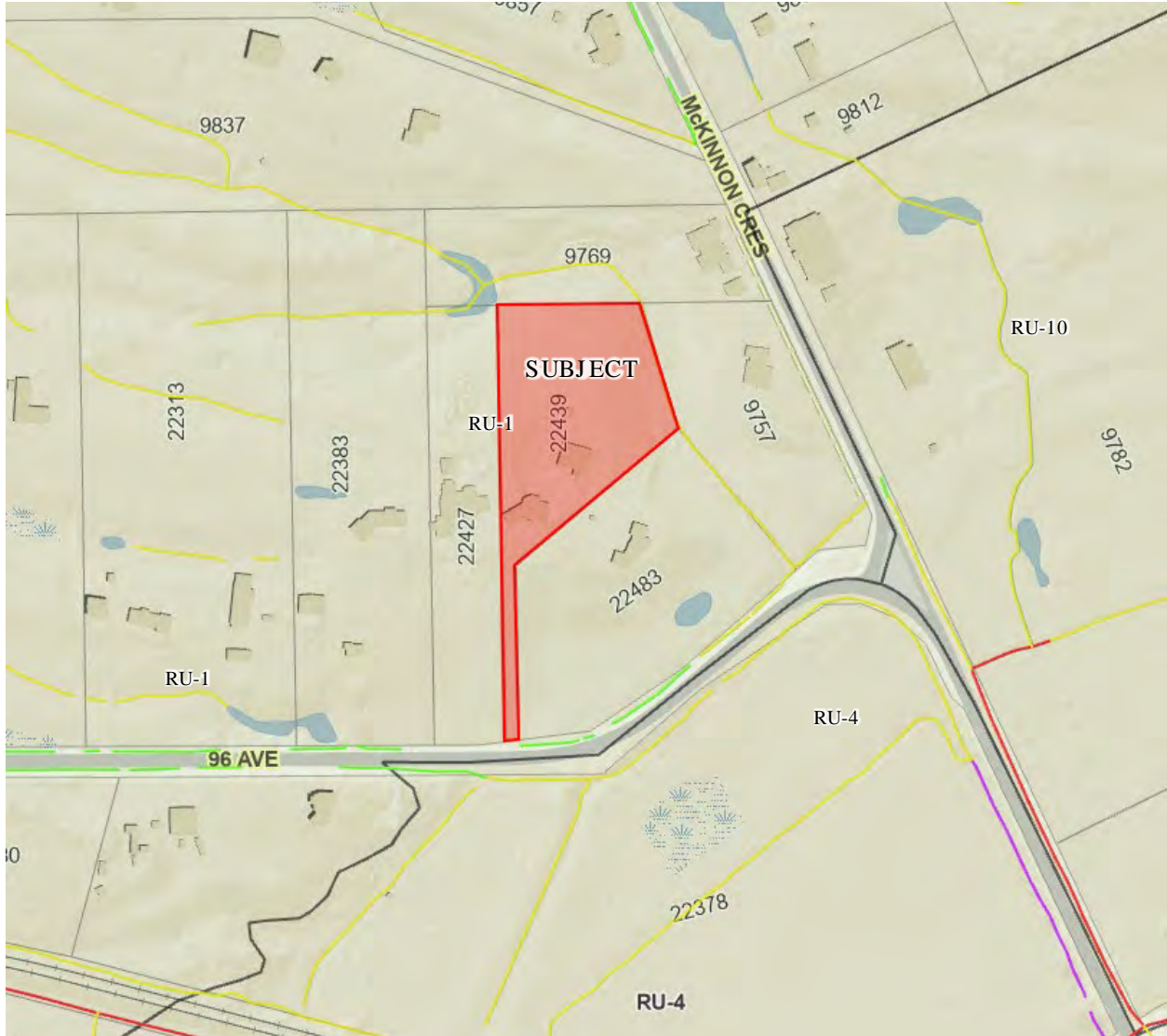
Agricultural Land Reserve

Community Development

Version Date: May 2025



Disclaimer:
The data provided has been compiled from various sources and is not warranted as to its accuracy or sufficiency by the Township of Langley. The user of this information is responsible for confirming its accuracy or sufficiency.



ZONING BYLAW NO. 2500

DISTANCE TO NEIGHBORS - TRACK SIZE



SITE PLAN – SUBMITTED BY APPLICANT

TREE'S AND CEDARS



LANDSCAPE PLAN - SUBMITTED BY APPLICANT

ATTACHMENT B

August 8, 2025

ALC File: 104876

SENT BY E-MAIL

Dear Zach Graham:

**Re: Notice of Intent Order Under Section 20.3(2)(c) of the Agricultural Land
Commission Act**

On June 13, 2025 the Chief Executive Officer (“CEO”) of the Agricultural Land Commission (“ALC”) received a Notice of Intent (“NOI”) for the following property (the “Property”):

- PID: 029-560-225
- Legal Description: Lot B District Lot 241 Group 2 New Westminster District Plan EPP44313
- Civic Address: 22439 96 Ave, Langley, BC
- Property Area: 1.93 Ha
- The landowner of the Property is Zachary Benjamin Graham

As delegate of the CEO pursuant to sections 20.3(1)(c) and 20.3(6) of the *Agricultural Land Commission Act* (“ALCA”), I understand the landowner wishes to retain 288 m³ of unauthorized construction dirt that has already been placed on a 929 m² area of the Property for the purpose of constructing a BMX track for recreational use (the “Fill Placement Activity”).

Upon review of the Notice of Intent and the supporting documents, I, as delegate of the CEO, cannot approve the Fill Placement Activity (i.e., the retention of the BMX track for recreational use) since it is not considered a permitted activity under the [ALR Use Regulations](#).

Please note the Notice of Intent process may only approve fill placement and/or soil removal activities associated with permitted uses in the ALR Use Regulation. Because the use of the proposed fill placement activity (i.e., construction of a BMX track for recreational use) is not permitted in the [ALR Use Regulations](#), the submission of an application to the Commission is required to seek approval since the proposal cannot be considered through the Notice of Intent process.

In addition, I have determined that fill placement has already occurred prior to the submission of an NOI. Retroactive approval for soil removal/fill placement cannot be determined by the CEO and delegates of the CEO through the Notice of Intent process and can only be sought through an application under section 20.3(5) of the Act for approval of the Fill Placement Activities.

I, as delegate of the CEO, therefore order, **pursuant to section 20.3(2)(c) of the ALCA, that you must not engage in the Fill Placement Activity unless a Non-farm Use application is first submitted to and approved by the Commission.**

If you wish to pursue the Proposed Soil Removal and Fill Placement Activity, you may initiate the Non-farm Use application process by submitting the required form and paying the requisite fee: (\$750) to the local government [Township of Langley]. The remainder of the application fee (\$750) will only be required if your local government forwards the above noted application to the Agricultural Land Commission. The application can be submitted through the [ALC's Application Portal](#). Information on the application process can be found on the ALC website under [Applications](#).

Notice of Intent decisions are not subject to section 33(1) of the ALCA [*Reconsideration of decisions of panel*]. Under section 20.3(2)(c) of the ALCA, a person ordered not to proceed may make an application under section 20.3(5) of the Act for approval of the Activities.

Sincerely,



Jenny Huynh
Delegate of the Chief Executive Officer

cc: Township of Langley (cdinfo@tol.ca)

Jason Chifan, Soil Deposit & Removal Coordinator, Engineering Services – Township of Langley (jchifan@tol.ca)

104876d1