



Agricultural Land Commission
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www.alc.gov.bc.ca

September 15, 2005

Reply to the attention of Gordon Bednard

Ortwin Unruh
32515 King Road
Abbotsford, BC – V2T 5Z6

Dear Sir:

Re: **Application #MM-36088**
Lot 9, Section 17, Township 16, New Westminster District, Plan 3477

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to place 3000 m³ of fill over a 0.8 ha area of the above noted property ranging between 0-1 m in depth. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*.

The Commission felt that filling the property as proposed would not improve the agricultural capability of the land and it is for this reason that it refused your application as proposed.

However, the Commission is prepared to reconsider the application subject to the submission of a professional agrologist's report that shows an agricultural benefit to the property with no drainage impacts to adjacent ALR land.

The decision noted above is recorded as Resolution **#475/2005**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Abbotsford (#4520-40/SRP#1010)

RW/lv
36088d1



Staff Report
Application # MM – 36088 – 0
Applicant: Ortwin Unruh

DATE PREPARED: July 20, 2005

TO: Chair and Commissioners – South Coast Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To place 3000 m³ of top soil over a 0.8 ha area of the 8.33 ha property ranging between 0-1 m in depth.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicants wish to place the fill on their property in order to improve the farmland. There is a low area that will not grow blueberries due to pooling water. The intention of this application is to raise the area to improve drainage. The applicants state that they will benefit the agricultural use of the property by improving the drainage and also state that they plan to relocate (and install where necessary) a ditch around the fill site.

There is a BC Gas, natural gas pipeline running through the centre of the area to be filled. Conditions placed upon the original permit issued by the City of Abbotsford is that no work can be done on the site without a BC Gas Right of Way Inspector on site. *"Landscaping within the right of way shall be restricted to low growing ground cover within 1 m either side of the pipeline (i.e. grass or ground cover shrubs); the balance of the right of way may be planted with vegetation that does not exceed 1.8 m maximum height at maturity."* Note: Staff is unsure if blueberries would be permitted or not within this zone.

Local Government:

City of Abbotsford

Legal Description of Property:

PID: 010-990-101

Lot 9, Section 17, Township 16, New Westminster District, Plan 3477

Location of Property:

32515 King Road, Abbotsford

Size of Property:

8.3 ha (The entire property is in the ALR).

Present use of the Property:

One residence and a barn, the remaining property is a blueberry farm.

Surrounding Land Uses:

- WEST:** Strawberry Farm (ALR)
- SOUTH:** Chicken Farm (ALR)
- EAST:** Raspberry Farm (ALR)
- NORTH:** Strawberry Farm (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/1C

The majority of the property is identified as having prime dominant ratings. The area proposed for filling is rated as 3W improved.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The local government has previously issued a permit to place a maximum of 1000 m³ of fill on the property with the following conditions: *'All existing topsoil shall be stripped using an excavator and a clean-up bucket and stockpiled onsite. A minimum 1 m buffer strip shall be maintained adjacent to all property lines and a minimum 2:1 side slope shall be maintained for all fill areas. The stockpiled topsoil shall be redistributed over the fill area and stabilized with vegetation.'*

STAFF COMMENTS:

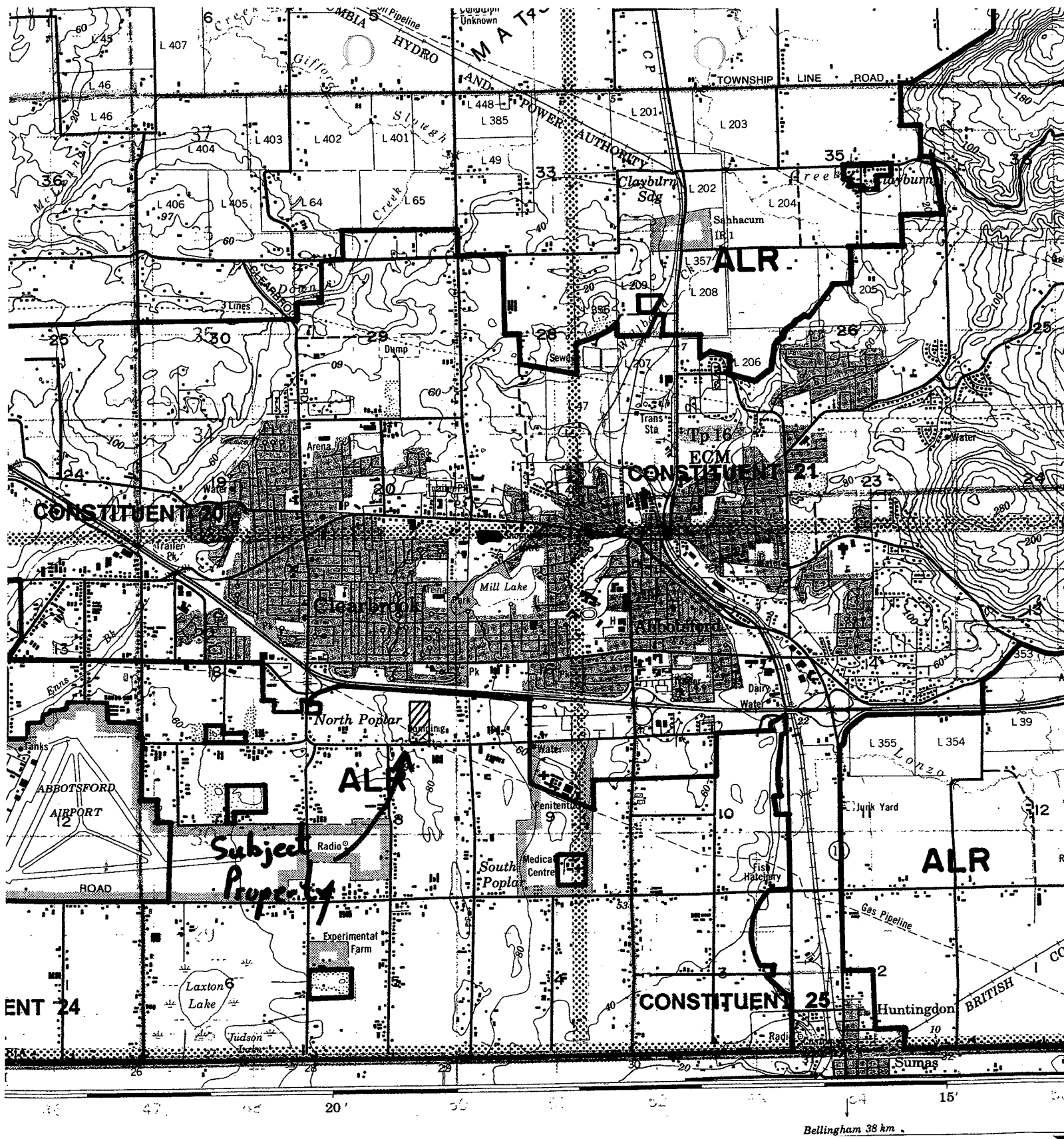
Staff recommends a site visit in order to determine if placement of fill is the best mitigation for the wetness of the site (as opposed to drainage works) and to clarify the exact location of proposed fill placement in relation to the BC Gas pipeline right-of-way that runs through the property.

The applicants appear to have a permit from 2002-2003 for placement of fill on the right-of-way. It is unclear if the current application is asking to place fill on the right-of-way, and if so, if another permit is needed from BC Gas to do this. There appear to be several conditions on the amount and type of fill as well as the type of vegetation allowed to be placed on the right-of-way. Staff is uncertain if the proposed crop (blueberries) would be permitted on top of the pipeline.

END OF REPORT

Signature


Date

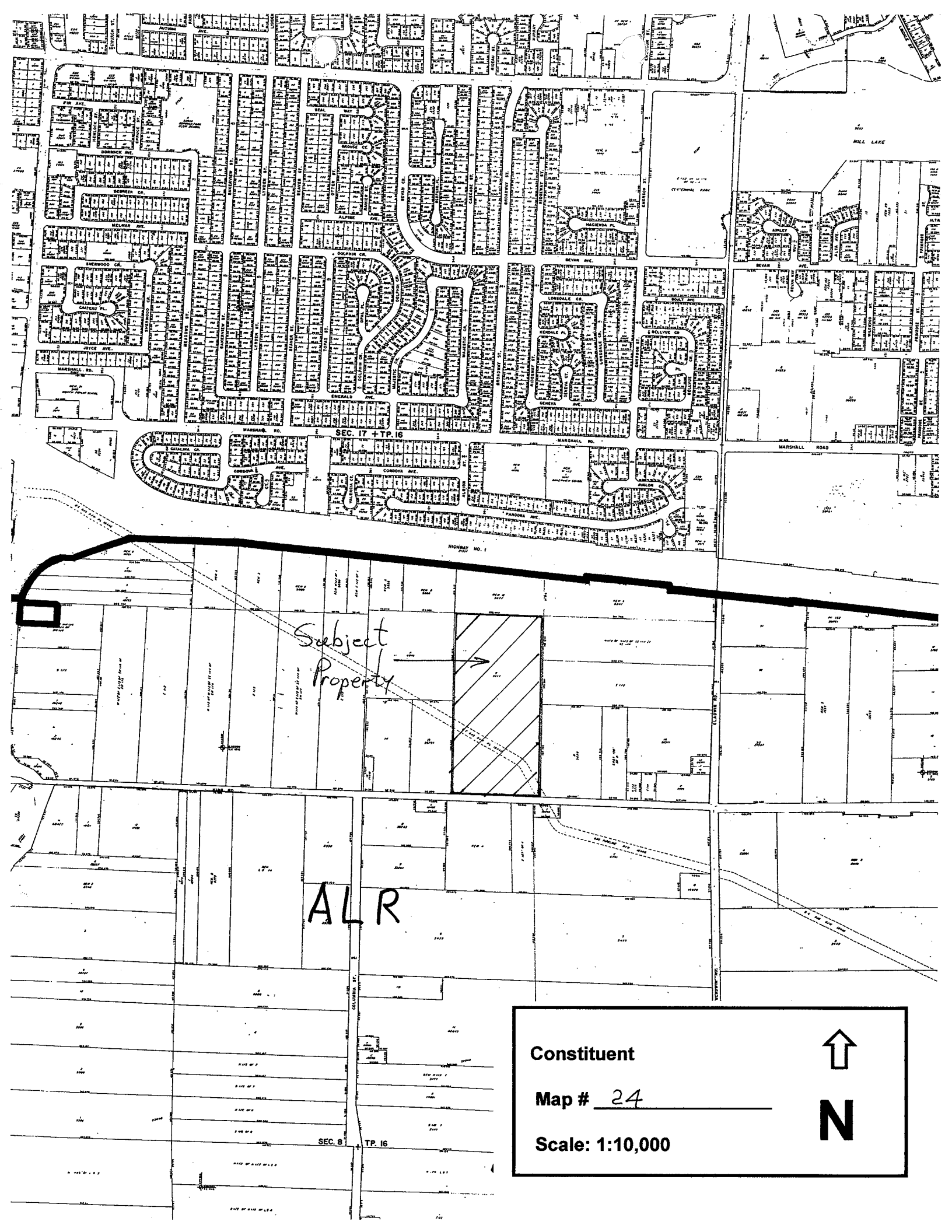


Routes:	
ce, all weather	pavée, toute saison
ce, all weather	pavée, toute saison
abilized surface, all weather	gravier, aggloméré, toute saison
ace, dry weather	de gravier, temps sec
ad streets	rues hors classe
	de terre
ne or portage	sentier, percée ou portage

Base Map # 92G/1

Scale: 1:50,000


N



Subject Property →

ALR

Constituent

Map # 24

Scale: 1:10,000

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N