



Agricultural Land Commission
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January 25, 2007

Reply to the attention of Terra Kaethler
ALC File: #MM-36894

Mike and Lizanne Hawkins
7417 Bradner Road
Abbotsford, BC V4X 2B6

Dear Sir/Madam:

Re: Application for Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 673/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Abbotsford (#4520/40/SRP1072)

Enclosure: Minutes

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on December 19, 2006 in Langley, B.C.

PRESENT:	Erik Karlsen	Chair
	Sylvia Pranger	Vice Chair
	Lorne Seitz	Commissioner
	John Tomlinson	Commissioner
	Mike Bose	Commissioner
	Tony Pellett	Staff
	Terra Kaethler	Staff

For Consideration

Application: # MM- 36894
Applicant: Mike and Lizanne Hawkins
Proposal: Proposing to deposit 40, 000 m³ of structural clay topped with top soil over an area of approximately 2.0 ha. Proposed depth of fill is 1.0-1.75 metres.
Legal: PID: 013-336-037
South 1/4 of the North East 1/4 of the South East 1/4, Section 21, Township 14, New Westminster District
Location: 7417 Bradner Road, Abbotsford

Site Inspection

A site inspection was conducted on December 19, 2006. Those in attendance were:

- Mike and Lizanne Hawkins - Applicants
- Erik Karlsen, Sylvia Pranger, Lorne Seitz, John Tomlinson, Mike Bose - ALC members
- Terra Kaethler - ALC Staff

The Commission toured the property and observed the considerable amount of material which had already been deposited on site, without Commission approval. The applicants stated that 2500 m³ of material had been approved for placement by Abbotsford in accordance with the Soil Removal Bylaw 1228-2003 without referral to the Commission.

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

The Commission considered that the amount of fill material already present on the lands was in excess of what may be considered necessary for the improvement of the agricultural use of the property. As well, it would appear that, should this project be implemented as described, a significant change to the drainage pattern on the subject lands would result, with potential to negatively affect adjoining properties by changing the groundwater regime or in any way affecting overland flow from, or onto, adjoining lands.

As such, the Commission saw no agricultural advantage with continuing the present fill operation and was not prepared to consider further placement of fill in the absence of a report prepared by a qualified registered professional (i.e. agrologist with a soils specialty) concerning the need for additional fill to improve the agricultural utility and drainage of the property.

Further, the Commission questioned the amount of fill that was allowed by Abbotsford without referral to the Commission, and to that effect requests the applicant to provide written documentation of the amount of fill deposited, and the number of permits issued by the City of Abbotsford.

IT WAS

MOVED BY: Commissioner Seitz
SECONDED BY: Commissioner Pranger

THAT the application be refused as proposed.

CARRIED

Resolution # 673/2006



Staff Report
Application # MM – 36894
Applicant: Mike and Lizanne Hawkins

DATE RECEIVED: August 25, 2006

DATE PREPARED: November 27, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To place approximately 40,000 cubic meters of structural clay topped with top soil to a depth of between 1.0 and 1.75 metres over an area of approximately 2.0 ha of the 4.5 ha subject property.

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

BACKGROUND INFORMATION:

The applicants live on the property and have run a tree farm for five years. The City previously issued the applicants a temporary deposit permit for a maximum of 2500 m³, in accordance with Soil Removal Bylaw 1228-2003. The proposal is to level the property to plant trees on the entire area.

Local Government:

City of Abbotsford

Legal Description of Property:

PID: 013-336-037
South 1/4 of the North East 1/4 of the South East 1/4, Section 21, Township 14, New Westminster District

Purchase Date:

January 12, 2001

Location of Property:

7417 Bradner Road, Abbotsford

Size of Property:

4.5 ha (The entire property is in the ALR)

BACKGROUND INFORMATION CONTINUED:

Present use of the Property:

Residence, tree farm, barn, storage shed

Surrounding Land Uses:

WEST: Residence
SOUTH: Horse boarding
EAST: Residence
NORTH: Cattle, hay field

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/1e
The majority of the property is identified as having Prime Dominant ratings.

RELEVANT APPLICATIONS:

Application #36083-0

Applicant: Freeman, Tom & Lisa
Decision Date: August 03, 2005
Proposal: To place approximately 4000 m3 of fill to a depth of 1.8 over a 1.6 ha area of the 5.6 ha subject property.
Decision: Allowed subject to receipt of a report from a drainage engineer confirming that the filling will not result in drainage flowing to any adjacent parcels.

Application #36163-0

Applicant: Truax, Edward Angus
Decision Date: August 04, 2005
Proposal: To deposit 4600 m3 of fill over a 0.42 ha area ranging between 0 m and 1.7m in depth.
Decision: Allow subject to the receipt of a report from a drainage engineer confirming that the filling will not create drainage problems on any adjacent parcel.

Application #36341-0

Applicant: Loewen, Henry
Decision Date: December 07, 2005
Proposal: To place topsoil up to 2.5 metres thick over a 0.6 ha area of this 4 ha property. The intention is to level the land and achieve a gentle slope.
Decision: Allow as requested - no additional fill on other areas of the property.

STAFF COMMENTS:

- No information has been provided by a Professional Agrologist to determine whether or not fill is needed to improve the agricultural usefulness of the property.
- No information has been provided to suggest that conventional drainage methods have been attempted and subsequently proven unsuccessful.
- No information has been provided to assess the potential impact(s) of filling on adjacent properties.

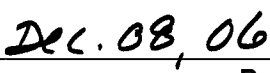
ATTACHMENTS:

- ALR Constituent Map # 11
- Sketch of Property
- Aerial Photo

END OF REPORT



Signature



Date