



Agricultural Land Commission
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September 10, 2008

Reply to the attention of Ron Wallace
ALC File: MM-37935

Don Wenting
28582 Myrtle Avenue
Abbotsford, BC V4X2P4

Dear Sir:

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

Please find attached the Minutes of Resolution # 535/2008 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 (SRP#1314)

Enclosure: Minutes



A meeting was held by the Provincial Agricultural Land Commission on August 13, 2008 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Ron Wallace	Staff
	Tony Pellett	Staff

For Consideration

Application: # MM- 37935
Applicant: Don Wenting
Proposal: To deposit approximately 29,360m³ of topsoil over a 1.0 ha of the west portion of the property at a depth varying between 2 to 3 meters. The estimated duration of the proposed fill deposit is approximately six (6) months. The applicant is proposing to deposit soil on the lands to enhance the site for growing crops.
Legal: PID: 011-625-724
Lot 12, Section 4, Township 14, New Westminster District, Plan 1934
Location: 28582 Myrtle Ave, Abbotsford

Site Inspection

A site inspection was conducted on August 13, 2008. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Ron Wallace Staff
- Tony Pellett Staff
- Don Wenting Applicant

The Commissioners and staff met with the application and viewed the proposed filling site. The property is currently being used for residential use and a small nursery operation and is partially vegetated. The area proposed for fill on the west side of the property is lower than the remainder of the property.

The Commission indicated that it would not support the proposal without a report prepared by a qualified professional Agrologist (or another professional with specialized knowledge in soil structure and hydrology).

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

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is

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.

Subclasses

D	undesirable soil structure
T	topography
W	excess water

Assessment of Agricultural Suitability

The Commission assessed whether the 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.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission acknowledged that the area proposed for filling is lower than the remainder of the property. However, it was not convinced the proposal fill would improve the land for agricultural purposes and not adversely impact existing agricultural use of surrounding lands.

The Commission would be prepared to reconsider the application subject to receipt of a report from a Professional Agrologist that included the following information:

- A pre-site assessment of the agricultural capability and agricultural suitability of the land.
- A detailed description of the land including, but not limited to, topographic features, watercourses, drainage patterns, current land use, buildings and structures, etc.

- A detailed description on the overall agricultural objective of placing fill on land in the ALR.
- The volume and type of fill
- The location of the fill source
- An assessment of the potential impacts of placing fill as they relate to watercourses, drainage patterns, and adjacent properties.
- A professional opinion as to whether or not improvement to the land for agricultural purposes can be achieved using conventional farm management practices.

It should be noted that the submission of the above information is needed to properly assess your proposal and that the submission of the above information in no way guarantees your proposal will be approved. Once the above information has been received, the Commission will further consider your application.

Conclusions

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

IT WAS

MOVED BY: Commissioner Tomlinson

SECONDED BY: Commissioner Pranger

THAT the application 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 # 535/2008