



Agricultural Land Commission
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April 13, 2010

Reply to the attention of Ron Wallace
ALC File: 50827

Bakerview EcoDairy Ltd. (Bill Vanderkooi)
PO Box 4110
1356 Sumas Way
Abbotsford, BC V2S 8H2

Dear Sir::

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

Please find attached the Minutes of Resolution # **2362/2010** outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label. The signature is fluid and cursive.

Erik Karlsen, Chair

Enclosure: Minutes

cc: City of Abbotsford (3040-20/A09-013)
BC Assessment, Abbotsford
Ministry of Agriculture and Lands, Abbotsford Attn: Gustav Rograstrand

RW/
50827d1



A meeting was held by the Provincial Agricultural Land Commission on March 25, 2010 in Langley, B.C.

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

For Consideration

Application: 50827
Applicant: Bakerview EcoDairy Ltd. (Bill Vanderkooi)
Proposal: To establish and operate an anaerobic digester on the subject property. The digester will produce “biogas” (natural gas) primarily from dairy manure from the farm, and to a lesser extent, alternative feedstock such as whey, bakery byproducts and food waste. The proposed operation will also produce residual products such as animal bedding and fertilizer as a by-product of the digesting process.
Legal: Lot A Section 11 Township 16 and District Lot 355 Group 2 New Westminster District Plan BCP41412
Location: 1352 Sumas Way, Abbotsford

Site Inspection

A site inspection was conducted on December 8, 2009. Those in attendance were:

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

The Commissioners and staff met with the applicant to view the site proposed for the anaerobic digester. As part of the site inspection, the applicant also provided a tour of the agribusiness operation involving: dairy farming, marketing of food products, agri-tourism and public education.

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 believed that the proposed anaerobic digester on the subject property had no negative impact on the agricultural use of the property and would be beneficial to the farm business and agricultural community in general. The Commission supported that the primary feedstock for the digester would be dairy manure from the farm, and to a lesser extent, alternative feedstock such as whey, bakery byproducts and food waste and off farm feedstock to be outlined in a Nutrient Management Plan for the operation.

The Commission has recognized that anaerobic digestion is an emerging agricultural issue and that its regulations do not currently take into account this type of land use on a farm. As such, the ALC is interested in determining what the impacts and potential benefits of this land use might be on agricultural properties via the existing ALC application process.

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 with the conditions outlined will benefit the agricultural use and operations of the subject property and provide benefits to the agricultural community.

IT WAS

MOVED BY: Commissioner Bose
SECONDED BY: Commissioner Pranger

THAT the application be allowed subject to the following conditions:

- A maximum of 25% of the waste processed can be from non-agricultural waste sources.
- Where agricultural and non-agricultural waste is imported from off-farm a contract must be in place to ensure input product supply.
- The farm on which the digester is located must be classified as a farm under the BC Assessment Act and if the source of agricultural waste materials is from several farms, the contributing farms must meet the requirements of the definition of a farm.
- The farm operation hosting the digester must be intimately tied to the digester operation by supplying part of the feedstock of the digester.
- The farm unit where the facility is located will develop a Nutrient Management Plan (NMP) signed by a qualified professional to certify that:
 - the nutrient balance of the farm where the facility is situated is maintained in spite of the import of feedstock, and;
 - the nutrient balance is maintained for all other British Columbia farm land that may receive process effluent, or "end products" derived from the on-farm anaerobic digester.
- If receiving off-site (agricultural or non-agricultural) waste the operator of the on-farm digester facility is required to keep record of:

- the source (including name and address, volume, type, date received at site, and telephone number of the hauler) for agricultural waste received at the facility;
 - results of all analysis on permitted non-agricultural and agricultural waste received at the facility;
 - results of all analyses carried out on the end product, if required;
 - movement or destination of end products that are sold or used off-farm.
- Permitted non-agricultural waste that may be brought to the facility must:
 - Be listed in MOE Schedule A or B (Appendix 1 – Feedstock List) attached
 - The anaerobic digester and associated works must be operated in accordance to an Operational certificate or a Waste Discharge Authorization issued by the Ministry of Environment.

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.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution # 2362/2010