



**Agricultural Land Commission**  
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Reply to the attention of Terra Kaethler  
ALC File: 51532

September 10, 2010

J. Bergen  
Pilot Grove Developments  
2694-1055 Dunsmuir St  
Vancouver BC  
V7X 1L3

Dear Sir:

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

It has come to our attention that there was a typographical error in the copy of the Minutes of Resolution #2613/2010 that was sent to you by email September 9, 2010. My apologies for any confusion this may have caused.

Please find enclosed a corrected copy of the Minutes of Resolution # **2613/2010** outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Surrey (File 7909-0250-00)

TK/  
51532d2



The proponents showed the Commission where the proposed compost production facility would be sited. They explained that if approved:

- the facility will not accept garbage, but rather will focus on returning farm waste back to the farm,
- the facility will therefore compost mainly horse manure, organics and green waste including green waste from grocery stores,
- the construction will start by protecting the land underneath and a bond will be posted to demonstrate confidence that there will be absolutely no leachate entering the perched water table or Sam Hill Creek (the Salmon River tributary flowing through the subject property),
- the design will ensure odour management (also bonded), as the industry needs to improve the image of composting, and
- a covenant in favour of the Commission will accommodate future re-use of the site, for which a closing plan will be developed by Dr. John Paul as the qualified professional required under OMRR.

The Commission asked why, if the facility is needed in southeastern Surrey, it is not being proposed for Campbell Heights. The response was that the business plan does not work at business-land prices. Dr. John Paul agreed to provide additional information.

During the onsite inspection, three persons came to the property and met with staff adjoining 12th Avenue. Greg McMurchie and Murdoch MacLeod explained that they are immediate neighbours who are concerned about the potential effect of the proposal on their properties. Terry McNeice explained that he is organizing opposition to the proposal based on his experiences with other composting facilities including the one with which he is associated at Whistler. He explained that there is to be a public information meeting 09 July 2010.

### **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 held an initial discussion regarding this application following the site visit on July 7, 2010 in Langley. The decision was deferred pending receipt of further information from Dr. John Paul and from the City of Surrey regarding the outcome of further public discussion. It was also discussed that the decision may also be deferred in order for the Commission to consider policy issues arising from the issue of siting commercial composting operations on prime farmland where according to Dr. Paul the premise is that such facilities are essential but cannot be built economically in commercial or industrial areas.

Further discussion followed on August 30, 2010 in Langley. The Chair advised that it was not possible for the Commission to carry out a broader policy discussion in a timely manner. The panel expressed regret, as it had wished to look at the larger issues arising from the application. It was agreed that the panel's decision should be forwarded to the Executive Committee with a request that discussion begin with the appropriate authorities.

Staff advised that the proponents have suggested that if the application is refused they can obtain the use of adjoining lands in order to expand the farm to the extent that it will be possible to comply with 3(1)(p) of the ALR regulations, which (subject to local bylaws) allow:

*3(1)(p) the production, storage and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, if at least 50% of the compost measured by volume is used on the farm.*

Dr. John Paul has advised that he would use his expertise and his position as a qualified professional to ensure that all the compost applied to the farm can and will be used beneficially.

It was the belief of the Commission, that while the concept is sound, the location is not suitable from an agricultural perspective. The Hazelmere Valley has a limited extent of agricultural lands and is suited to some agricultural uses which cannot be developed in the Serpentine-Nicomekl lowlands. As such, the Commission believes the proposal would impact existing and potential agricultural use of the subject property and surrounding lands.

### **Conclusion**

That following careful consideration of all of the evidence including information provided in the application and by the applicant subsequent to the site meeting of July 7, 2010, the Commission concluded that the proposed land use will negatively impact 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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

**CARRIED**  
**Resolution # 2613/2010**