



Agricultural Land Commission
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December 10, 2012

ALC File: # 52611

Trevor Regehr
4808 Mount Lehman Road
Abbotsford, BC
V4X 1Y3

Dear Mr. Regehr:

Re: Application to Place Fill on Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #408/2012 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the City of Abbotsford.

Further correspondence with respect to this application is to be directed to Eamonn Watson (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, consisting of a stylized, cursive 'B' followed by a long horizontal line that tapers to the right.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #408/2012

cc: City of Abbotsford (4520-55/SRP#1670)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52611.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Eamonn Watson	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

PROPOSAL

The applicant is proposing to place 40,140 cubic metres of clean fill over an area of approximately 1.5 hectares to an estimated depth of 2 metres. The project area consists of three non-contiguous sites on the subject property.

(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

SITE INSPECTION

A site inspection of subject property was conducted on August 17, 2012. Those in attendance included Commissioner Pranger, ALC Planner Eamonn Watson and Trevor Regehr.

The agent and proposed project operator, Mr. Regehr, led a tour of the subject property, highlighting the specific areas proposed for filling. Mr. Regehr also identified recently upgraded poultry barns. In addition to a tour of the subject property, Mr. Regehr provided a tour of a nearby property (5186 Olund Road) where land re-grading had recently been completed.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. Commissioner Pranger provided a verbal summary of the site inspection to all Commission members recorded above

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. To assess the agricultural capability of the property, the Commission referred to BC Land Inventory (BCLI) mapping, 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings applicable to the subject property are:

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restricts 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;

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both;

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops; and

Class 7 – Land in this class has no capability for arable or sustained natural grazing.

The subclass limitations are (A) soil moisture deficiency, (T) topography, and (W) excess water.

Conclusion: The property is comprised of land with good agricultural capability. However, the eastern portion of the subject property has limitations due to topography.

2. With regard to the agricultural suitability of the property the Commission noted that the poultry barns on the subject property have recently been upgraded. It was indicated during the site inspection that the applicant intends to pursue production of specialty poultry.

Conclusion: The property is suitable for agricultural use.

Conclusion: The proposed placement of fill will enable improvements to areas of the subject property that currently have limited agricultural capability. This will support the use of these areas in connections with the intended poultry production.

3. The *Agrologist's Report for 5480 Olund Rd* (hereinafter referred to as the "Report") received with the application regarding the subject property.

Report Prepared By: Transform Compost Systems Ltd.

Authors: Dr. John Paul, Ph.D., P.Ag.

Date Prepared: June 4, 2012

Conclusion: The Report provides an understanding of the requirement for fill, the outcome of the placement of fill and how fill placement should proceed.

IT WAS

MOVED BY: Commissioner Miles

SECONDED BY: Commissioner Dempsey

THAT the request be approved subject to the following conditions:

- Filling must be in substantial compliance with the Report submitted with the application;
- Filling and associated activities must be completed within one (1) year from the date of the decision letter communicating this decision;
- Fill material must be of a good agricultural quality and free be of contaminants;
- Soil must not be stripped, moved, stockpiled or replaced during conditions of adverse soil moisture content. The movement or manipulation of soil must be done when the soil is below field capacity. There must be no movement or manipulation of soil when the soil is frozen or powdery dry.
- No soil material will be removed from the subject property;
- The project must be overseen by a qualified professional who must provide a midpoint project status report. Unless otherwise notified by the applicants, the Commission recognizes Dr. John Paul, Ph.D., P.Ag., as the qualified professional. The Commission requires written confirmation from the applicants identifying the qualified professional;
- The submission of a closure report prepared by the qualified professional upon completion of the project; and
- The posting of a financial security in the form of an Irrevocable Letter of Credit (the "ILOC") with the Commission. The qualified professional must recommend the amount of the ILOC for review and approval by the Commission prior to proceeding with any aspect of the fill project. The security is required to ensure compliance with the terms and conditions of this approval and to provide funds to reclaim the land in the event the applicants do not fulfill their obligations as set forth herein.

AND THAT approval to place fill on the subject property is granted for the sole benefit of the applicant and in non-transferable.

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution #408/2012