



**Agricultural Land Commission**  
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[www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

February 22, 2013

ALC File: #52757

Kevin Wiebe  
33174 Downes Road  
Abbotsford, BC  
V4X 2J1

Dear Mr. Wiebe:

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

Please find attached the Minutes of Resolution #415/2012 as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to be 'Brian Underhill', written over a long horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #415/2012

cc: City of Abbotsford (4520-55/SRP#1663)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 21, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52757.

### 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:

Eamonn Watson	Land Use Planner
Brian Underhill	Executive Director

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

The applicant is proposing to place approximately 23,000 m<sup>3</sup> of soil over approximately 1.1 ha of the subject property to an average depth of 3 metres. The proposed project area is along the eastern boundary of the subject property south of the existing buildings.

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### PROPERTY INFORMATION:

**Owner:** Kevin Wiebe (As to an undivided 1/1000 interest)  
Hi-Grove Holdings Ltd. (As to an undivided 999/1000 interest)

**Legal:** PID: 002-340-879  
Lot 385, Section 28, Township 16, New Westminster District, Plan 60042

**Location:** 33175 Downes Road, Abbotsford

**Size:** 9.8 ha

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### SITE INSPECTION

A site inspection of the property was conducted on August 17, 2012. Those in attendance were Commissioner Pranger, ALC Staff Eamonn Watson and Kevin Wiebe (agent and applicant).

Commission Pranger and Mr. Watson toured the subject property and proposed project area with Mr. Wiebe. Photos were taken during the site inspection, copies of which were provided to the Commission members recorded above.

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 gave a verbal summary of the site inspection to all Commission members recorded above.

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#### 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.

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#### COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. To assess the agricultural capability of the property, the Commission referred in part to BC Land Inventory (BCLI) mapping, 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings applicable to the proposed project area 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; and

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

The subclass limitations are (T) topography and (W) excess water.

#### **Conclusion:**

The proposed project area is comprised of land with good agricultural capability. Although both the BCLI ratings and site inspection do provide evidence that the proposed project area is slightly limited for agriculture due in part to topography, the Commission does not believe that this warrants placing fill in the manner proposed.

2. With regard to the report entitled, *Fill Placement Plan 33174 Downes Road Abbotsford, BC* (the "Plan") received with the application regarding the proposed placement of fill.

Report Prepared By: Madrone Environmental Service Ltd.  
Author: Eryne Croquet, P.Ag.  
Date Prepared: April 18, 2012

The Plan provides additional information with respect to the agricultural capability of the subject property, but generally confirms the BCLI ratings and observations during the site inspection. The Plan also provides information with respect to the proposed fill placement.

**Conclusion:**

The Commission does not believe that the proposed placement of fill is necessary to utilize the proposed project area for agriculture. Although the proposed fill placement is intended to "*create even topography over a broad area,*" as stated in the Plan, the Commission does not agree that level topography is a requirement to pursue agriculture.

**IT WAS**

**MOVED BY: Commissioner Johnson**

**SECONDED BY: Commissioner Miles**

THAT the request to place fill on approximate 1.1 ha of the subject property be refused.

**CARRIED**

**Resolution #415/2012**