



**Agricultural Land Commission**  
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February 23, 2009

Reply to the attention of Ron Wallace  
ALC File: MM-38354

Jagtar and Ranjit Gill  
3314 McDermott Road  
Abbotsford, BC V3G2Y7

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution # 29/2009 outlining the Commission's decision as it relates to the above noted application.

Please submit the following to the Commission before commencing the fill project. Filling can commence once the Commission has confirmed that it is satisfied that the following preliminary conditions have been met:

- A report by a qualified professional Agrologist (or other professional with soil structure experience) outlining the process that will be followed for improving the site for agriculture.
- A \$50,000 security deposit which will be returned upon successful completion of the project. The Commission would be prepared to accept a lesser amount provided the Agrologist report provides substantiation for this amount.
- Confirmation that a professional Agrologist hired, is to write a final report upon completion of the project.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes

cc: City of Abbotsford (4520-20/SRP#1366)  
Estate of Kenneth James Cowherd - 3314 McDermott Road, Abbotsford, BC,  
V3G2J7

RW/  
i/MM-38354d1



**A meeting was held by the Provincial Agricultural Land Commission on January 27, 2009 in Abbotsford, B.C.**

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

### **For Consideration**

Application: # MM- 38354  
Applicant: Jagtar and Ranjit Gill  
Proposal: To remove 3,200 cubic meters of sand over approximately 0.75 ha at a depth ranging from 0.1 to 0.3 m. The estimated duration of the proposed extraction and reclamation is approximately 3 months. The proposed removal area is located in a BC Hydro right-of-way used for high voltage transmission lines. The applicant is proposing removal of sand to improve grade and agricultural capability of the lands for the purpose of enhanced crop production.  
Legal: PID: 009-788-832  
Lot 1, Parcel B, District Lot 226, Explanatory Plan 40565, New Westminster District Group 2, Plan 13264  
Location: 3314 McDermott Road, Abbotsford, BC

### **Site Inspection**

A site inspection was conducted on January 27, 2009. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Ron Wallace Staff
- Tony Pellett Staff
- Mr. Gill Applicant

The Commissioners and staff met with the son of the applicant as the applicant was present for the meeting. The Commissioners walked towards the site proposed for sand extraction and noted the area is slightly raised compared to the surrounding land.

### **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 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

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.

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

#### Subclasses

A	soil moisture deficiency
D	undesirable soil structure
T	topography
W	excess water

### **Assessment of Agricultural Suitability**

The Commission assessed whether 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 was prepared to support this application to remove sand from the subject site provided it is done according to professional standards. It is required that a report be prepared by a qualified professional Agrologist (or other professional with soil structure experience) outlining the process that will be followed for improving the site for agriculture. The Commission also requires that the applicant provide a substantial security deposit to help ensure the proposal results in the site being improved for agriculture.

## **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 improve the site for agriculture if done according to professional standards.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

**IT WAS**

**MOVED BY:** Commissioner Tomlinson

**SECONDED BY:** Commissioner Bose

THAT the application be allowed subject to the following conditions:

- The preparation of a report by a qualified professional Agrologist (or another professional with soil structure expertise) outlining the process that will be followed for extracting the proposed sand and improving the site for agricultural use.
- A \$50,000 security deposit which will be returned upon successful completion of the project. The Commission would be prepared to accept a lesser amount provided the Agrologist report provides substantiation for this amount.
- The professional Agrologist hired, is to write a final report upon completion of the project.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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 # 29/2009**