



Agricultural Land Commission
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December 23, 2009

Reply to the attention of Ron Wallace
ALC File: #MM-38506

Malkit and Daljit Dhesi
25 Short Road
Abbotsford, BC V2S 8A8

Attention: Davinder Dhesi

Re: Request for Reconsideration

This is further to the professional Agrolgist reports which were requested by the Provincial Agricultural Land Commission. With this information, the Commission was prepared to reconsider its decision by Resolution #34/2009.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 1808/2009 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a horizontal line.

Erik Karlsen, Chair

cc: City of Abbotsford (4520-20/SRP1398)

Enclosure: Minutes



A meeting was held by the Provincial Agricultural Land Commission on November 2, 2009 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT: Sylvia Pranger Chair, South Coast Panel
Michael Bose Commissioner
Ron Wallace Staff
Tony Pellett Staff

ABSENT: John Tomlinson Commission

For Consideration

Two Agrologist reports dated March 20, 2009 and May 19, 2009 prepared by Madron Environmental Services Ltd (Madrone), were received by the applicant requesting that the Commission reconsider its decision recorded as Resolution #34/2009. The first report entitled *Proposed Placement of Fill on Agricultural Land: 25 Short Road, Abbotsford, BC* outlined the recommended process to improve the site for agriculture. The second report entitled *Hydrological Impacts of Proposed Placement of Fill 25 Short Road, Abbotsford, BC Addendum to Soil Assessment* outlined the hydrological impacts of the proposed project.

Application: #MM-38506
Applicant: Malkit and Daljit Dhesi
Agent: N/A
Original proposal: The applicant is proposing to deposit ±24,052 cubic meters of topsoil over approximately 2 ha at a depth varying between 0.5 to 3.8 meters.
Original decision: Refused
Current proposal: The proposal is to deposit ±24,052 cubic meters of topsoil as originally proposed subject to the recommendations outlined in Madrone's Agrologist report.
Legal: Lot 27, Section 4, Township 16, New Westminster District, Plan 5211
Location: 25 Short Road, Abbotsford

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

- S33(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, or
 - (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The applicant provided, as requested by the Commission, a professional Agrologist report and hydrology report for the proposed fill project. Based on this new information the Commission was prepared reconsider the application.

Discussion

The Commission reviewed the reports prepared by Madrone and believed the proposal would improve the site for agriculture if done according to the recommendations and professional standards as outlined in these reports.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Bose

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request to have approximately 25,000 cubic meters of fill placed on approximately 2 ha of the subject property be approved.

AND THAT the approval is subject to the following conditions:

- The fill project is to be in substantial compliance with the plans outlined in the report prepared by Madrone.
- A \$50,000 security deposit which will be returned upon successful completion of the project.
- That Madrone (or another professional with specialized knowledge in soil structure and hydrology) will oversee the project, provide twice yearly monitoring reports and upon final completion of the project, provide a closure report.
- Approval for filling 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 #1808/2009