



Agricultural Land Commission
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April 13, 2010

Reply to the attention of Ron Wallace
ALC File: 51001

Mr. Hank Tuomola
2211 Lefevre Road
Abbotsford, BC
V4X 1E3

Dear Sir:

Re: Application to Place Fill in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **2377/2010** 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 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

Enclosure: Minutes

cc: City of Abbotsford, Attention: Dave Loewen (File: 4520-20/SRP#1446)



A meeting was held by the Provincial Agricultural Land Commission on March 25, 2010 in Langley, B.C.

PRESENT:	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Tony Pellett	Staff

ABSENT:	Sylvia Pranger	Chair, South Coast Panel
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For Consideration

Application:	51001
Applicant:	Harpreet, Rapinder, Bahadur & Surjit Uppal
Agent:	Hank Tuomola
Proposal:	To deposit approximately 32,000 m ³ of structural soil and topsoil over the front 0.4 ha portion of the property to a depth of approximately 8 meters.
Legal:	Lot 2, Section 17, Township 13, New Westminster District, Plan 18688
Location:	2211 Lefeuvre Road, Abbotsford

Site Inspection

A site inspection was conducted on March 24, 2010. Discussion included both application 51001 and previous application 37996 which not complete. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel [present for 37996 only]
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Tony Pellett Staff
- Hank Tuomola Agent

37996 discussion onsite: The Commission asked why reclamation of the site had not been completed in accordance with the requirements of the earlier resolution [#57/2008]. Mr. Tuomola advised that the project had been delayed by the withdrawal of the consulting agrologist Brian French.

51001 discussion onsite: Mr. Tuomola showed the proposed location of fill to allow direct access to the public road, 8 m above the current level of the ground. Commissioners Bose and Tomlinson asked why the structure could not be built at or near current ground level, with trucks entering from road level to an upper storey— or alternatively why the driveway could not be sloped down to a lower elevation so that the barn could be at the level of the blueberry production. Mr. Tuomola explained that it would be easier to bring the blueberries up to road level in farm vehicles rather than to drive delivery trucks up the grade to the road, especially since Abbotsford requires that no dirt be tracked onto the public road.

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 comments from John Paul with respect to the proposed building relate primarily to the visual appearance although they also address the question of how blueberries would be delivered to the proposed building by means of a driveway forming part of the northern slope. The Commissioners believed the application for 8 m of fill should be refused on the grounds that the slopes to support an 8 m height will use up too much of the site. The building proposal should not be the subject of an alternative proposal or reconsideration of the current proposal until a report has been submitted by an agrologist specializing in reclamation and overseeing the completion of the conditions on application 37996, showing how the site is being reclaimed for berry production and how berry production can be maximized without excessive loss of site area for the trans-shipping facility.

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 negatively impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Bose
SECONDED BY: Commissioner Tomlinson

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 and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED
Resolution # 2377/2010