



PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on August 24, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application: 52351 (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

Applicant: Danny B. and Jean M. Ireland

Proposal: To place approximately 12,600 m³ of fill on 2.53 ha to an average depth of 0.38 metres (38 cm) to improve surface drainage.

Property:

1. PID: 027-414-469
Lot "A", Section 12, Range 2 East, South Saanich District, Plan VIP84547 (1.92 ha); and
2. PID: 027-414-493
Lot "B", Section 12, Range 2 East, South Saanich District, Plan VIP84547 (1.92 ha).

Background: An Agrologist report was prepared by Madrone Environmental Services Ltd. (the "Madrone Report"). The following information is provided in the Madrone Report:

- Site assessment was conducted on April 7, 2011.
- The size of the proposed fill area is 2.53 ha.
- To achieve a uniform slope from east to west of approximately 0.8 % will require a fill depth of 1.0 metre at the eastern edge of the proposed fill area feathering down to 0 metres at the western edge of the proposed fill area.
- The purpose of the fill placement is to improve drainage.
- Mr. Ireland has indicated that the project area is subject to flooding and the retention of run-off water from the eastern slopes of Meadowbank Road from fall to early summer.
- The poor drainage restricts the production of forage or hay limiting the ability to raise livestock.
- The intended end use of the proposed fill area is a productive field of hay/forage for livestock as well as to overwinter livestock. **(See attachments)**

Adjacent Fill

Project: File: 81500-20/90/mazzei

A similar project was considered in 2009 involving the property to the north of the Ireland property. More specifically, Lot 3, Block 4, Section 11, Range 2 East, South Saanich District, Plan 1607 (Civic Address: 1841 Highfield Road).

The owner, Mr. Don Mazzei, proposed to place 15 - 18,000 m³ of clean, course-textured fill (sandy loam to loamy sand) on approximately 1.7 ha of his property.

The fill placement was to raise the project area to improve its agricultural capability, as the area presently floods thereby limiting the ability to sustain agricultural crops. Mr. Mazzei submitted his proposal and supporting documentation, including a report prepared by Madrone Environmental Services Ltd., to ascertain whether or not the project was consistent with section 2(2)(d) of BC Regulation 171/2002.

2(2) The following activities are designated as farm use for the purposes of the Act and may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the *Local Government Act* or, if the activity is undertaken on treaty settlement lands, by a law of the applicable treaty first nation government:

- (d) land development works including clearing, levelling, draining, berming, irrigating and construction of reservoirs and ancillary works if the works are required for farm use of that farm.

Following a review of the proposal the Commission wrote to Mr. Mazzei on November 3, 2009 (**See attachments**) and advised, "*...it appears that your proposal, as detailed above and in your revised submissions is consistent with the Agricultural Land Reserve Use Subdivision and Procedure Regulation, Section 2(2)(d). As such the fill placement would be permitted as a farm use and formal application for non-farm use, or the Notice of Intent is not required, subject to your written acceptance of the following terms and conditions.*"

The Commission's approval in this regard prompted the Mayor of the District of Central Saanich to write to the Commission on December 1, 2009 expressing concerns about the fill project. The Commission responded to the Mayor's letter on February 1, 2010. (**See attachments**)

Local
Government

Comment: District of Central Saanich Council Resolution from the regular Council meeting of June 6, 2011 (**See Attachments**)

- Attachments:
1. Madrone Report
 2. Commission letter of November 3, 2009 to Mr. Don Mazzei
 3. December 1, 2009 letter from the Mayor of the District of Central Saanich
 4. Commission letter of February 1, 2010 to the Mayor of the District of Central Saanich
 5. Council Resolution from the regular Council meeting of June 6, 2011
 6. August 17, 2011 e-mail from Mr. Ireland

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27, 2011 the Commission delegated decision-making to the CEO by Resolution #016N-2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following applications may be decided by the CEO.

Criterion 14

Exclusion, subdivision, non-farm use and inclusion applications that are not consistent with any of the existing approved criterion (Criterion 1 – 13) but nonetheless is minor in nature and in the opinion of the CEO, the interests of the Commission would be unaffected by an approval of the application.

CONCLUSIONS:

- That Ireland Farms is a bona fide farm operation;
- That a portion of Ireland Farms' land is susceptible to prolonged periods of inundation that significantly impact the ability of Ireland Farms to expand its agricultural business;
- That Maber Flats, including the Ireland Farms 'properties, have long served as an unofficial storm water retention area thereby limiting the agricultural utility of this prime agricultural land;
- That while the Commission has worked with the District from a planning perspective over many years to address storm water retention issues, no formal plan has been adopted with the support of the Commission to use some or all of Maber Flats as a storm water retention area;
- That while the Commission's approval to place fill on the Mazzei property may have exacerbated the water retention problems on Ireland Farms' property, I am satisfied based on the advice from Madrone and Mr. Ireland that significant water retention problems would still exist even if the Mazzei project had not been undertaken;
- That the Mazzei project was also intended to address excess water; and
- That the use of this modest amount of fill appears to be the only reasonable solution to the excess water problems on Ireland Farms.

DECISION:

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion 14 of Resolution #016N/2011 and approve the application on behalf of the Commission. This approval is subject to the following conditions:

1. That site preparation, filling and land restoration is to be conducted in accordance with the Madrone Report.
2. That Madrone Environmental Services Ltd. (Madrone) be retained by the land owners to oversee the project.
3. That Madrone will prepare and deliver to the Commission a final report upon completion of the project. The final report is to include photographs of the project area and professional assessments regarding:

- a) the agricultural capability rating of the project area;
 - b) the improved agricultural suitability of the project area;
 - c) the improved efficacy of draining surface water and the improvements undertaken to increase the water retention capacity on site to satisfy the District of Central Saanich's "zero increase in runoff"; and
 - d) the success in achieving "zero increase in runoff";
4. That appropriate weed control must be practiced on all disturbed areas.
 5. That dust suppression practices, and/or restrictions on vehicle traffic be applied when necessary to minimize the impact of dust settlement on neighbouring properties.
 6. The project is to be completed on or before September 30, 2012. If more time is needed to complete the project please advise this office well in advance of the completion date.

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.

RESOLUTION # _____/2011

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

Richard Bullock, Chief Executive Officer

From: Fry, Colin ALC:EX
Sent: Thursday, August 25, 2011 3:37 PM
To: 'Ireland Farms'
Cc: Cheetham, Roger ALC:EX; Kaethler, Terra ALC:EX
Subject: RE: ALC application # 52351 and addressing District concerns

Hi Danny, I took the application to Richard yesterday and we had a long conversation regarding the proposal. I asked Roger Cheetham to participate as well to discuss the background regarding Maber Flats and storm water management discussions he's had with Central Saanich over the years. Richard is meeting with Central Saanich councillors at the Union of BC Municipalities (UBCM) annual convention the week of September 26 and wants to discuss the Maber Flats water issue with them at that time before he considers your proposal further.

Yours truly,

Colin Fry
Executive Director
Agricultural Land Commission
Tel: (604) 660 - 7006
Fax: (604) 660 - 7033

From: Ireland Farms [<mailto:irelandfarms@shaw.ca>]
Sent: Thursday, August 25, 2011 1:00 PM
To: Fry, Colin ALC:EX
Subject: FW: ALC application # 52351 and addressing District concerns

Afternoon Colin.

As we discussed last week, was wondering if you've met with Richard and have the necessary approval coming shortly?

Thanks Colin.

Cheers,
dan

Ireland Farms
1910 Meadowbank Road
Saanichton, BC V8M 1X9
250.652.3251

From: Ireland Farms [<mailto:irelandfarms@shaw.ca>]
Sent: Wednesday, August 17, 2011 4:57 PM
To: 'Fry, Colin ALC:EX'
Subject: RE: ALC application # 52351 and addressing District concerns

Colin.

Thanks for the opportunity to discuss our soil deposit proposal further.

As we discussed, the two items that the District of Central Saanich were concerned about and what we have proposed to address them are as follows:

1. the maintenance of a 'zero' increase in net water runoff.

There will be no greater water generated by this project than what currently exists. Nevertheless, to satisfy the District, we are prepared to increase our water retention capability by expanding our perimeter ditch system that is evident in the photos in the Agrologist report. This will facilitate water drainage at a reasonable flow rate after peak water periods.

2. the concern for the neighbouring property soil deposit and its affects on our land.

The neighbouring property soil deposit, although has added further drainage complications for us, is not the cause of our poor soil characteristics nor elevation depressions which prevent adequate drainage.

The Agrologist report indicates our soil classification to vary from 4W to 6W which is consistent with poorly drained soils. It further indicates that this classification cannot be improved economically e.g. dyking, pumping, etc. The land can be improved however, by slightly raising the elevation in the method we have proposed i.e. providing a gentle graded slope from east to west at approximately 1%. The soil deposit would eliminate low depressions and improve the classification to a 2W to 3W rating which would result in a far greater diversification of crops that can be grown in addition to providing greater access to the fields than the current 4-6 months. This would further allow us to locate our expanded intensive livestock facilities in this area.

As we discussed Colin, I trust this provides the necessary support information to expedite an approval by the Commission.

Thanks again for your intervention on this matter.

Cheers,
Dan

Ireland Farms
1910 Meadowbank Road
Saanichton, BC V8M 1X9
250.652.3251

From: Fry, Colin ALC:EX [<mailto:Colin.Fry@gov.bc.ca>]
Sent: Wednesday, August 17, 2011 2:20 PM
To: 'Ireland Farms'
Subject: RE: ALC application # 52351

Dan, just in case you have a blackberry I tried calling you at home and left a voice-mail message to call me. If you get this first please call to discuss the proposal.

Thanks

Colin Fry
Executive Director

Agricultural Land Commission

Tel: (604) 660 - 7006

Fax: (604) 660 - 7033

From: Ireland Farms [<mailto:irelandfarms@shaw.ca>]

Sent: Tuesday, August 16, 2011 5:46 PM

To: Fry, Colin ALC:EX

Subject: RE: ALC application # 52351

Thank you Colin and yes of course this is acceptable to us as I know you're attempting to assist us getting this project under way at the earliest opportunity.

Dan

Ireland Farms

1910 Meadowbank Road

Saanichton, BC V8M 1X9

250.652.3251

From: Fry, Colin ALC:EX [<mailto:Colin.Fry@gov.bc.ca>]

Sent: Tuesday, August 16, 2011 5:11 PM

To: 'Ireland Farms'

Subject: RE: ALC application # 52351

Dan, I haven't forgotten about you. I have read all your submissions and the Massei material. I believe I have a good understanding of the situation. If you will bear with me until tomorrow I have a few questions of my staff to fill in some blanks. I trust this is acceptable.

Colin

From: Ireland Farms [<mailto:irelandfarms@shaw.ca>]

Sent: Monday, August 15, 2011 4:38 PM

To: Fry, Colin ALC:EX

Subject: RE: ALC application # 52351

Thank you kindly Colin.

Dan Ireland

Ireland Farms

1910 Meadowbank Road

Saanichton, BC V8M 1X9

250.652.3251

From: Fry, Colin ALC:EX [<mailto:Colin.Fry@gov.bc.ca>]

Sent: Monday, August 15, 2011 3:02 PM

To: 'irelandfarms@shaw.ca'

Cc: Kaethler, Terra ALC:EX; Bednard, Gordon ALC:EX

Subject: FW: ALC application # 52351

Mr. Ireland, I will review your files and get back to you no later than tomorrow.

Colin Fry
Executive Director
Agricultural Land Commission
Tel: (604) 660 - 7006
Fax: (604) 660 - 7033

From: Kaethler, Terra ALC:EX
Sent: Friday, August 12, 2011 3:55 PM
To: 'Ireland Farms'
Cc: Bednard, Gordon ALC:EX
Subject: ALC application # 52351

Hello Dan,

Based on our conversation this afternoon, the below is what I understand your project to be, please confirm:

Subject properties: Lots A & B
Size of properties: 2.0 ha each (approx)
Volume: 12,600
Depth: 2.87 metres
Type: construction grade fill
Total project area: 0.5 ha, a 75 metre strip below the retention pond.
Duration: 2 summers, depending on fill availability

This information is based on the Notice of Intent Form received by our office July 11, 2011. The project details as stated in the Application for Non-Farm Use, received by our office June 22nd, 2011 no longer apply as the scope of the project has been reduced.

- The intent of the proposal is to improve soil characteristics due to inadequate drainage and to facilitate expansion of intensive livestock facilities.
- No material will be taken off of the property. Existing peat area below the pond will be excavated and replaced with construction grade fill material to support livestock barns, feed bins, and access roadway. The peat would be used to fill in property depressions throughout the property.
- Livestock facilities include semi-permanent structures, including feed systems, which are moved throughout the property as needed. No building permits required. There are currently 15 structures on the property and the proposed fill will allow expansion of this use.
- Construction grade fill is needed to support the feed trucks on that area of the property, needs to prevent flooding of that portion of the property to be usable.
- An agrologist report was submitted with the application (although the project has now changed in scope). Conclusions include:
 - No increase in water flows into Maber Flats, alternative drainage solutions (dyking, etc) are cost prohibitive, and that the ag cap rating of Class 4-Class 6, is not economically improvable. The fill project will not impact neighbouring properties.

Based on the above information, your proposal does not fit under the Notice of Intent requirements (Section 4(1)(b) of our Regulations) as the fill proposed is for an area larger than the proposed structures themselves, and further because the structures are non-permanent and do not require foundations.

During our phone conversation, I expressed that I believed your proposal to fit under the ALC Regulations as a farm practice (Section 2(2)(d)). However, upon further review of your proposal and the amount and type of fill requested, it has been determined that your proposal will require Commission oversight. To that end, a site visit will be scheduled in September.

Question for you: The agrologist report commented on the original scope of the project that was submitted under the application. Have you been in touch with him about the reduced scope of the project? Does he have any comments or concerns regarding the revised proposal (type of fill, area of fill, impacts of drainage, etc)? This information would be helpful for the Commission's consideration.

Please be advised that I will be away on vacation until September 1, 2011. Gordon Bednard is also away until September. I will respond to any correspondence as soon as possible upon my return.

I apologize for any confusion or delay this has caused.

Best Regards, Terra

Terra M. Kaethler
Land Use Planner - Island Region
Agricultural Land Commission
133-4940 Canada Way Burnaby, BC V5G 4K6
Ph. 604-660-7022 Fax 604-660-7033
www.alc.gov.bc.ca

From: Kaethler, Terra ALC:EX
Sent: Friday, August 12, 2011 11:28 AM
To: 'Ireland Farms'
Cc: Bednard, Gordon ALC:EX
Subject: RE: Phone message?

Hi Dan, I am looking over all your information right now and I do have some questions for you. I will call you today to discuss. Is there a good time to reach you?

Thanks, Terra

From: Ireland Farms [<mailto:irelandfarms@shaw.ca>]
Sent: Friday, August 12, 2011 11:15 AM
To: Kaethler, Terra ALC:EX
Cc: Bednard, Gordon ALC:EX
Subject: Phone message?

Hello Terra.

I left a phone message with you yesterday and understand that you're in on Thursday's and Friday's.

Can you please call so discuss our soil deposit status?

If we proceed under the conditions of a Notice of Intent, we understand we're able to proceed after 60 days from date of notice (which was July 1st, 2011). Our project is dependent on good dry weather and we would like to commence sooner than September 1st.

Thank you.

Dan Ireland

Ireland Farms

1910 Meadowbank Road

Saanichton, BC V8M 1X9

250.652.3251

From: Kaethler, Terra ALC:EX [<mailto:Terra.Kaethler@gov.bc.ca>]
Sent: Thursday, July 28, 2011 10:57 AM
To: 'Ireland Farms'
Cc: Bednard, Gordon ALC:EX
Subject: RE: email received?

Hi Dan,

My apologies for the delayed response, I am only in the office part time.

Thank you for the additional information.

I will try to clarify some of the confusion. We have different streams for different types of applications. You submitted a non-farm use application. That comes to me for my review, and I review it in the order that it came in (we get hundreds of applications a year). Notice of Intent (NOI) applications go through Gordon Bednard, and go through a different review process, and have different requirements. Requests for farm practice come in through yet a different stream. Generally speaking we try to get people to fill out a "Soil Deposition Form" first, telling us about the proposal, and then we can determine which stream it falls into.

As you have already submitted a NF use application, and now a NOI, we will review all of the information you have submitted, and determine if your proposal will need to go to the Commission, if it fits the requirements of an NOI, or if it falls under our Regulations as a "Farm Practice". In any case, we still need to review all of the information pertaining to the proposal.

Also to clarify, in answer to your question, "why is there any necessity to deliberate on our request much further than to simply provide approval as requested?"

We review all soil deposition proposals very carefully. Mr. Mazzei did submit a non-farm use application and a notice of intent application as well. Through our review of his applications, we determined that his proposal fit under our Regulations and could be allowed as a farm practice. This process took over 6 months and there were many revisions to his proposal along the way. His approval also included many conditions which we are monitoring very closely.

I hope that this clarifies that it is not that your proposal "appears to be so problematic", as you have stated, it is more a matter that we need to do a proper review all of the components of the proposal quite carefully. This includes any previous applications or fill allowed on the property. I will be reviewing Mr. Mazzei's proposal, as well as other files to ensure fairness in our process.

We will make every effort to process your proposal as quickly as possible and keep you informed along the way. A site visit may very well be necessary, and if so, I will contact you in the next few weeks to set that up. We will likely be in your area in September.

I trust this answers your questions. I am available today and tomorrow for a phone conversation if you wish to discuss this further.

Best regards, Terra

Terra M. Kaethler
Land Use Planner - Island Region

Agricultural Land Commission
133-4940 Canada Way Burnaby, BC V5G 4K6
Ph. 604-660-7022 Fax 604-660-7033
www.alc.gov.bc.ca

From: Ireland Farms [<mailto:irelandfarms@shaw.ca>]
Sent: Wednesday, July 27, 2011 2:18 PM
To: Kaethler, Terra ALC:EX
Subject: email received?

Hello Terra... can u advise if you received my reply? I'm never certain if my correspondence is being received at your agency.

Thank you.

Cheers,
dan

Ireland Farms

1910 Meadowbank Road

Saanichton, BC V8M 1X9

250.652.3251

From: Ireland Farms [<mailto:irelandfarms@shaw.ca>]
Sent: Sunday, July 24, 2011 12:01 PM
To: 'Kaethler, Terra ALC:EX'; 'Bednard, Gordon ALC:EX'
Cc: 'Fry, Colin ALC:EX'
Subject: RE: Request for a phone call

Thank you Terra.

I've attached a drawing (from the Agrologist's Report) to reflect where our livestock facilities are being sited. Regarding Gordon's questions:

1. Please provide plans for the proposed farm buildings and a siting plan for their location on the property.
Attached is a drawing showing the siting of the facilities on the property.
2. If building permits have been applied for with the local government, please provide a copy.
*The type of intensive livestock production system we utilize to facilitate our 'Naturally raised organic meats' depends on using nature's elements and our production is 'free range' once all livestock and poultry are of age to transfer from enclosed environment to their natural settings. We use semi-permanent structures (including moveable commercial feed systems) which allow us to relocate them as needed in a specified area. This facilitates disease prevention by rotation and is becoming a widely accepted production technique.
As such, since there are no permanent structures eg. concrete footings, etc., there is no requirement for building permits.*
3. Some detail regarding your "intensive livestock operation" would be appreciated (eg type of livestock, number of animals, etc).
This information was provided in our previous correspondence; however, we include it again as follows. Our annual

production this year will be approximately 55,000 kg. broiler quota (29,000 broilers), 30,000 kg. turkey quota (3,000 turkeys), 100 lambs, 50 hogs and 20-30 beef. We also produce 100-150 tonnes of hay. We are categorized as one of the top 10 livestock operations on the Saanich Peninsula and are one of very few 'active' full-time farms in the region.

We trust the above information provides the Commission with a 'complete' picture of our agriculture production to understand why we need the soil deposit to allow our farming to continue.

Your comment below regarding "determining the most appropriate channel for our request" implies that our previous comments are not being understood and/or taken into account.

As we have 1) in being misguided, already applied under the non-farm use application process; 2) already submitted a Notice of Intent due to the livestock expansion component; and 3) by being recently informed, provided correspondence that our neighbours application for a similar deposit to improve his land did not need either (1) or (2) above, we question "why is there any necessity to deliberate on our request much further than to simply provide approval as requested?"

Terra, perhaps a phone call could assist in explaining why this small soil deposit appears to be so problematic. That would be greatly beneficial to us. Additionally, perhaps you and/or Gordon would like to make a site visit so we can further demonstrate to you our need for this soil deposit in addition to showing you the scale of our livestock operation?

Thank you.

Dan

<< File: Livestock Facilities - relative to soil deposit.doc >>

Ireland Farms

1910 Meadowbank Road

Saanichton, BC V8M 1X9

250.652.3251



From: Kaethler, Terra ALC:EX [\[mailto:Terra.Kaethler@gov.bc.ca\]](mailto:Terra.Kaethler@gov.bc.ca)

Sent: Thursday, July 21, 2011 3:21 PM

To: 'irelandfarms@shaw.ca'; Bednard, Gordon ALC:EX

Cc: Fry, Colin ALC:EX

Subject: RE: Request for a phone call

Hello Dan,

This is to inform you that we are reviewing your proposal and will contact you as soon as possible should we require additional information. We will then be able to assess and inform you of the most appropriate channel for your request (be it as a request for an approval for farm use, a Notice of Intent, or through the application process). In any case, please address the questions in Gord's email to you dated July 15 regarding the expansion of your intensive livestock facilities, to ensure that we have a complete understanding of your proposal.

Gord or myself will be in touch with you as soon as possible.

Thank you, Terra

Terra M. Kaethler

Land Use Planner - Island Region

Agricultural Land Commission

133-4940 Canada Way Burnaby, BC V5G 4K6

Ph. 604-660-7022 Fax 604-660-7033

www.alc.gov.bc.ca

From: Ireland Farms [<mailto:irelandfarms@shaw.ca>]

Sent: Thursday, July 21, 2011 10:32 AM

To: Fry, Colin ALC:EX

Subject: Request for a phone call

Hello Colin.

I've left a couple of messages and are having difficulty getting anyone with your agency to return my call.

I'd appreciate a quick phone call so you can help clarify our soil deposit request. I'm in and out of the farm but on the grounds, so have instructed whoever answers our phone to get me promptly.

Thank you kindly.

Cheers,
Dan Ireland

*Ireland Farms
1910 Meadowbank Road
Saanichton, BC V8M 1X9
250.652.3251*

From: Ireland Farms [irelandfarms@shaw.ca]
Sent: Wednesday, August 17, 2011 4:57 PM
To: Fry, Colin ALC:EX
Subject: RE: ALC application # 52351 and addressing District concerns

Colin.

Thanks for the opportunity to discuss our soil deposit proposal further.

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1. the maintenance of a 'zero' increase in net water runoff.

There will be no greater water generated by this project than what currently exists. Nevertheless, to satisfy the District, we are prepared to increase our water retention capability by expanding our perimeter ditch system that is evident in the photos in the Agrologist report. This will facilitate water drainage at a reasonable flow rate after peak water periods.

2. the concern for the neighbouring property soil deposit and its affects on our land.

The neighbouring property soil deposit, although has added further drainage complications for us, is not the cause of our poor soil characteristics nor elevation depressions which prevent adequate drainage.

The Agrologist report indicates our soil classification to vary from 4W to 6W which is consistent with poorly drained soils. It further indicates that this classification cannot be improved economically e.g. dyking, pumping, etc. The land can be improved however, by slightly raising the elevation in the method we have proposed i.e. providing a gentle graded slope from east to west at approximately 1%. The soil deposit would eliminate low depressions and improve the classification to a 2W to 3W rating which would result in a far greater diversification of crops that can be grown in addition to providing greater access to the fields than the current 4-6 months. This would further allow us to locate our expanded intensive livestock facilities in this area.

As we discussed Colin, I trust this provides the necessary support information to expedite an approval by the Commission.

Thanks again for your intervention on this matter.

Cheers,
Dan

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Colin Fry

Executive Director

Agricultural Land Commission

Tel: (604) 660 - 7006

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From: Fry, Colin ALC:EX [\[mailto:Colin.Fry@gov.bc.ca\]](mailto:Colin.Fry@gov.bc.ca)

Sent: Tuesday, August 16, 2011 5:11 PM

To: 'Ireland Farms'

Subject: RE: ALC application # 52351

Dan, I haven't forgotten about you. I have read all your submissions and the Massei material. I believe I have a good understanding of the situation. If you will bear with me until tomorrow I have a few questions of my staff to fill in some blanks. I trust this is acceptable.

Colin

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Sent: Monday, August 15, 2011 4:38 PM

To: Fry, Colin ALC:EX

Subject: RE: ALC application # 52351

Thank you kindly Colin.

Dan Ireland

Ireland Farms

1910 Meadowbank Road

Saanichton, BC V8M 1X9

250.652.3251

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Cc: Kaethler, Terra ALC:EX; Bednard, Gordon ALC:EX
Subject: FW: ALC application # 52351

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Executive Director
Agricultural Land Commission
Tel: (604) 660 - 7006
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Cc: Bednard, Gordon ALC:EX
Subject: ALC application # 52351

Hello Dan,

Based on our conversation this afternoon, the below is what I understand your project to be, please confirm:

Subject properties: Lots A & B
Size of properties: 2.0 ha each (approx)
Volume: 12, 600
Depth: 2.87 metres
Type: construction grade fill
Total project area: 0.5 ha, a 75 metre strip below the retention pond.
Duration: 2 summers, depending on fill availability

This information is based on the Notice of Intent Form received by our office July 11, 2011. The project details as stated in the Application for Non-Farm Use, received by our office June 22nd, 2011 no longer apply as the scope of the project has been reduced.

- The intent of the proposal is to improve soil characteristics due to inadequate drainage and to facilitate expansion of intensive livestock facilities.
- No material will be taken off of the property. Existing peat area below the pond will be excavated and replaced with construction grade fill material to support livestock barns, feed bins, and access roadway. The peat would be used to fill in property depressions throughout the property.
- Livestock facilities include semi-permanent structures, including feed systems, which are moved throughout the property as needed. No building permits required. There are currently 15 structures on the property and the proposed fill will allow expansion of this use.
- Construction grade fill is needed to support the feed trucks on that area of the property, needs to prevent flooding of that portion of the property to be usable.
- An agrologist report was submitted with the application (although the project has now changed in scope). Conclusions include:
 - No increase in water flows into Maber Flats, alternative drainage solutions (dyking, etc) are cost prohibitive, and that the ag cap rating of Class 4-Class 6, is not economically improvable. The fill project will not impact neighbouring

properties.

Based on the above information, your proposal does not fit under the Notice of Intent requirements (Section 4(1)(b) of our Regulations) as the fill proposed is for an area larger than the proposed structures themselves, and further because the structures are non-permanent and do not require foundations.

During our phone conversation, I expressed that I believed your proposal to fit under the ALC Regulations as a farm practice (Section 2(2)(d). However, upon further review of your proposal and the amount and type of fill requested, it has been determined that your proposal will require Commission oversight. To that end, a site visit will be scheduled in September.

Question for you: *The agrologist report commented on the original scope of the project that was submitted under the application. Have you been in touch with him about the reduced scope of the project? Does he have any comments or concerns regarding the revised proposal (type of fill, area of fill, impacts of drainage, etc)? This information would be helpful for the Commission's consideration.*

Please be advised that I will be away on vacation until September 1, 2011. Gordon Bednard is also away until September. I will respond to any correspondence as soon as possible upon my return.

I apologize for any confusion or delay this has caused.

Best Regards, Terra

Terra M. Kaethler
Land Use Planner - Island Region
Agricultural Land Commission
133-4940 Canada Way Burnaby, BC V5G 4K6
Ph. 604-660-7022 Fax 604-660-7033
www.alc.gov.bc.ca

From: Kaethler, Terra ALC:EX
Sent: Friday, August 12, 2011 11:28 AM
To: 'Ireland Farms'
Cc: Bednard, Gordon ALC:EX
Subject: RE: Phone message?

Hi Dan, I am looking over all your information right now and I do have some questions for you. I will call you today to discuss. Is there a good time to reach you?

Thanks, Terra

From: Ireland Farms [<mailto:irelandfarms@shaw.ca>]
Sent: Friday, August 12, 2011 11:15 AM
To: Kaethler, Terra ALC:EX
Cc: Bednard, Gordon ALC:EX
Subject: Phone message?

Hello Terra.

I left a phone message with you yesterday and understand that you're in on Thursday's and Friday's.

Can you please call so discuss our soil deposit status?

If we proceed under the conditions of a Notice of Intent, we understand we're able to proceed after 60 days from date of notice (which was July 1st, 2011). Our project is dependent on good dry weather and we would like to commence sooner than September 1st.

Thank you.

Dan Ireland

Ireland Farms

1910 Meadowbank Road

Saanichton, BC V8M 1X9

250.652.3251

From: Kaethler, Terra ALC:EX [<mailto:Terra.Kaethler@gov.bc.ca>]
Sent: Thursday, July 28, 2011 10:57 AM
To: 'Ireland Farms'
Cc: Bednard, Gordon ALC:EX
Subject: RE: email received?

Hi Dan,

My apologies for the delayed response, I am only in the office part time.

Thank you for the additional information.

I will try to clarify some of the confusion. We have different streams for different types of applications. You submitted a non-farm use application. That comes to me for my review, and I review it in the order that it came in (we get hundreds of applications a year). Notice of Intent (NOI) applications go through Gordon Bednard, and go through a different review process, and have different requirements. Requests for farm practice come in through yet a different stream. Generally speaking we try to get people to fill out a "Soil Deposition Form" first, telling us about the proposal, and then we can determine which stream it falls into.

As you have already submitted a NF use application, and now a NOI, we will review all of the information you have submitted, and determine if your proposal will need to go to the Commission, if it fits the requirements of an NOI, or if it falls under our Regulations as a "Farm Practice". In any case, we still need to review all of the information pertaining to the proposal.

Also to clarify, in answer to your question, "why is there any necessity to deliberate on our request much further than to simply provide approval as requested?"

We review all soil deposition proposals very carefully. Mr. Mazzei did submit a non-farm use application and a notice of intent application as well. Through our review of his applications, we determined that his proposal fit under our Regulations and could be allowed as a farm practice. This process took over 6 months and there were many revisions to his proposal along the way. His approval also included many conditions which we are monitoring very closely.

I hope that this clarifies that it is not that your proposal "appears to be so problematic", as you have stated, it is more a matter that we need to do a proper review all of the components of the proposal quite carefully. This includes any previous applications or fill allowed on the property. I will be reviewing Mr. Mazzei's proposal, as well as other files to ensure fairness in our process.

We will make every effort to process your proposal as quickly as possible and keep you informed along the way. A site visit may very well be necessary, and if so, I will contact you in the next few weeks to set that up. We will likely be in your area in September.

I trust this answers your questions. I am available today and tomorrow for a phone conversation if you wish to discuss this further.

Best regards, Terra

Terra M. Kaethler
Land Use Planner - Island Region
Agricultural Land Commission
133-4940 Canada Way Burnaby, BC V5G 4K6
Ph. 604-660-7022 Fax 604-660-7033
www.alc.gov.bc.ca

From: Ireland Farms [<mailto:irelandfarms@shaw.ca>]
Sent: Wednesday, July 27, 2011 2:18 PM
To: Kaethler, Terra ALC:EX
Subject: email received?

Hello Terra... can u advise if you received my reply? I'm never certain if my correspondence is being received at your agency.

Thank you.

Cheers,
dan

Ireland Farms

1910 Meadowbank Road

Saanichton, BC V8M 1X9

250.652.3251

From: Ireland Farms [<mailto:irelandfarms@shaw.ca>]
Sent: Sunday, July 24, 2011 12:01 PM
To: 'Kaethler, Terra ALC:EX'; 'Bednard, Gordon ALC:EX'
Cc: 'Fry, Colin ALC:EX'
Subject: RE: Request for a phone call

Thank you Terra.

I've attached a drawing (from the Agrologist's Report) to reflect where our livestock facilities are being sited. Regarding Gordon's questions:

1. Please provide plans for the proposed farm buildings and a siting plan for their location on the property.
Attached is a drawing showing the siting of the facilities on the property.

2. If building permits have been applied for with the local government, please provide a copy.

The type of intensive livestock production system we utilize to facilitate our 'Naturally raised organic meats' depends on using nature's elements and our production is 'free range' once all livestock and poultry are of age to transfer from enclosed environment to their natural settings. We use semi-permanent structures (including moveable commercial feed systems) which allow us to relocate them as needed in a specified area. This facilitates disease prevention by rotation and is becoming a widely accepted production technique.

As such, since there are no permanent structures eg. concrete footings, etc., there is no requirement for building permits.

3. Some detail regarding your "intensive livestock operation" would be appreciated (eg type of livestock, number of animals, etc).

This information was provided in our previous correspondence; however, we include it again as follows. Our annual production this year will be approximately 55,000 kg. broiler quota (29,000 broilers), 30,000 kg. turkey quota (3,000 turkeys), 100 lambs, 50 hogs and 20-30 beef. We also produce 100-150 tonnes of hay. We are categorized as one of the top 10 livestock operations on the Saanich Peninsula and are one of very few 'active' full-time farms in the region.

We trust the above information provides the Commission with a 'complete' picture of our agriculture production to understand why we need the soil deposit to allow our farming to continue.

Your comment below regarding "determining the most appropriate channel for our request" implies that our previous comments are not being understood and/or taken into account.

As we have 1) in being misguided, already applied under the non-farm use application process; 2) already submitted a Notice of Intent due to the livestock expansion component; and 3) by being recently informed, provided correspondence that our neighbours application for a similar deposit to improve his land did not need either (1) or (2) above, we question "why is there any necessity to deliberate on our request much further than to simply provide approval as requested?"

Terra, perhaps a phone call could assist in explaining why this small soil deposit appears to be so problematic. That would be greatly beneficial to us. Additionally, perhaps you and/or Gordon would like to make a site visit so we can further demonstrate to you our need for this soil deposit in addition to showing you the scale of our livestock operation?

Thank you.

Dan

<< File: Livestock Facilities - relative to soil deposit.doc >>

Ireland Farms

1910 Meadowbank Road

Saanichton, BC V8M 1X9

250.652.3251



From: Kaethler, Terra ALC:EX [\[mailto:Terra.Kaethler@gov.bc.ca\]](mailto:Terra.Kaethler@gov.bc.ca)

Sent: Thursday, July 21, 2011 3:21 PM

To: 'irelandfarms@shaw.ca'; Bednard, Gordon ALC:EX

Cc: Fry, Colin ALC:EX

Subject: RE: Request for a phone call

Hello Dan,

This is to inform you that we are reviewing your proposal and will contact you as soon as possible should we require additional information. We will then be able to assess and inform you of the most appropriate channel for your request (be it as a request for an approval for farm use, a Notice of Intent, or through the application process). In any case, please address the questions in Gord's email to you dated July 15 regarding the expansion of your intensive livestock facilities, to ensure that we have a complete understanding of your proposal.

Gord or myself will be in touch with you as soon as possible.

Thank you, Terra

Terra M. Kaethler
Land Use Planner - Island Region
Agricultural Land Commission
133-4940 Canada Way Burnaby, BC V5G 4K6
Ph. 604-660-7022 Fax 604-660-7033
www.alc.gov.bc.ca

From: Ireland Farms [<mailto:irelandfarms@shaw.ca>]
Sent: Thursday, July 21, 2011 10:32 AM
To: Fry, Colin ALC:EX
Subject: Request for a phone call

Hello Colin.

I've left a couple of messages and are having difficulty getting anyone with your agency to return my call.

I'd appreciate a quick phone call so you can help clarify our soil deposit request. I'm in and out of the farm but on the grounds, so have instructed whoever answers our phone to get me promptly.

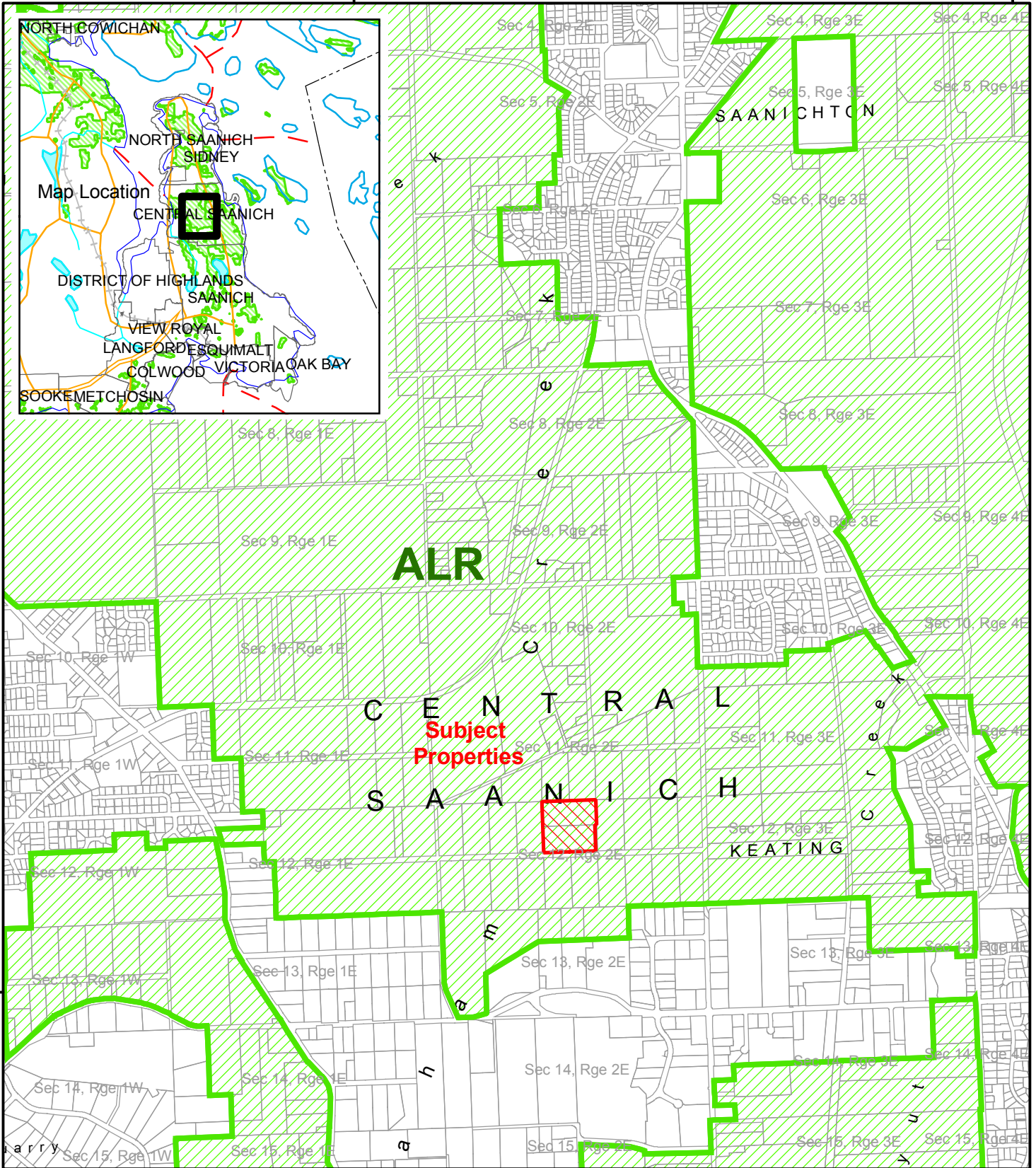
Thank you kindly.

Cheers,
Dan Ireland

Ireland Farms
1910 Meadowbank Road
Saanichton, BC V8M 1X9
250.652.3251

123°26'0"W

123°24'0"W

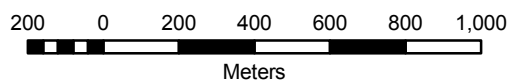


48°34'0"N



ALC Context Map

Map Scale: 1:20,000



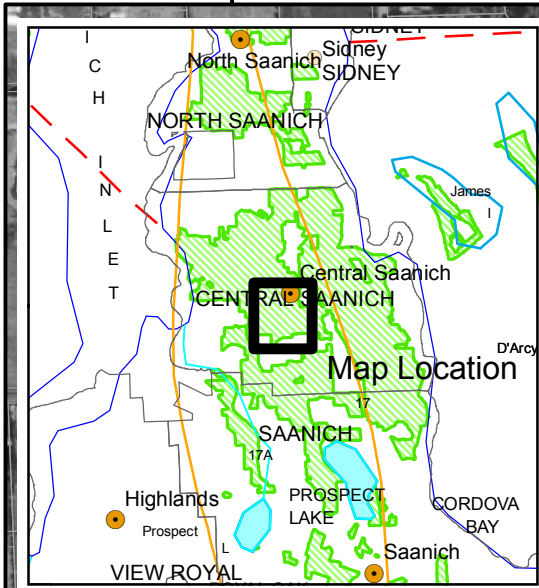
ALC File #: 52351

Mapsheet #: 92B.053

Map Produced: Jul 4, 2011

Regional District: Capital

123°26'0"W



Subject
Property

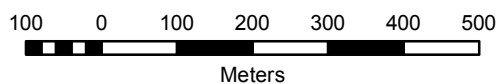
48°34'0"N



Airphoto Map

2002 Timberwest - Ortho

Map Scale: 1:10,000



ALC File #: 52351

Mapsheet #: 92B.053

Map Produced: Jul 4, 2011

Regional District: Capital

IRELAND FARMS

Producers of 'Naturally Raised Organic Meats'
'beef, chicken, lamb, pork & turkey'

1910 Meadowbank Road
Saanichton, BC V8M 1X9
phone/fax: (250) 652-3251
e-mail: irelandfarms@shaw.ca

July 1st, 2011

FORWARDED BY EMAIL

Mr. Richard Bullock
Chair, Provincial Agricultural Land Commission
133 - 4940 Canada Way
Burnaby, BC
V5G 4K6

Dear Sir:

Re: Letter of Intent – Remove/Place Soil for a Specified Farm Use

Please find attached our Letter of Intent to remove and place soil for a specified farm use pursuant to the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation, Part 3, Section 4, 1(b)* (the construction, maintenance and operation of a farm building or structure, for use in an intensive livestock operation).

We currently have before the Commission an application (No. 52351) for a 'non-farm' use soil deposit that we were advised was needed by both level of governments. We have since learned that our farm plan [to: 1) improve two of our farm properties having poor soil characteristics due to inadequate drainage; and 2) to facilitate the expansion of our intensive livestock facilities] qualifies as a 'Farm Use' and that the 'non farm use' application was unnecessary.

We would appreciate the Commission allowing the Letter of Intent to supercede the non-farm use application in the consideration of the urgency and need to undertake the project during the dry summer/fall months.

An Agrologist Report and Geo-Technical Scientist Report were submitted with the previous application and concluded that a soil deposit would resolve our drainage problems and improve the soil categorization from Class 6W to Class 3W. This project would allow for the excavated peat material (necessary to construct the livestock barns, handling facilities feed bins and access roadway) to be replaced with suitable construction grade fill material. The peat material would in turn be used to fill in the property depressions and provide the necessary gradient to improve the drainage. This method would eliminate the need to elevate the subject properties with unnatural fill material and thereby preserve the natural soil characteristics.

The livestock facilities are necessary to allow for the expansion of our animal production base. In planning for farm succession in our family, we have recently received increased quota allocations by the BC Chicken Marketing Board and the BC Turkey Marketing Board. The siting of these facilities is desirable in the consideration of distancing the facilities from neighbours to minimize

ALC – Letter of Intent – Remove/Place Soil for a Specified Farm Use

July 1st, 2011

Page 2 of 2

any negative odour related issues that could otherwise be possible if sited on Lot 12 (farm home base). Both as farmers and a Professional Agrologist, we regard this procedure of soil deposit to be in the very best interests of agriculture and for the future farming opportunities of our family members.

As indicated in our submission, timing is critical to avoid yet another year of loss agricultural production. We kindly request your consideration of our project as soon as possible and look forward to an ALC approval.

Thank you.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'D. Ireland'.

Danny B. Ireland, BSc(Agr), P.Ag. (retired)

A handwritten signature in cursive script, appearing to read 'Jean Ireland'.

Jean M. Ireland, BSc(Agr)

Cc: Counsel – District of Central Saanich



NOTICE OF INTENT

Under the Agricultural Land Reserve Use, Subdivision and Procedure Regulation

☒ To Remove Soil for a Specified Farm Use
☒ To Place Fill for a Specified Farm Use

☐ To Remove Soil for a Specified Non-farm Use
☐ To Place Fill for a Specified Non-farm Use

Note: The information required by this form and the documents you provide with it are collected to process a proposal under the Agricultural Land Commission Act and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, please contact the Agricultural Land Commission.

Owner DAN & JEAN IRELAND
 Address (IRELAND FARMS)
1910 MEADOWBANK RD.
SARNICATON, BC

Agent
 Address

Postal Code V8M 1X9

Postal Code

Telephone 250-652-3251

Telephone

Fax

Fax

E-mail ireland farms @shaw.ca

E-mail

Local Government: DISTRICT OF CENTRAL SARNICATON

Title Number(s) of Property: LOTS A & B Size of Property: 1.92 + 1.92 Ha. = 3.84 Ha.

Civic Address of Property: SECTION 12, RGE 2E, SOUTH SARNICATON DISTRICT
MEADOWBANK RD.

Current Use of Property: PASTURE & HAY FIELD

Adjacent Uses: North VACANT FARMLAND East FOR MAIN FARM OF APPLICANT
 South VACANT FARMLAND West VACANT FARMLAND

Type of Extraction/Fill Material: CONSTRUCTION GRADE - GRAVEL, CLAY, HARD PAN

Volume: cubic metres 12,600 Depth: metres 2.87

Total Project Area: hectares 0.5 Duration of Project: ANTICIPATE TWO SUMMERS

Proposed Reclamation Measures: SEE AGROLOGIST REPORT DEPENDING ON FILL AVAILABILITY

Purpose of Project: 1) TO CONSTRUCT LIVESTOCK FACILITIES (HOUSING, FEED AREAS, WATERING)
2) USE EXTRACTED PEST TO RESERVE DRAINAGE/POOR SOIL STATUS

Has a Professional Agrologist reviewed the project and provided a written report? ☒ Yes ☐ No
 (If yes, please attach a copy of the report.) ATTACHED TO PREVIOUS NON-FARM USE APPLICATION (MAR 2/20)

Declaration and Consent: I/we consent to the use of the information provided in this notice and all supporting documents. Furthermore, I/we declare that the information is to the best of my/our knowledge, true and correct. I/we understand that the Agricultural Land Commission will take the necessary steps to confirm the accuracy of the information and documents provided.

Date JULY 1 / 2011 Signature of Owner or Agent (PA. IRELAND) DAN IRELAND, Print Name

IRELAND FARMS

Producers of 'Naturally Raised Organic Meats'
'beef, chicken, lamb, pork & turkey'

1910 Meadowbank Road
Saanichton, BC V8M 1X9
phone/fax: (250) 652-3251
e-mail: irelandfarms@shaw.ca

June 27th, 2011

REPLY BY EMAIL DUE TO POSTAL STRIKE

Mr. Richard Bullock
Chair, Provincial Agricultural Land Commission
133 - 4940 Canada Way
Burnaby, BC
V5G 4K6

RECEIVED
PROV. AGRICULTURAL
LAND COMMISSION JUN 28 2011

GB

Dear Sir:

Re: Agricultural Land Commission application for Soil Deposit

We are writing you to clarify and provide supplemental information with respect to the correspondence you received from Mr. Nirmal Bhattacharya, Soil Conservation Officer with the District of Central Saanich dated June 21st, 2011 regarding our Soil Deposit Application.

We made an application to the Agricultural Land Commission (ALC), for what we were advised was a 'non-farm' use soil deposit, to improve two of our farm properties having inferior farming potential resulting from inadequate drainage. An Agrologist Report and Geo-Technical Scientist Report were completed and recommended a soil deposit was the solution to our situation.

The District of Central Saanich Council considered our application at their June 6th, 2011 Counsel meeting. They were also in receipt of a Staff Report (dated May 27th, 2011). The Counsel resolved that our application be forwarded to the ALC for their consideration.

We are writing the Commission to advise on three issues:

1. The report identified four items that the District wished further clarification and/or consideration by the applicant;
2. The Counsel's second resolution that our application be reviewed after the Commission reviews a current soil deposit being undertaken by Mr. Don Mazzei; and
3. Recent knowledge that our farm plans would qualify our soil deposit as a 'Farm Use' and only a 'Letter of Intent' should have been required rather than the formal application process we have undertaken.

Issue 1

The Staff Report identified four items that the District wished further clarification and/or consideration by the applicant. These are outlined in the ‘Conclusion’ and are:

- a) the ‘potential’ increased water level in Maber Flats and increased flows into the Graham Creek drainage system;
- b) lack of consideration for alternate drainage techniques or retention ponds;
- c) impact on roads and neighbouring residents; and
- d) confirmation of a net benefit to agriculture.

As I clarified at the Counsel meeting, the staff report failed to recognize that the consultants report prepared by Mr. Gordon Butt, Madrone Consulting Ltd. (who is a registered Professional Agrologist and Geotechnical Scientist), adequately addressed all four of these items. The following information was addressed in the report:

Increased Water Levels and Flows

The report indicated that there would be a ‘displacement’ of water caused by the soil deposit. This displacement would only occur at peak water periods, and more importantly, the displacement would be a positive effect for Maber Flats by reducing the volume of water that could be drained into the flats. The critical issue to be emphasized is, there will be NO net increase in water resulting from the soil deposit. NO greater volume of water is being added to the area of soil deposit, and only the natural rainwater runoff will be draining. The benefit to agriculture is that the water levels that are currently accumulating in the ‘hollows’ of our property, will have an expediated drainage after flood levels subside and thereby prevent pasture stands from drowning.

Alternative drainage techniques or drainage ponds

I refer you to page 6, 3rd and 4th para. of the Madrone Report. “The only way the soils could be drained is by dyking and then pumping out water in ditches; **I consider this to be uneconomical.**” Furthermore, “I rate the soils in the target area as Class 4W to Class 6W, consistent with the very poor drainage, **and this limitation is not economically improvable.**”

Impact on roads and neighbouring residents

Pursuant to water drainage to neighbouring properties, the Consultants Report states on page 10, “**I anticipate no impact on neighbouring properties since they drain west towards Maber Flats.**” With regards to any negative impact on roads, we have previously dealt with Mr. Al Mackie, Superintendent of Roads with the District. Having undertaken two previous soil deposits (with the approval of the ALC), we were commended that no negative impact

on the roads had occurred. The reasons for this are: 1) we ensure that all trucks adhere to a 'less than posted' municipal speed limit and drive at a maximum of 30 kph on residential streets; 2) we require that all trucks do not drive on the 'shoulders'; and 3) although most trucks operate 'overweight' in areas where highway scales are absent, we require truckers to carry a lesser payload than typical to address potential wear on the roads as well as our fields. Additionally, any material deposited on the street is to be cleaned to municipal standards as soon as able.

Confirmation of a net benefit to agriculture

If our application and presentation have not been sufficient for the District to conclude that our request represents a 'net benefit to agriculture, perhaps the District might consider retaining the services of a Professional Agrologist who can address agricultural potential and practices and thereby attest to our positive and constructive agricultural actions we have conducted on our farmlands.

Nonetheless, I refer you to the Consultant's Report, page 8, Conclusions and Recommendations – Effect on Agricultural Capability. *The desired outcome of the fill placement is to create a raised surface, above the surrounding watertable to allow a wider range of agricultural activity. In addition, grading towards the west will facilitate drainage of surface water, thus alleviating the ponding that is currently part of the problem. The proposed fill operation...will accomplish this improvement in drainage and widening of the operating window. The agricultural capability of the fields will be improved from the existing Class 4W-6W to an estimated Class 3W.*

Issue Two

The Counsel's resolution to consider impacts of the Don Mazzei on our properties, prior to approving our application.

As described by in the Agrologist Report, "there is no economically improvable" method to improve our drainage situation. The poor drainage is due to more than the soil deposit by the Mazzei project. Our property (and all of Maber Flats) has four inch 'Big O' drainage pipe placed three feet deep and at 50 foot intervals for the entire 100 acre property. The drainage pipe flows in a south-north pattern. Several property owners to our north have severed these drainage lines over the years, and this has contributed to poor drainage in lower lying areas.

The two properties we have under application are of a much lower elevation than neighbouring areas and have multiple depressions. Water thereby accumulates and stays in these areas. Any changes to the Mazzei soil deposit will not have an effect on these depression areas, which amount to approximately five acres. The Commission should be aware that their staff have visited our site and observed these characteristics. The Agrologist Report concludes that a soil deposit is necessary to rectify our situation - despite any changes to the neighbouring properties to the north.

Issue Three

The Commission may wish to consider an ammendment to our non-farm use application for a soil deposit.

In January, we asked the ALC for clarification of what soil deposits constitute a 'farm use' or a 'non-farm use'. We received no reply and subsequently were advised by the District that we would need to make an application as a non-farm use. It has recently come to our attention that our farm plans qualify our soil deposit as a 'farm use' and are exempt from an application under the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation, Part 3, Section 4, 1(b) - the construction, maintenance and operation of a farm building or structure, for use in an intensive livestock operation or for mushroom production, if the area occupied by the farm building or structure is greater than 2% of the area of the parcel.*

We have been expanding our animal production capability over the past several years, and with newly acquired production quota by the BC Chicken Marketing Board and the BC Turkey Marketing Board, a need for additional intensive livestock facilities is now required. Our plans are to construct these facilities at a distance from nearby neighbours so we can also be considerate of their surroundings, i.e. to minimize possible animal odour issues. The locating of these facilities at the eastern slope of the two subject properties is ideally suited for this. Additionally, this location would provide the opportunity to use the peat removed to facilitate the placing of construction grade fill, to then be used to fill in the low areas and provide the gradient necessary to expedite drainage after flooding. This practice would also allow the elevating of our good pasture lands with the same native soil. Both as farmers and a Professional Agrologist, we regard this procedure of soil deposit to be in the very best interests of agriculture and for the future farming opportunities of our family members.

We apologize for the length of this submission; however, believe it necessary that the Commission understands completely the obstacles we are facing in our farming area. It is a very difficult task to keep farming and especially in this District. Many other bona fide farmers have ceased operation over the years in Central Saanich due to many reasons. But the economics of farming are diminshing for large scale agriculture and any issues which support agriculture need to be fully embraced by the District. Although we recognize the District's concerns for yet another District soil deposit, we need to emphasize that our application has been vetted by many professionals, other farmers and other government agencies, and all have supported our situation and solution to overcome the obstacle we face.

As indicated in our application, timing is critical to avoid yet another year of loss agricultural production. We kindly request your consideration of our project as soon as possible and look forward to an ALC approval.

Thank you.

ALC – Soil Deposit Application
June 27th, 2011
Page 5 of 5

Yours sincerely,

A handwritten signature in cursive script, appearing to read "D. Ireland".

Danny B. Ireland, BSc(Agr), P.Ag. (retired)

A handwritten signature in cursive script, appearing to read "Jean Ireland".

Jean M. Ireland, BSc(Agr)

Cc: Counsel – District of Central Saanich

Mr. Nirmal Bhattacharya, P.Eng.
Director of Engineering and Public Works

IRELAND FARMS

Producers of 'Naturally Raised Organic Meats'
'beef, chicken, lamb, pork & turkey'

1910 Meadowbank Road
Saanichton, BC V8M 1X9
phone/fax: (250) 652-3251
e-mail: irelandfarms@shaw.ca

March 7, 2011

Provincial Agricultural Land Commission
Room 133, 4949 Canada Way
Burnaby, BC
V5G 4K6

Dear Sir/Madam :

Re : Application for Soil Deposit to remedy drainage impediment

Please accept this letter as an attachment to our application made to the Agricultural Land Commission (ALC) requesting a permit for soil deposit on our farmland for the purpose of cultivation and crop production.

The request for a soil deposit approval is to rectify a drainage restriction recently caused by two soil deposit projects approved by the ALC (Don Mazzei, Highfield Road and Silver Rill Farm, Wallace Drive). The unfortunate consequence of these two deposits has resulted in our prime A1 land flooding and/or remaining saturated now in excess of eight months. This has resulted in a die off of our pastures which are paramount to our farming operation. We are now unable to produce quality forage/pastures and provide the habitat for our livestock/free range poultry enterprise.

The attached photos demonstrate our farmland subject to the drainage impediments as well the surround 'downstream' lands not encountering the problem drainage. To support the request of a soil deposit, we have consulted with a geo-technical specialist, Professional Agrologist, excavation firms, other farmers with longstanding knowledge of the area, District of Central Saanich staff, Councillors and the Mayor to arrive at a solution. The recommendation is to change the historical 'south/north' drainage pattern to an 'east/west' slope. A minimal elevating of our fields by approximately 12-15", with an approximate 0.6% E/W slope, will fill low areas and produce a moderate drainage towards the municipal water collection area to the west. The deposit process will commence in the south, with an E/W process of stripping the topsoil approximately 18", layering the fill then backfilling the topsoil. This 'strip' method will allow for the immediate reseedling and farming of the land as the project advances rather than awaiting the completion of the total soil deposit. It is anticipated that the project could feasibly be completed in the summer/fall depending on a committed supply of quality fill.

The District has recommended that we further communicate this project to the adjacent neighbourhood and we concur, as this was undertaken with our first project in 1995 (as noted in

attachment). Further to an approval, our requirement of a sole contractor will be to operate trucks within normal business days and hours, set a travel speed 20 km. less than posted limit, do not use 'compression brakes' and maintain a clean road as necessary.

Further to this application, I wish to advise that both my wife and I have BSc(Agr) degrees and I have been a Professional Agrologist for over 25 years (attachment). We have also undertaken a previous soil deposit (1995) and demonstrated our efforts were conducted responsibly and professionally and have available for review documentation by the ALC supporting our conduct (Brian McBride, P.Ag., Reclamation Specialist, ALC - 1995).

We trust the above information will meet with the ALC's approval and we can plan for a reclamation of our farmland this spring.

Thank you.

Yours sincerely,



Danny B. Ireland, BSc(Agr), P.Ag. (retired)

Cc: District of Central Saanich

- Attachments:
- 1) ALC application
 - 2) photos
 - 3) application fee
 - 4) Certificate(s) of Title
 - 5) Map of adjacent properties/use
 - 6) Cross-sectional profiles

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Available for Review:

- 1) ALC Field Inspection Report, October 1995, Brian McBride, P.Ag.
- 2) Elevation Gradients

STAFF
COPY

TO BE
RETURNED TO
D. IRELAND

April 25, 2011

Mr. Dan Ireland
Ireland Farms
1910 Meadowbank Road,
Saanichton, BC, V8M 1X9

**Proposed Placement of Fill on Agricultural Land:
1910 Meadowbank Road, Saanichton, BC**

Dear Mr. Ireland:

Introduction

Madrone Environmental Services Ltd. (Madrone) was requested by Mr. Dan Ireland to conduct an Agrologist Report on his property located within the Agricultural Land Reserve (ALR) at 1910 Meadowbank Road in Saanichton, BC. The purpose of the assessment was to review the soils and hydrological conditions of the property to determine:

1. If the fill will maintain or (preferably) improve the existing land capability; and
2. If the operation will not have a material adverse affect on hydrology and agriculture in the area.

Mr. Gordon Butt, M.Sc., P.Ag., conducted the assessment on April 7, 2011, accompanied by Mr. Ireland and Ms. Wanda Miller, A.Ag. of Madrone.

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Dossier 11.0085

Mr. Ireland plans to place clean fill on a portion of two parcels within his property each amounting to 1.92 ha (4.8 acres) for a total of 3.84 ha (about 9.6 acres). The Land Title of the parcels are:

1. Lot A, Section 12, Range 2 East, South Saanich District and
2. Lot B, Section 12, Range 2 East, South Saanich District.

The fill area is 192 m (north-south) by 132 m (east to west), or 2.53 ha. Mr. Ireland proposes to place fill to an average depth of 0.50 m, so as to achieve a uniform slope to the west of approximately 0.8%. This would require filling to a depth of about 1.0 m along the eastern edge of the fill site, feathering down to 0 along the western margin.

The purpose of the fill placement is to improve drainage. Mr. Ireland has indicated that the land in its current condition is now subject to both flooding and retention of all run-off water from the eastern slopes of Meadowbank Road from the fall to the early summer. The poor drainage restricts the production of forage or hay, limiting Mr. Ireland's ability to raise livestock. Mr. Ireland has indicated that the fields remain flooded or have an elevated water table as late as early July. About one-quarter of the fields were ponded at the time of my visit in early April.

The intended final end use of the property is a productive field of hay/forage for the livestock raised on Ireland Farms as well as to overwinter his livestock. The fields in question have no residences, infrastructure, roads, or outbuildings. The fields are fenced and a ditch runs south to north immediately beyond the western side of the properties. The fields are contiguous with the larger Maber Flats, which occupy approximately 80 ha.

The property immediately to the south consists of a field that has been farmed in the past but is now dormant (according to Mr. Ireland) as well as a brushy area adjacent to a residence.

To the west lie a number of land parcels in the larger Maber Flats, some of which are actively farmed for annual crops, and some of which are currently dormant. These are at approximately the same elevation as Mr. Ireland's fields. However there is a slight rise in land to the west of the Ireland fields; this is the reason that the traditional drainage was to the north then to the west.

To the north is a property owned by Mr. Don Mazzei, who is – at the time of writing – in the process of stripping topsoil and placing fill on the field immediately adjacent to Mr. Ireland's fields. Mr. Ireland indicated that the water problems on his own fields have been exacerbated by the recent activities of neighbours to the north, which have restricted the traditional northerly drainage pattern. He also indicated that this issue has been brought to the attention of the District of Saanich and the ALC without a satisfactory resolution.

According to the Agricultural Land Commission Act, 2002, a person must not use agricultural land for non-farm use unless granted permission. Under subsection 20 (2), the removal of soil and the placement of fill are considered non-farm uses.¹ Part 3 of the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation² outlines the notification requirements and non-farm uses which involve the placement of fill which qualify for exemption under Section 20 of the Agricultural Land Commission Act.

The Corporation of Central Saanich also has a "*Soil Deposit and Removal Bylaw 2007 No.1504*". However; this bylaw currently does not apply to lands within the ALR.

Site Description

The two fields that will receive the proposed fill consist of very poorly drained organic soils of the Metchosin Association (Figure 1). The property lies on the eastern extent of the Mabor Flats; this is an agricultural area that was formerly a wetland. The area floods from late October or November through to April or May in most years. Mabor Flats ultimately drain north and then west towards Graham Creek. The area is actively farmed most years to vegetables or other annual crops.

The soils were partially ponded with up to 15 cm of water during my visit there in April (Photo 1). I dug several pits to confirm the nature of the soil. I had also inspected the soils in the adjacent field to the north in 2009.

¹ Ministry of Sustainable Resource Management, 2002, *Agricultural Land Commission Act*, Available URL: http://www.leg.bc.ca/37th3rd/3rd_read/gov21-3.htm#section20. Accessed December 5, 2008

² Agricultural Land Commission, 2002, *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*. Available URL: http://www.alc.gov.bc.ca/Legislation/Reg/ALR_Use-Subd-Proc_Reg.htm. Accessed December 5, 2008.



Photo 1. View looking NW across the two lower fields that will receive the fill.

The soils in the two fields contained about 20 cm of compact silty loam, overlying black, well-decomposed organic soil (Photo 2). Mr. Ireland describes his experience driving a fence post in the NW corner of the northern field; he suggests that the post did not encounter firm soils for at least 13 feet (4 m).

In the adjacent field to the north, I observed that the depth of the organic material diminishes towards the east end of the property where it abuts gradually rising ground.

The fields are fenced on all four sides. The property is located within the ALR and is Zoned Rural Use 1 (RU-1), which permits a variety of uses including agricultural, residential, and equestrian use.

Maxwell³ mapped the soils within the area as consisting of the Metchosin Soil Association, which is consistent with my observations. These soils are described by Jungen *et al.* 1980⁴, as Typic Humisols. The uppermost silt loam layer is not consistent.

³ Maxwell, R. Soils of Central Saanich. CRD Natural Areas Atlas: http://maps.crd.bc.ca/imf/imf.jsp?site=public_crdviewer, accessed April 21, 2009. .

⁴ Jungen, J.R. P.Sanborn and P.J. Christie. 1985. Soils of Southeast Vancouver Island: Duncan-Nanaimo Area. MoE Tech. Rep. 15. Victoria BC.

Mr. Ireland has informed me that this horizon represents fill that had been placed on fields in the past. That explanation is consistent with my observations.



Photo 2. Soil profile showing veneer of silt loam from an earlier fill placement and underlying black, well-humified organic horizons. This is a Typic Humisol.

I expect that the organic deposits overlie silty clay loams or silty clay derived from glaciomarine or glaciolacustrine deposits.

The fields are from first glance flat, but in fact are slightly undulating with a total relief of about 1 m. during my field visit in April portions of the proposed fill area were ponded Mr. Ireland has had elevations taken at points throughout the fields. The profiles (Figure 3 and 4) show that the fields contain a shallow depression in the middle portion, elongated approximately north-northwest-south-southeast. The fields grade gently to the north. This results in ponding of surface waters in the dip. The CRD orthophoto images show the grass as having a pale green colour corresponding to this slight depression (Figure 2).

A ditch, oriented north-south is located immediately outside the western boundary. It drains to the north. The ditch unfortunately does not provide significant drainage in winter and shoulder seasons; at the time of my visit the

freeboard between the water surface in the ditch and the land surface in Ireland Farms was less than 20 cm (Photo 3).



Photo 3. View looking south along the western boundary of the fields. There is very little freeboard at this time in the ditch.

This ditch is about 3 m wide and 60 cm deep. According to Mr. Ireland, it carries municipal water from the upper properties of Meadowbank Road. It conveys water north and then west, ultimately draining into Graham Creek where it meets Wallace Drive.

The soils are considered to have a good agricultural potential for annual crops such as vegetables, with good tilth and inherent fertility. However, the duration of flooding means that the growing season is extremely short. The soils are subject to subsidence if drained; although this is unlikely given the height of the regional watertable. The only way the soils could be drained is by dyking and then pumping out water in ditches; I consider this to be uneconomical.

The degree and duration of flooding poses a significant limitation on the range of crops that can be grown. I rate the soils in the target fill area as Class 4W to Class 6W, consistent with the very poor drainage, and this limitation is not economically improvable.

The limitation is Class 6W if they do not drain until July, and Class 4W if they drain by the end of April. The date of earliest hay production will vary from year to year. In its current condition, the soil is completely unsuitable for overwintering livestock, including sheep, at any intensity level. Mr. Ireland stated he now needs to relocate his animals to another farm outside the District during the wet periods (at a considerable expense) to avoid animal diseases (sheep foot rot). Furthermore, the field is not ready to support grass growth in most years until May (or as late as June), restricting the forage productivity.

Notwithstanding the wetness limitation, the soil is inherently fertile with good moisture retention and low coarse fragment content. This is why I advise conservation of the existing topsoil and incorporating into the new fill after final grading.

Proposed Fill

The proposed fill will average 0.50 m in depth, graded to provide an east-west slope of 0.8%. To achieve this grade, about 1.0 m of fill is needed on the east side, feathering to 0 on the west side.

The total volume of fill will be approximately 12600 m³ (approximately 1,260 box dumps or 630 truck/pup units) The actual amount may vary according to the amount of settling by compaction and by compression of the underlying organics. I anticipate the variation would be less than 10% of the total volume.

The effect of the fill will be two-fold:

1. Raising elevation of the field will allow earlier onset of grass growth and trafficability, and
2. Grading the fields to the west will prevent ponding of water and allow surface water to drain to the west and into the ditch.

Hydrologic Impacts

The volume of fill will displace some of the water that now floods Mabor Flats in the fall, winter and early spring.

Assuming the average area of flooding in Mabor Flats during the period from late October through March is 80 ha (800,000 m²), and that the average depth of

water is 1.0 m, the total volume of water stored on the flats is roughly 800,000 m³. After fill has been placed I assume it will have a volumetric moisture content of 30% to 50% (assuming some compaction during filling) and therefore will contain less water than the existing organic soil (which probably has a volumetric moisture content of 100%). The volume displaced will therefore be 12600 m³ times 50% to 70% or 6300 to 8800 m³.

This represents about 0.8% to 1.1% of the stored water in Maber Flats. If no additional drainage occurs, the impact could result in a water level increase of 0.008 m to 0.011 m or 0.8 cm to 1.1 cm. That rise would only occur if no additional drainage took place; however I suggest that some of the increase will be attenuated by accelerated drainage north and west towards Graham Creek.

Conclusions and Recommendations

Effect on Agricultural Capability

The desired outcome of the fill placement is to create a raised surface, above the surrounding watertable to allow a wider range of agricultural activity. In addition, grading towards the west will facilitate drainage of surface water, thus alleviating the ponding that is currently part of the problem.

The proposed fill operation, involving the placement of 12600 m³ ranging from 1.0 m thick on the east side to 0 m at the west side, will accomplish this improvement in drainage and widening of the operating window.

The agricultural capability of the fields will be improved from the existing Class 4W – Class 6W to an estimated Class 3W.

Conditions for Filling

I recommend that Mr. Ireland strip and stockpile some of the existing organic material prior to fill placement. The 20 cm of previously placed fill should be mixed with at least 30 cm of underlying organic soil, then the mix should be stockpiled in a suitable location, away from any watercourse or ditch. The organic soil is a valuable soil amendment that will substantially improve the moisture and nutrient retention of the introduced soil.

After placement of fill, the organic soil should be hauled back to the surface and worked into the upper 0.5 m of introduced soil using a rototiller, plow or disc.

Ideally, fill material should be relatively coarse-textured (preferably to loamy sand) to allow for free drainage during winter. It would be desirable if the fill material contained less than 20% coarse fragments (greater than 2 mm mean diameter) and be free of foreign material. The source of the fill should be inspected to ensure that it is not contaminated and that it meets the criteria for agricultural use.

The northern, eastern and southern boundaries of the fill, along the western and southern margins will need to be graded to a stable angle. I recommend a gradient of 0.3V:1H or 30%.

This material will be saturated for nearly one half of the year so a conservative gradient is necessary. Use of a steeper slope (e.g. 50%) is acceptable the material is properly compacted as it is laid down, or if a compacted berm is employed to support the interior of the fill. No grading is necessary on the western side, since the fill will be feathered on that side.

I recommend that the fill is not compacted in lifts as might have been done for the residential area on the north of the property. Some compaction will occur during the hauling and placement of fill. If the upper 50 cm is too dense, then de-compaction will be necessary; that can be done as the organic material is mixed in with the soil.

The fill sequence will be from southeast to northwest, using a trail on the east side of the fields for truck access. The fill will be dumped in east-west rows sequentially from south to north and east to west.

The final land capability will be strongly influenced by the characteristics of the fill material. Provided that it is reasonably well drained material and devoid of foreign material or contamination, and with low coarse fragment content, I believe that the fill will result in an improved capability for agriculture.

Off-site Impacts

Using a number of assumptions regarding the displacement of flood water in Maber Flats, I calculate that the fill placement will result in a water level rise of between 0.6 cm and 0.8 cm. Some of that rise will be attenuated by accelerated drainage to the north and west to Graham Creek.

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I anticipate no impact on neighbouring properties since they drain west towards Maber Flats.

Yours truly,

**This is a digitally signed duplicate of the
official manually signed and sealed document.*



Gordon Butt, M.Sc., P.Ag.,
MADRONE ENVIRONMENTAL SERVICES LTD.

Limitations

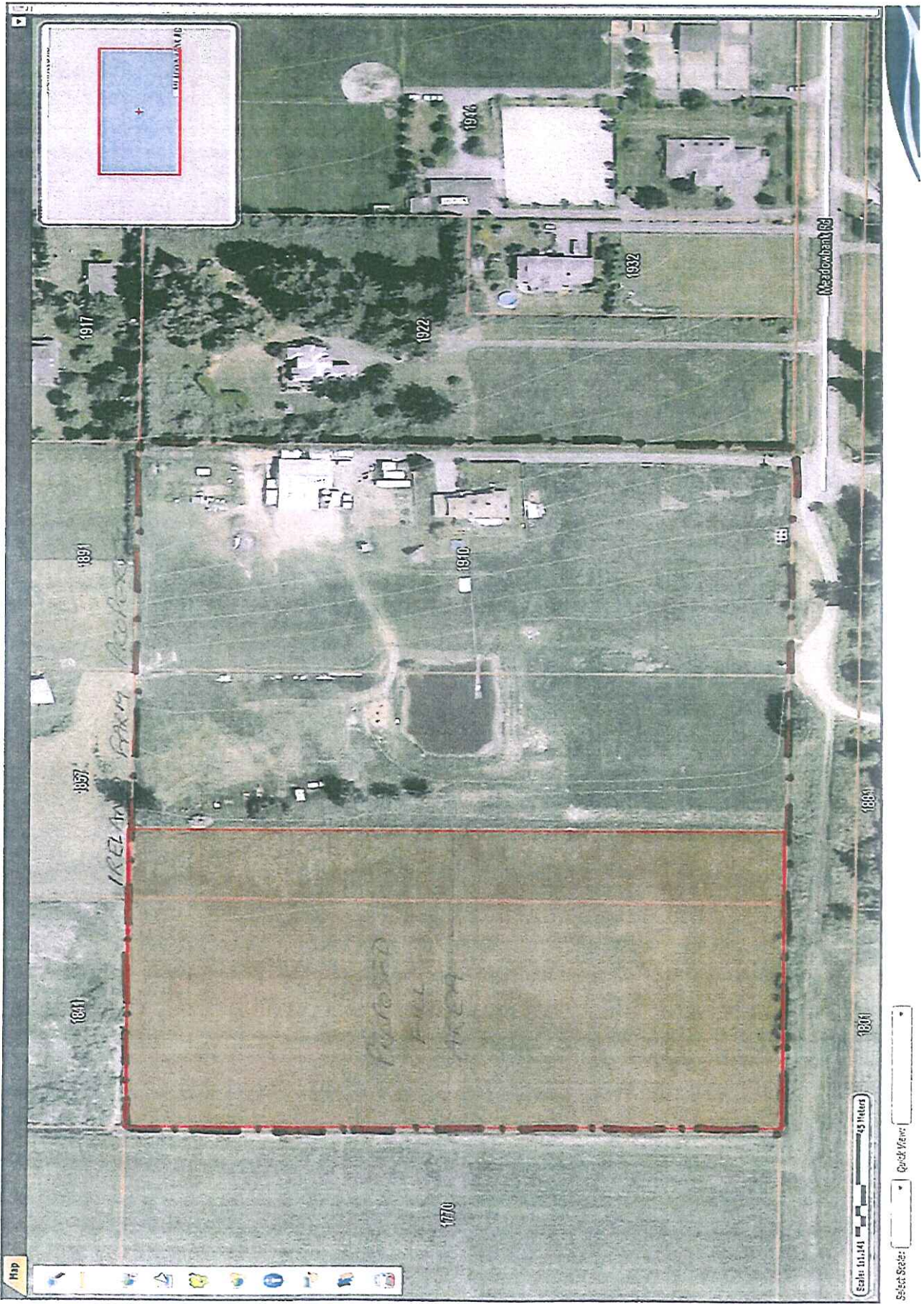
The evaluations contained in this report are based on professional judgment, calculations, and experience. They are inherently imprecise. Soil, agricultural and drainage conditions other than those indicated above may exist on the site. If such conditions are observed, Madrone should be contacted so that this report may be reviewed and amended accordingly.

The recommendations contained in this report pertain only to the site conditions observed by Madrone at the time of the inspection. This report was prepared considering circumstances applying specifically to the client. It is intended only for internal use by the client for the purposes for which it was commissioned and for use by government agencies regulating the specific activities to which it pertains. It is not reasonable for other parties to rely on the observations or conclusions contained herein.

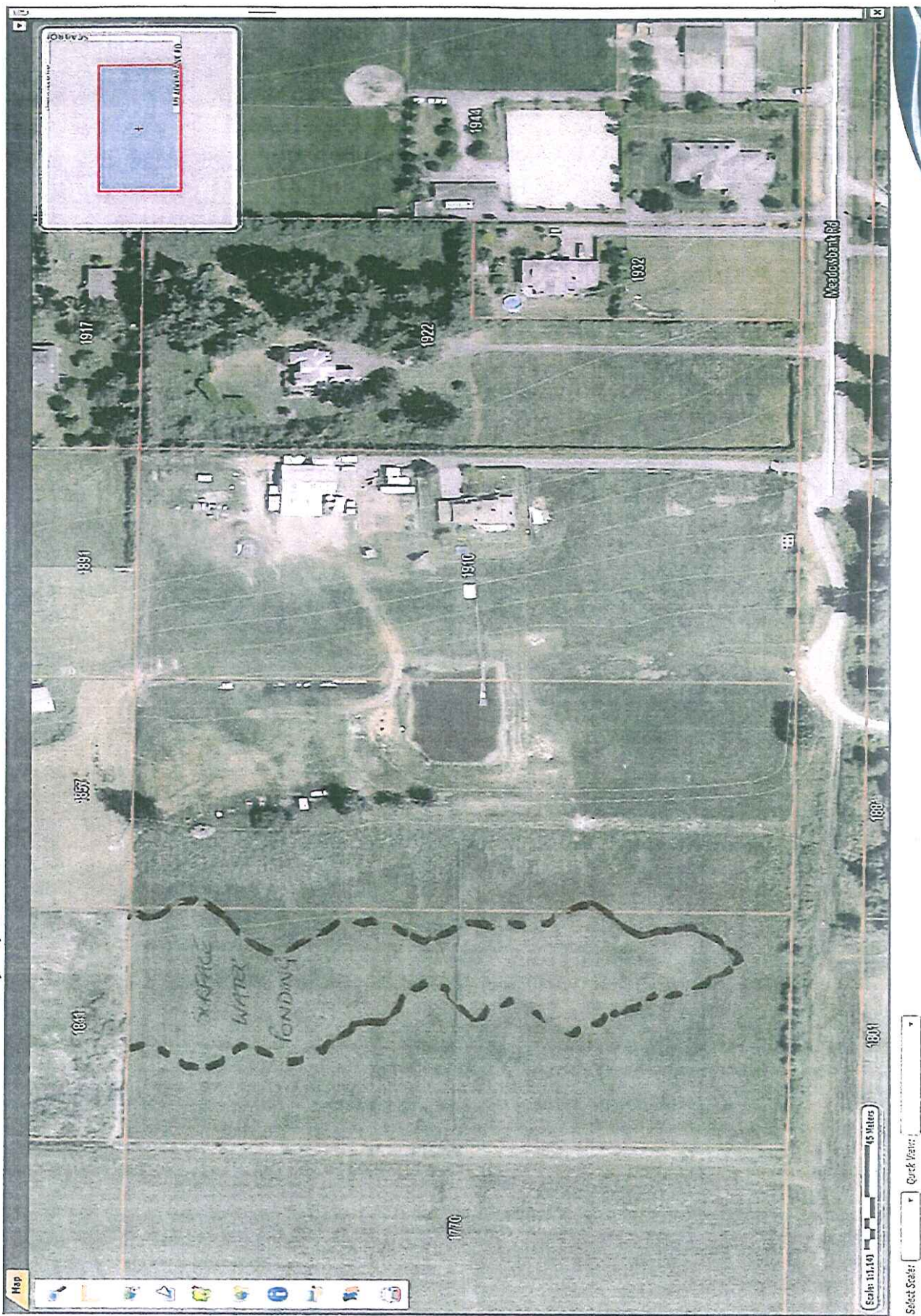
MADRONE
environmental services ltd.

FIGURES 1 – 5

CRD Regional Community Atlas **FIGURE 1. PROPOSED FILL LOCATION**



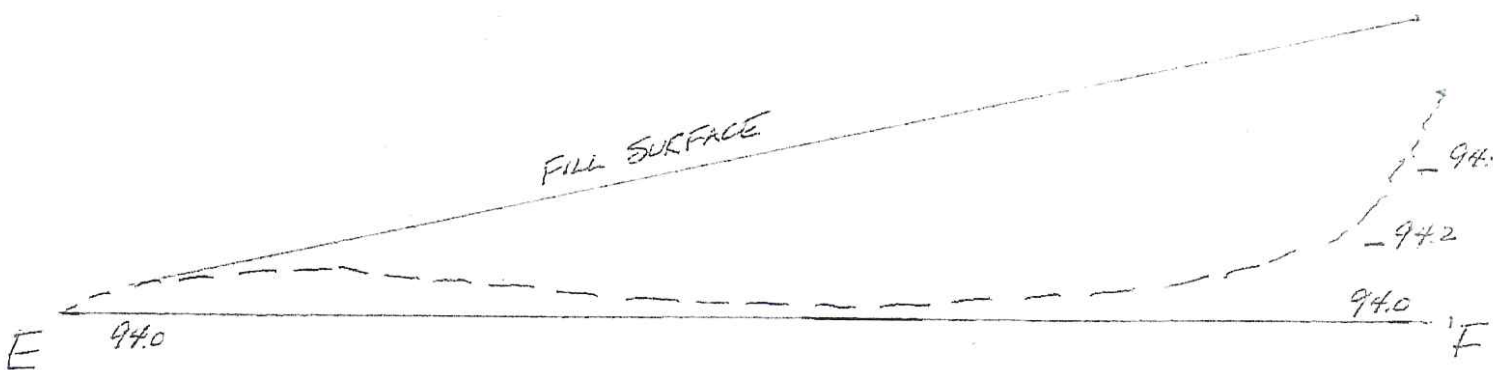
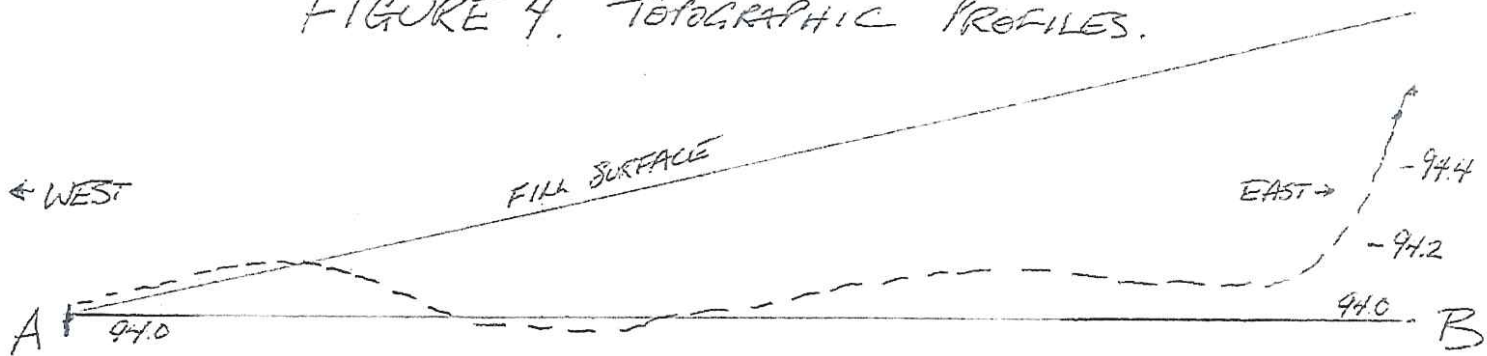
CRD Regional Community Atlas **FIGURE 2. SURFACE WATER FLOODING**



Not

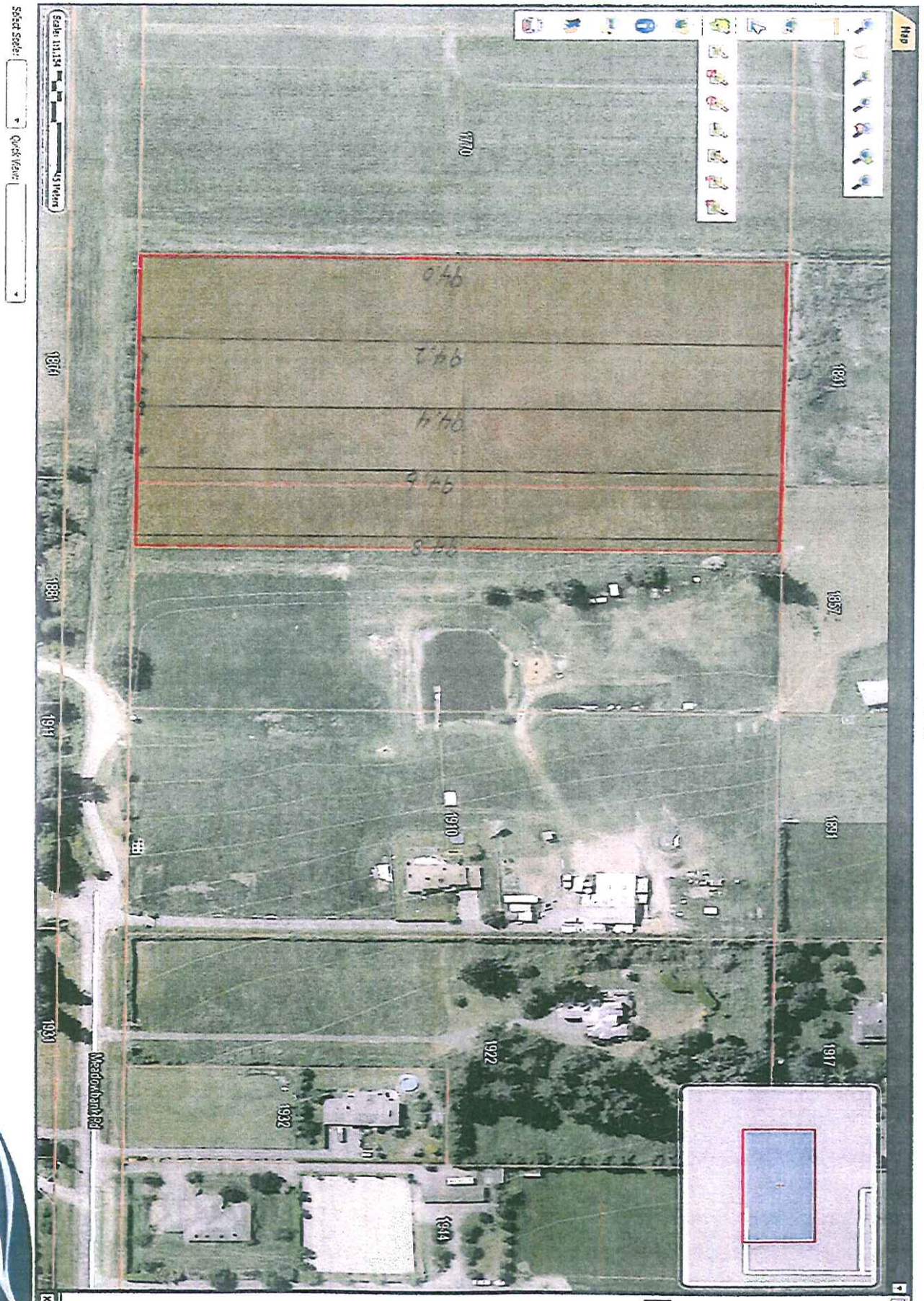


FIGURE 4. TOPOGRAPHIC PROFILES.



NOTE: VERTICAL EXAGGERATION = 3.65

FIGURE 5. FINAL CONTOURS





(Sent by mail also)
E-mail
Nov 5/09

Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

November 3, 2009

Reply to the attention of Gordon Bednard
File # 81500-20/90/mazzei

Don Mazzei
7183 Keally Place
Brentwood Bay, BC V8M 1B8

Dear Sir:

Re: Correspondence received regarding soil placement within the ALR
Legal: Lot 3, Block 4, Plan 1607, Sec 11, Rge 2 East South Saanich District
PID: 001-934-881
Address: 1841 Highfield Road, Saanichton

It is the Commission's understanding that you propose to place 15 - 18,000 cubic metres (in total) of clean, coarse-textured fill (sandy loam to loamy sand) on approximately 1.7 ha of the above property in the area shown on the attached sketch. The intention of the fill placement is to raise that area of the land to improve its agricultural capability, as the area presently floods and thereby limits its ability to sustain agricultural crops. Your revised proposal, received September 25, 2009, and the revision to the original (April 29, 2009) Madrone report, dated October 19, 2009, detail the reasoning and methodology for the fill placement, and contain a description of how the fill placement and agricultural development of the property will not affect the overall drainage regime of the Maber Flats area.

Based on the above understanding, it appears that your proposal, as detailed above and in your revised submissions is consistent with the Agricultural Land Reserve Use Subdivision and Procedure Regulation, Section 2(2)(d). As such the fill placement would be permitted as a farm use and formal application for non-farm use, or the Notice of Intent is not required, subject to your written acceptance of the following terms and conditions:

TERMS AND CONDITIONS

1. That the fill placement activities be restricted to the 1.7 ha area as shown on the attached plan. It is the understanding of the Commission that existing peat soils in this area will be retained on the property and that no silt/clay materials will be imported to the property for either fill placement or for retention pond construction.
2. That a retention pond and drainage/irrigation infrastructure be constructed/installed/operated and maintained, such that runoff from the property does not increase the overall flooding of the Maber Flats area. The retention pond is to be constructed in consultation with a qualified professional and excavated material from the construction may be used on the property as fill to offset the amount of fill imported to the site.
3. That the total fill placement shall be limited to a maximum of 18,000 m³ to achieve the finished grade elevations as proposed. Should the project require less material to achieve proposed grade elevations, the project will be considered completed. Excess material surplus to the approved project is not to be placed or retained on the property.

4. That, under the direction of a qualified registered professional, all existing 'topsoil' on the authorized site shall be stripped and salvaged for future soil reclamation purposes. Topsoil stockpiles are to be stored separately by horizon type and replaced in the reverse order of removal to prevent mixing of the horizons and to facilitate the re-creation of the present soil condition. Salvaged 'topsoil' shall not be removed from the property.
5. That appropriate weed control must be practiced on all disturbed areas.
6. That all soil stockpiles shall be seeded and established to an appropriate plant cover, or other suitable soil erosion control measure shall be applied to protect the stockpiles from wind, runoff or other removal processes. Protection is also to extend to damage which may be caused by recreational vehicles such as motorcycles, etc.
7. That dust suppression practices, and/or restrictions on vehicle traffic be applied when necessary to minimize air-borne dust from traffic on the property and thereby potential negative impacts resulting from the dust on neighbouring properties.
8. That the soils surrounding the proposed deposition area shall be left undisturbed.
9. That a final report prepared by a qualified registered professional be submitted to the Commission upon completion of the project. The final report shall include professional assessments specific to:
 - a) the soil reclamation outcomes for all areas within the fill placement area.
 - b) the efficacy of site drainage on the total reclaimed area;
 - c) identifying potential negative impacts on the drainage of soils elsewhere on the property, and/or on neighbouring properties, should the impacts be determined to be a result of the project and its activities.
10. That the proposed fill placement project, including all reclamation activities, be completed by October 30, 2010. Should you require an extension of time beyond this date to complete the project, a request shall be submitted to the Commission prior to June 30, 2010. The request shall include a status report regarding the project and the extent of soil reclamation achieved on the reclaimed fill placement site.
11. That to ensure the successful reclamation of the site, and the installation and operation of the water retention pond/irrigation infrastructure, a financial security in the amount of \$10,000.00 be posted with the Minister of Finance, in favour of the Provincial Agricultural Land Commission (see attached example of Letter of Credit). Release of the bond will be dependent on receipt of evidence that the project has been completed as permitted.
12. That you obtain and maintain 'farm classification' under the Assessment Act for the property within one year of the date of this letter.

Please advise this office in writing as to whether or not you intend to proceed with the fill proposal on the above basis. Should you not agree to the above terms and conditions, the option of submitting an application to the Commission is available. Should an application be made, please be advised that in its resolution the Commission has the authority to grant an approval, with or without conditions, or deny the proposal. The application process is initiated by submitting the required forms and paying the requisite fee (\$600) at the local government offices. Please access the Commission's website at www.alc.gov.bc.ca for further information regarding application procedures.

Please be advised that with this authorization stands the requirement to comply with all applicable Acts, regulations, bylaws of local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. Although copies of this letter will be forwarded, I advise you to contact the District of Central Saanich to inform about the authorization that is provided by this letter.

Please be advised that should the Commission be later informed or it determines that the fill placement was in aid of a non-permitted use or activity, the amount of fill exceeded the amount approved, the fill was placed outside the area approved, water retention works were not installed (or have not been maintained/operated as proposed) or the type of fill is not consistent with the approval, the activities would be in contravention of the Act and Regulations. This would leave the landowner(s) open and subject to the enforcement options provided the Commission in the legislation, including the option of exercising its authority to order removal of the material, and/or impose fines.

Further information on the Commission is available on the Commission website at www.alc.gov.bc.ca or by calling the Commission office at 604-660-7000 during regular business hours.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

PER:



Erik Karlsen, Chair

cc: District of Central Saanich Attn: Gary Nason/Nirmal Bhattacharya/Hope Burns
Ministry of Agriculture – Victoria Attn: Rob Kline

bednard/orcs/81500-20/90 PER/CARD/CSAAN/2009/Mazzei



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

February 1st, 2010

Reply to the attention of Roger Cheetham
ALC File: 81500-20/90/CRD/CSAAN

Jack Mar, Mayor,
The Corporation of the District of Central Saanich
1903 Mount Newton Cross Road
Saanichton, BC
V8M 2A9

Dear Sir:

**Re: Placement of Fill: Lot 3, Block 4, Section 11, Range 2 East, South Saanich
District Plan 1607: Mr. D Mazzei**

Thank you for your letter of December 1, 2009 expressing the concerns of the District of Central Saanich with regard to the above property and the placement of fill on that property to enhance its agricultural potential.

Please be assured that the Agricultural Land Commission, in its consideration of the matter, gave serious thought to the impact any fill placement may have on both the subject lands and adjoining agricultural properties. In this case, the landowner expressed his frustration that he was not able to use the property effectively for farm purposes because of the increasing impact of water inundation on the property. The owner proposed that raising the land above the level of seasonal flooding was the only option to enhancing its agricultural potential.

The owner, in conjunction with a Registered Professional Agrologist, laid out a well-considered plan to raise a portion of the property and at the same time create a detention pond so that the land would be less negatively affected by inundation in this poorly drained area. Under this plan, any precipitation falling on the property would be retained to be used in dry periods of the year. The drainage/irrigation/detention system is designed such that precipitation landing on the property will not add to the water management problems increasingly found in this area of Central Saanich.

The owner has also provided a security to the Commission to ensure that the project is completed and functioning as designed.

The Commission recognizes the need to resolve the issues highlighted in this fill proposal and sympathizes with the concerns of Council in this regard. As indicated in the Commission's letter dated 6th April 2009 the Commission considers that the implementation of the Integrated Stormwater Management Plan and the amending of Bylaw No. 1544 will help resolve drainage issues in Maber Flats as well as in other low lying areas of the District. It accordingly looks forward to working with the District with regard to these initiatives.

Page 2 of 2
February 1st, 2010

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

gb/rc
i/ 81500-20-90/CRD/CSAANMazzei