



Agricultural Land Commission
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January 31, 2012

Reply to the attention of Eamonn Watson
ALC File: 52386

Marv's Excavating Ltd.
30435 Hawkins Road
Abbotsford, BC
V4X 1V4

Dear Mr. Marv Loewen:

Re: Application to deposit soil in the Agricultural Land Reserve, 5568 Mount Lehman Road, Abbotsford

Please find attached the Minutes of Resolutions # **493/2011** outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Abbotsford (4520-55/SRO#1632)

EW/52386d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 27th, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Jennifer Dyson	Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Brian Underhill	Executive Director
Eamonn Watson	Land Use Planner

APPLICATION ID: # 52386

PROPOSAL: The applicant is proposing to place approximately 20,790 m³ of fill on the southern portion (3.3 ha) of the subject property. The proposed fill would create an even slope from the southwest corner of the subject property to the stream setback the runs east-west across the subject property, approximately in the middle. After reclamation, the project area would be free of low-lying areas and useable for livestock pasture.
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owner: Albert Charlie Brechin and Rosalin Mary Brechin
Date of Acquisition: March 10, 2005
Parcel ID: 010-824-596
Title No. BX119391
Legal Description: Lot 1, Except: Parcel "A" (Plan with Fee Deposited 24110E); Section 1, Township 14, New Westminster District, Plan 2983
Civic Address: 5568 Mount Lehman Road, Abbotsford
Size: 7.7 ha
Area in ALR: 7.7 ha
Current Land Use: Cattle, pasture and related farm buildings
Farm Classification: Yes
(BC Assessment)

SITE INSPECTION MEETING:

A site inspection meeting was conducted on October 4th, 2011 following which a report was prepared. The site inspection meeting report was approved by Commissioner Sylvia Pranger on October 25, 2011.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may

vote on the application or matter only if a summary of the meeting is given to the member before the vote. The site inspection meeting report, approved by Commissioner Sylvia Pranger on October 25, 2011, constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission are (1) to preserve agricultural land; (2) to encourage farming on agricultural land in collaboration with other communities of interest; and (3) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Agricultural Capability

Based on the information contained in Map 92G/1d (Scale 1:25,000) of the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings are identified as being:

Unimproved Rating: 5:3TA 3:4T 2:4WD Improved Rating: (5:3T 3:4T 2:3DW)

Note: These ratings cover approximately 60% (or 4.6 ha) of the subject property.

Unimproved Rating: 8:3TA 2:4W Improved Rating: (8:3T 2:2W)

Note: These ratings cover approximately 25% (or 1.9 ha) of the subject property.

Unimproved Rating: 4W Improved Rating: (2W)

Note: These ratings cover approximately 15% (or 1.2 ha) of the subject property.

The agricultural capability of the soil of the subject properties are:

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

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

Subclasses

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

Site Specific Reports

The Commission considered the *Agrologist's Report* (the "P.Ag Report") received with the application regarding the subject property.

Report Prepared By: Transform Compost Systems
Authors: Dr. John Paul, Ph.D., P.Ag.
Date Prepared: June 23, 2011

The P.Ag. Report provided a description of the subject property, an overview of the limitations to the agricultural capability and an outline of the "Land Improvement Plan" including suitable maps, diagrams and photos.

Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe that there are external factors that render the land unsuitable for agricultural use.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes that, in this instance, the importation of soil would be inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

The Commission did review the justification provided for soil deposition with the application. However, the Commission believes, based on the site inspection report, that the subject property can successfully be used as pasture land. Not all agricultural land is created equally, nor is it all flat. The Commission believes that, in this instance, the importation of soil would be unjustified and conventional drainage methods would be more appropriate.

DECISION:

IT WAS

Moved By: Commissioner Bert Miles
Seconded By: Commissioner Jennifer Dyson

THAT the application to deposit soil be refused for the following reasons:

- The land under application has agricultural capability and is appropriately designated as ALR;
- The land under application is suitable for agricultural use; and,
- The proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND FINALLY THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED
Resolution # 493/2011