



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
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October 22, 2012

Reply to the attention of Shaundehl Runka  
ALC File: #52732

Mr. and Mrs. Kuelan  
Seabreeze Farm Ltd.  
4790 - 112<sup>th</sup> Street  
Delta, BC V4K 3N3

Dear Mr. and Mrs. Kuelan:

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

Please find attached the Minutes of Resolution #308/2012 outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Corporation of Delta  
Attention: Tanya Mitchner  
Ministry of Environment, Surrey  
Attention: Mr. George Rushworth  
Ministry of Agriculture, Abbotsford  
Attention: Mr. Bert van Dalssen

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## PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on September 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jerry Thibeault	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner
Lucille Dempsey	Commissioner
Jim Johnson	Commissioner

### COMMISSION STAFF PRESENT:

Eammon Watson	Land Use Planner
Brian Underhill	Executive Director

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### APPLICATION ID: #52732

**PROPOSAL:** Non-farm Use – Anaerobic digester proposed to use 51% agricultural waste (mostly from 500 dairy cows on farm) including manure, crop waste, silage and 49% non-agricultural waste feedstock including fats, oils, grease & source separated organics. Biogas produced will be sold to Fortis BC.  
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

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### PROPERTY INFORMATION:

**Parcel ID:** 000-830-615  
**Legal Description:** Lot 3 Except: Firstly: Part Subdivided by Plan 40313 Secondly: Parts Shown on Plan 24717 Thirdly: Part Contained in Parcel "A" (Reference Plan 47175) Thirdly: Part Contained in Parcel "A" (Reference Plan 47175) Fourthly: Part Subdivided by Plan 54731, Section 1 Township 4 and Section 36 Township 3 New Westminster District Plan 8563  
**Civic Address:** 4790 – 112<sup>th</sup> Street, Delta, BC  
**Size:** 34.9 ha  
**Area in ALR:** 34.9 ha  
**Property Owners:** Seabreeze Farm Ltd.

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## LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (PURPOSES OF THE COMMISSION) of the *Agricultural Land Commission Act* states: 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.

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## COMMISSION CONSIDERATION

The Commission recognizes that anaerobic digestion is an emerging issue that if "farm-based" can be of benefit to the agricultural business. However, neither the *Agricultural Land Commission Act* nor BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation) permit this land use outright on a farm and therefore consideration of such a proposal must be done as a non-farm use application.

The Commission wishes to learn how an anaerobic digester can benefit farm businesses in the ALR, under what circumstances the agricultural focus of the business can be maintained and how an anaerobic digester can operate without the focus becoming the disposal of urban waste products and the production and sale of energy. The Commission is also concerned about the potential for non-agricultural waste to displace the ability of farmers to manage agricultural waste in the ALR, particularly in existing nutrient rich areas of the Province.

The Commission considered it appropriate that conditions be imposed to ensure the primary use of the land remains agriculture (dairy operation) and that the non-agricultural feedstock disposal and gas production remain a subordinate and agriculturally supportive activity.

**Conclusion:** The Commission believes the proposed anaerobic digestion project, as represented in the application, will be beneficial to the farm business in this particular case.

## IT WAS

**MOVED BY:** Commissioner Dyson  
**SECONDED BY:** Commissioner Collins

THAT the application be approved in principle subject to the following conditions:

1. Submission of an anaerobic digester related Nutrient Management Plan (NMP) prepared and endorsed by a qualified registered professional for Commission review and approval. The NMP must identify and assess the current nutrient management regime and the proposed nutrient management regime for 51% agricultural waste and 49% non-agricultural waste feedstock. The anaerobic digester NMP must indicate how nutrient balance will be maintained with the importation of non-agricultural feedstock.

Commission approval of the NMP is necessary prior to commencing production.

Reference documents that may be of assistance are noted below. Consultation with BC Ministry of Agriculture soil and nutrient management specialists may also be helpful.

- Ministry of Agriculture "Nutrient Management Reference Guide" Nov 2010  
[http://www.agf.gov.bc.ca/resmgmt/EnviroFarmPlanning/EFP\\_Nutrient\\_Guide/Nutrient\\_Mgmt\\_Guide\\_2010\\_documents/NutrientMgmt\\_RefGuide.pdf](http://www.agf.gov.bc.ca/resmgmt/EnviroFarmPlanning/EFP_Nutrient_Guide/Nutrient_Mgmt_Guide_2010_documents/NutrientMgmt_RefGuide.pdf)

- Ministry of Environment "On-Farm Anaerobic Digestion Waste Discharge Authorization Guideline" May 2010 (particularly Chapter 15)  
<http://www.env.gov.bc.ca/epd/industrial/agriculture/digestion.htm>

2. Non-agricultural feedstock does not exceed 49% of total inputs. The feedstock for the digester must include at least 51% agricultural waste produced on the farm and/or from another farm(s). Any change to the agricultural/non-agricultural feedstock ratio requires approval of the ALC.
3. The digester, feedstock tanks and associated facilities are to be located as per the plan attached to the application.
4. The farm on which the digester is located must be classified as a farm under the *BC Assessment Act* and if the source of agricultural waste materials is from several farms, the contributing farms must also be classified as a farm under the *BC Assessment Act*.
5. A farm operation must be active on the same premise as where the digester infrastructure is built and at approximately the same scale as the current farm operation (or larger). The farm operation must be directly tied to the digester operation by supplying feedstock to the digester.
6. The operator of the on-farm digester facility must keep records of all off-farm agricultural and non-agricultural waste being delivered to the farm for use in the anaerobic digester including the following:
  - the source (including name and address, volume, type, date received at site, and telephone number of the hauler) off-farm waste received at the facility;
  - results of all nutrient analysis on agricultural and non-agricultural waste used and received at the facility;
  - results of all nutrient analysis carried out on the digestate;
  - movement or destination of end products that are sold or used off-farm.
7. If digestate is exported to other farms, the receiving farm(s) must also maintain a nutrient balance.
8. Records to verify contractual arrangements, feedstock amounts, composition and source and delivery dates, farm classification, gas production and any other records deemed necessary by the Commission, must be provided upon request.

AND THAT this approval is granted for the sole benefit of Seabreeze Farm Ltd. and is non-transferable.

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of local government and decisions and orders of any person or body having jurisdiction over the land under an enactment.

**CARRIED**  
**Resolution # 308/2012**