



Agricultural Land Commission
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www.alc.gov.bc.ca

November 26, 2012

ALC File: # 52804

Ish Kumar Bharti
7310 Beharrell Road
Abbotsford, BC
V3G 1N5

Attention: Ish Bharti

Re: **Application to Conduct a Non-Farm Use on Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution # 351/2012 as it relates to the above noted application.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the City of Abbotsford.

Further correspondence with respect to this application should be directed to Eamonn Watson (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke that tapers to the right.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #351/2012

cc: City of Abbotsford (4520-55/SRP#1659)

EW/52804d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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. as it relates to Application #52804.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Eamonn Watson	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

PROPOSAL

The applicant is proposing the deposition of approximately 9,000 cubic metres of soil over approximately 2.3 hectares of the subject property to an average depth of 0.4 metres. The intended agricultural use of the project area is blueberry production.
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

SITE INSPECTION

A site inspection was conducted on August 17, 2012 at the subject property. Those in attendance included ALC Commissioner Pranger, ALC Staff Eamonn Watson and Ish Bharti.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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

After considering the information the Commission concluded as follows:

1. The agricultural capability ratings identified on BC Land Inventory (BCLI) map 92G.017 for the subject property are primarily Class 2, 3, 4 and 5, with limiting subclasses of topography and excess water.

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.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops of other specially adapted crops.

Conclusion: The subject property has agricultural capability as shown by the agricultural capability rating and the current use of the western portion of the subject property for blueberry production.

Conclusion: The agricultural capability ratings also show some limitations to the subject property, these limitations were also observed during the site visit. Blueberry plants in specific areas, both on the subject property and the adjoining property to the north, were in very poor health and/or dying.

2. Site specific report prepared by Madrone Environmental Services Ltd., "*Fill Placement Plan, 7310 Beharrell Road, Abbotsford, BC*", dated April 18, 2012 (hereafter referred to as the "P.Ag. Report").

Conclusion: The P.Ag. Report provides a modest approach to remedying the agricultural capability limitations on the subject property by placing a minimal amount of fill (in both depth and volume).

IT WAS

MOVED BY: Commissioner Thibeault

SECONDED BY: Commissioner Miles

THAT the request be approved.

AND THAT the approval is subject to the following conditions:

- Soil deposition must be in substantial compliance with the P.Ag. Report submitted with the application;
- Filling and associated activities must be restricted to the area designated in the P.Ag Report submitted with the application;
- The proposed filling and associated activities must be completed within one (1) year of the date of the decision letter;

- Soil material must be of a good agricultural quality and free of any contaminants;
- Project areas must be prepared and filled in an appropriate manner consistent with the P.Ag Report submitted with the application;
- The project area must be reclaimed in an appropriate manner consistent with the P.Ag Report submitted with the application;
- Soil must not be stripped, moved, stockpiled or replaced during conditions of adverse soil moisture content. The movement or manipulation of soil must be done when the soil is below field capacity. There must be no movement or manipulation of soil when the soil is frozen or powdery dry.
- No soil material will be removed from the subject property;
- The submission of a closure report prepared by a Qualified Professional upon completion of the project; and,
- The posting of a financial security in the form of an Irrevocable Letter of Credit (the "ILOC") with the Commission, the amount of the ILOC should be determined by a Qualified Professional and approved by the Commission prior to proceeding with any aspect of the soil deposition. The security is required to ensure compliance with the conditions of this approval and to provide funds to reclaim the land in the event the applicant does not fulfill their obligations as set forth herein.

AND THAT approval to deposit soil on the subject property is granted for the sole benefit of the applicant and in 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 the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution #351/2012