



**Agricultural Land Commission**  
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February 9<sup>th</sup>, 2017

ALC File: 55419

Madrone Environmental Services Ltd.  
202-2602 Mt. Lehman Road  
Abbotsford, BC V4X 2N3

Attention: Gordon Butt

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

Please find attached the Reasons for Decision of the South Coast (Resolution #29/2017) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

**Reconsideration of a Decision as Directed by the ALC Chair**

Please note that pursuant to [s. 33.1 of the \*Agricultural Land Commission Act\*](#), the Chair may direct the Executive Committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

**Reconsideration of a Decision by an Affected Person**

We draw your attention to [s. 33\(1\) of the \*Agricultural Land Commission Act\*](#) which provides a person affected the opportunity to submit a request for reconsideration.

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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Kelsey-Rae Russell at (KelseyRae.Russell@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "K Russell". The signature is stylized and cursive.

Kelsey-Rae Russell, Land Use Planner

Enclosure: Reasons for Decision (Resolution #29/2017)

cc: City of Abbotsford (File: SP #16-117195)

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## **AGRICULTURAL LAND COMMISSION FILE 55419**

### **REASONS FOR DECISION OF THE SOUTH COAST PANEL**

**Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act***

**Applicant:** 602309 BC Ltd., Inc. No.  
BC0602309  
(the “Applicant”)

**Agent:** Madrone Environmental  
Services Ltd.  
(the “Agent”)

**Application before the South Coast Regional Panel:** William Zylmans, Panel Chair  
Satwinder Bains



## **THE APPLICATION**

[1] The legal description of the property involved in the application is:

Parcel Identifier: 029-269-024

Lot 3, Section 14, Township 13, New Westminster District Plan EPP23879  
(the "Property")

[2] The Property is 10.7 ha in area.

[3] The Property has the civic address 30179 Marshall Road Extension, Abbotsford.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 20(3) of the *ALCA* the Applicants are applying to deposit 33,000 m<sup>3</sup> of soil on a 1.5 ha portion of the Property in order to alleviate issues of topography (depressions), poor drainage (peat soils), and stoniness (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

## **RELEVANT STATUTORY PROVISIONS**

[7] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.



[8] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:

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.

#### **EVIDENTIARY RECORD BEFORE THE PANEL**

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] At its Executive Committee meeting of June 23, 2008, the City of Abbotsford Council authorized staff to forward all non-farm use applications associated with applicable soil removal or deposit proposals to the Agricultural Land Commission for review.

[11] The Panel reviewed three previous applications involving the Property:

Application ID: 15779  
Legacy File: 07461  
(Mid Field Cattle Ranch Ltd,  
1978)

To subdivide the 25 ha property into two lots of 8 ha and 17 ha, respectively. The application was approved by Resolution #9906/78.



Application ID: 46023  
Legacy File: 39027  
(Korajian, 2009)

To subdivide the 17.8 ha property into six parcels. The Commission determined that the proposal would impact agriculture and was inconsistent with the objective of the *ALCA* to preserve agricultural land. The application was refused as proposed by ALC Resolution #1908/2009; however the Commission stated that a subdivision into two parcels along the natural gas transmission line and along the midline of the panhandle without dedication of the panhandle (with cross-easements to allow full use of the panhandle on behalf of each new parcel) was allowed without further conditions by Resolution 1908/2009.

Reconsideration Request

The Commission received a request, dated June 9, 2010, from Sanborn & Associates Inc. on behalf of the applicant to reconsider Resolution #1908/2009. The request was made for a revised proposal to subdivide the property into four parcels with a common road access. The Commission determined that the upland area should be retained as one lot in order to contain the agricultural soil unit of the area within one lot. The application was refused by Resolution #2575/2010; however, the Commission allowed to subdivision of the land into three parcels subject to conditions.

**Note: Resolution #2575/2010 of Application ID #46023 resulted in the current configuration of the Property. The subdivision was registered in 2013.**

Application ID: 52178  
(Korajian, 2012)

To place fill to alleviate issues of topography, poor drainage and stoniness. The proposal included excavation and stockpiling of 140,000 m<sup>3</sup> of peat with the subsequent backfilling of 250,000 m<sup>3</sup> of structural fill in excavated and low-lying areas. The Commission did not believe that the placement of a large volume of fill, especially structural fill, was an appropriate solution to agricultural capability limitations. The application was refused by Resolution #350/2012.

Reconsideration Request

The Commission received a request, dated May 8, 2013, from Gordon Butt of Madrone Environmental Services Ltd. on behalf of the applicant to reconsider Resolution #350/2012. The request was made for a revised proposal using a reduced volume of fill (40,000 m<sup>3</sup>) to alleviate the issues of topography, poor drainage, and stoniness. The Commission found that the proposed amount of fill (40,000 m<sup>3</sup>) was significantly reduced from what was previously considered and significantly more appropriate. The application was approved by Resolution #372/2013, subject to conditions.

**Note: This approval was for the sole benefit of the applicant and was non-transferable and was contingent upon the project being completed on or before January 31<sup>st</sup>, 2016. The applicant never acted upon the approval granted by Resolution 350/2012 and has since sold the Property.**

## **FINDINGS**

[12] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land

Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92G/01d for the mapping units encompassing the Property are approximately 10% 2W, 20% (6:2T 4:3T), and 70% (7:7T 3:5T).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are T (topographic limitations), and W (excess water).

- [13] The Proposal is intended to alleviate issues of topography, poor drainage and stoniness which the Application states are a result of previous gravel extraction and fill operations. By way of this Proposal, the Applicant intends bring the Property into agricultural production and to graze cattle once the Proposal is complete.
- [14] Included in the Application was a report titled *Soil Deposit Assessment & Erosion and Sediment Control Plan* prepared by Madrone Environmental Services Ltd and dated February 9, 2016 (the "Madrone Report"). The Panel reviewed the Madrone Report and find that the Property has a topographical depression. However, this constraint does not preclude the use of the Property for agricultural purposes, such as cattle grazing, in its current state.
- [15] The Panel also considered the impact of the Proposal on adjacent properties and finds that the Proposal may result in negative impacts to adjacent farming operations which are low lying and likely to receive runoff water from the Property.



[16] The Panel reviewed the previous applications on this Property and acknowledged that a similar proposal for fill was approved by the Commission in 2012 and that the approved fill proposal was never acted upon, and the landowner to whom the approval was granted has since sold the Property. However, that decision was not transferable and has now expired. The Panel of today finds that Property is agriculturally viable and that the placement of fill on this Property is not necessary.

### **DECISION**

[17] For the reasons given above, the South Coast Panel refuses the Proposal.

[18] These are the unanimous reasons of the South Coast Panel of the Agricultural Land Commission.

[19] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[20] This decision is recorded as Resolution #29/2017 and is released on February 9<sup>th</sup>, 2017.

### **CERTIFICATION OF DECISION**

A handwritten signature in black ink, appearing to read 'W. Zylmans', with a long horizontal flourish extending to the right.

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William Zylmans, Panel Chair, on behalf of the South Coast Panel

**END OF DOCUMENT**