



Agricultural Land Commission
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March 16, 2017

ALC File: 55461

Dave Vernon
Fraser Valley Aggregates
3077 188 Street
Surrey, BC V3Z 9V5

Attn: Dave Vernon:

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 Panel (Resolution #62/2017) 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 Kamelli Mark at (Kamelli.Mark@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads "KMARK". The letters are bold and stylized, with some overlapping.

Kamelli Mark, Land Use Planner

Enclosure: Reasons for Decision (Resolution #62/2017)

cc: City of Abbotsford (File: 16-117280)

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AGRICULTURAL LAND COMMISSION FILE 55461

REASONS FOR DECISION OF THE SOUTH COAST PANEL

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

Applicant:

**338475 B.C. Ltd.
(the "Applicant")**

Agent:

**Dave Vernon, Fraser Valley
Aggregates
(the "Agent")**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Sam Wind
Satwinder Bains**



THE APPLICATION

[1] The legal descriptions of the properties involved in the application are:

Property 1

Parcel Identifier: 002-388-570

Lot "B" Except: Parcel "One" (Explanatory Plan 45958); Section 9, Township 13,
New Westminster District, Plan 15689

Civic Address: 28500 King Road

Property Area: 4.0 ha

Property 2

Parcel Identifier: 001-054-601

Parcel "1" (Explanatory Plan 45958) of Lot "B", Section 9, Township 13, New
Westminster District, Plan 15689

Civic Address: 28450 King Road

Property Area: 4.0 ha

(collectively the "Properties")

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

[3] The Properties are located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[4] Pursuant to s. 20(3) of the *ALC*, the Applicants are applying to place 519,000 m³ of fill over 7.3 ha of the Properties to a maximum depth of 10 metres over five years (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").



RELEVANT STATUTORY PROVISIONS

[5] 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.

[6] 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

[7] 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
5. Site Visit Report
6. Overview Environmental Assessment (OEA) Report prepared by Golder Associates Ltd., dated June 8, 2016



7. Spill Prevention and Emergency Response Plan prepared by Golder Associates Ltd., dated June 8, 2016
8. Reclamation Plan prepared by Golder Associates Ltd., dated June 8, 2016

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

[8] At its meeting of June 23, 2008, the City of Abbotsford resolved that staff be authorized to forward all non-farm use applications associated with applicable soil removal or deposit proposals to the Commission for review.

[9] The Panel reviewed one previous application involving Property 1:

Application ID: 38509
Legacy File: O-26094
(Brent Palmer Transport Ltd.,
1991)

To extract gravel from Property 1 pursuant to Section 2(a) of the Soil Conservation Act. The application was conditionally approved by ALC Resolution #743/91.

Application ID: 38509
Legacy File: O-26094
(Brent Palmer Transport Ltd.,
1991)

Following a routine examination of the gravel extraction operation occurring on Property 1 which was conditionally approved by Resolution #743/91, the Commission noted a number of inconsistencies with the conditional approval. In order to rectify the inconsistencies, additional conditions were imposed on the operation phase of the project by ALC Resolution #830/91. The Commission confirmed that Property 1 was reclaimed in accordance with Resolution #743/91 on February 28, 1996.

[10] The Panel reviewed one previous application involving Property 2 :

Application ID: 38664
Legacy File: O-24550
(J.G. Star Trucking Ltd., 1981)

To extract gravel from Property 2 pursuant to Section 2(a) of the Soil Conservation Act. The application was conditionally approved by Resolution #582/91. The



Commission confirmed that Property 2 was reclaimed in accordance with Resolution #582/91 on October 3, 1995.

SITE VISIT

[11] On January 18, 2017, the Panel conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[12] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on February 2, 2017 (the "Site Visit Report").

FINDINGS

[13] 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 Properties are Class 2 and Class 3, more specifically (7:3AP - 3:2AP).

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.

The limiting subclasses associated with this parcel of land are A (soil moisture deficiency), and P (stoniness).

[14] In addition, the Panel received an Overview Environmental Assessment (OEA) report, prepared by Golder Associates Ltd., dated June 8, 2016 (the “Golder OEA Report”). The Golder OEA Report finds that:

Based on test pit results, the current land capability for agriculture (LCA) ratings for field crops range from Class 3 (3 of the 20 test pits) to Class 4 (17 of the 20 test pits) while the modified LCA ratings for tree fruit and grape crops also ranged from Class 3 (5 of the 20 test pits) to Class 4 (15 of the 20 test pits). Successful reclamation of the site would result in a significant improvement in agricultural potential. A post reclamation LCA rating of Class 2 (for field crops) of approximately 6.4 ha within the project area is possible, compared to the approximately 5.5 ha of the project area that is currently cultivated.

[15] The Panel reviewed the BCLI ratings and the Golder OEA Report and finds that the Properties are capable of supporting agriculture.

[16] According to the Application, the following uses are currently taking place on the Properties:

- 2.2 ha of abandoned vineyard (27% of the Properties)
- 0.8 ha of compost windrows (10% of the Properties)
- 2.5 ha of non-intensive forage (31% of the Properties)
- 2.6 ha of yard areas, steep slopes, and watercourses (32% of the Properties)

In addition, the Panel notes that there is a single family dwelling located on each of the two Properties.

[17] The Application states that the purpose of the Proposal is to conduct “*successful reclamation on the subject properties*”; however, according to the application history, both Properties have previously undergone reclamation. Property 1 was conditionally approved for gravel extraction under Resolution #743/91 and Resolution #830/91; reclamation of Property 1 occurred subsequent to the extraction project in accordance with the conditions, and to the satisfaction of the Commission. Property 2 was conditionally approved for gravel

extraction under Resolution #582/91; reclamation of Property 2 occurred subsequent to the extraction project in accordance with the conditions, and to the satisfaction of the Commission. As such, the Panel finds that the Properties have already undergone successful reclamation activities which met the conditions of the previous resolutions of the Commission.

[18] As both Properties are currently supporting agricultural uses and Property 2 has previously supported a vineyard operation, the Panel finds that the Proposal is not necessary in order to bring the Properties into agricultural production. The Panel finds that agricultural improvements other than fill, coupled with appropriate farm management practices, could be implemented on the Properties in lieu of the Proposal.

DECISION

[19] For the reasons given above, the Panel refuses the Proposal to place 519,000 m³ of fill over 7.3 ha of the Properties to a maximum depth of 10 metres over five years.

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

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

[22] This decision is recorded as Resolution #62/2017 and is released on March 16, 2017.

CERTIFICATION OF DECISION



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

END OF DOCUMENT