



Agricultural Land Commission
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October 28, 2014

ALC File: 47403
Your File: F-589-5*LRL

DELIVERED BY ELECTRONIC MAIL

Lindsay R. LeBlanc
Cox Taylor
Burnes House, 3rd Floor
26 Bastion Square
Victoria, B.C. V8W 1H9

Dear Ms. LeBlanc:

**RE: January 30, 2014 Stop Work Order (the "Stop Work Order")
6341 Old East Road (the "Property"), Central Saanich**

This letter is further to my September 23, 2014 letter with respect to the importation of specific materials to the Property for specific farm uses by your clients.

As noted in my previous letter, I have reviewed the information you and your clients have submitted, in particular as it relates to the importation, composting and use of yard waste on the Property. I have reviewed this information within the context of the September 4, 2014 decision of the Appeal Commissioners (the "Appeal Decision") which referred this matter back to me for consideration and to alter, rescind and/or provide clarity to the Stop Work Order in the manner I deem appropriate based on the information provided, the *Agricultural Land Commission Act* (the "Act"), and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, B.C. Reg. 171/2002 (the "Regulation").

Based in part on the *Stanhope Dairy Farm Ltd Nutrient Management Plan March 2014* prepared by David Tattam AScT of TEAM Consulting and the *Review of Nutrient Management Plan for Stanhope Dairy Farm Ltd. March 2014* prepared by Bruce McTavish MBA, P.Ag., RPBio of McTavish Resource & Management Consultants Ltd. dated May 5, 2014, I understand that the cultivated lands on the Property require nutrient inputs and these requirements could, to some extent, be addressed using compost produced from yard waste.

Further, I understand that the amount of compost from yard waste that could be utilized on the cultivated land on the Property would be affected by a number of factors, including but not limited to:

- The nutrient composition of the compost;
- The nutrient composition of soil; and
- The amount and nutrient composition of other nutrient sources being applied on the land, such as manure.

The Appeal Decision states that "*the information currently available does not appear to answer all of the questions with respect to the amount and nutrient composition of compost produced on the Property as it related [sic] to meeting these nutrient requirements.*" From my review of the evidence in this matter, I conclude that answering all questions in this regard would require samples of finished compost to analyze. In addition, proper nutrient management requires ongoing updating and analysis.

Yard waste is defined in Schedule 12 to the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, as:

clean and untreated wood waste or non-food vegetative matter resulting from gardening operations, landscaping, and land clearing; yard waste does not include wood waste derived from construction or demolition. Neither human or animal food waste that is diverted from residential, commercial or institutional sources, nor manure, is yard waste.

You and your clients have referred to the material your clients seek to import to the Property for the purpose of producing compost using a number of terms, such as green waste and garden waste, in addition to, or as opposed to, yard waste. Having reviewed the information, I conclude that the definition of yard waste noted above applies to all the material your clients seek to import to the Property for the purpose of creating compost to be used on the cultivated portion of the Property.

Having reviewed the Appeal Decision and information in this regard, I conclude that the importation, processing and use of yard waste for the purpose of creating compost to be used on the cultivated portion of the Property would be consistent with the Regulation, provided the scale is commensurate to the nutrient needs of the land under cultivation on the Property. **Therefore, I hereby vary my January 30, 2014 Stop Work Order to permit the importation of yard waste, as defined above, to the Property under the following conditions:**

1. Yard waste may only be used to produce compost for use on the cultivated land on the Property;
2. The importation of yard waste must be commensurate to the nutrient needs of the cultivated land on the Property using such compost as a nutrient source, taking into consideration other nutrient sources;
3. The application of compost must strictly be limited to the cultivated land on the Property;
4. Only yard waste, as defined in the Organic Matter Recycling Regulation, may be used as an input source for the compost produced and applied to the cultivated land on the Property;
5. Stanhope Dairy Farm Ltd. and/or Mr. Gordon James Rendle and Mr. Robert Roderick Rendle must submit an updated Nutrient Management Plan, prepared by a qualified registered professional, by February 15, 2015 that must address to my satisfaction all of the following:
 - All applicable conditions under the Stop Work Order as varied by this letter,
 - The issues identified in the *Review of Nutrient Management Plan for Stanhope Dairy Farm Ltd. March 2014* prepared by Bruce McTavish MBA, P.Ag., RPBio of McTavish Resource & Management Consultants Ltd. dated May 5, 2014,
 - All nutrient sources being contemplated for application to the cultivated land on the Property (such as liquid manure, solid manure and/or other fertilizer(s)) must be described and detailed, and issues arising from their use or proposed use must be addressed,
 - Approximate application dates and amounts (weight and/or volume) of all nutrient sources utilized on the cultivated land on the Property,

- If applicable, the estimated number of days, and estimated number of animals, that the cultivated land on the Property will be used for animal grazing must be accounted for,
- Additional details with respect to the amount of compost to be applied to the cultivated land on the Property and the resulting amount of yard waste required to support this level of compost production,
- Ongoing Nutrient Management Plan updating procedures,
- Ongoing field, crop and nutrient source nutrient analysis procedures,
- All other applicable sections of the *Nutrient Management Reference Guide Second Edition* prepared by BC Ministry of Agriculture, dated November 2010 or any applicable updates.

I will review the updated Nutrient Management Plan and either confirm that it is consistent with the conditions set out in this letter, or request that it be amended or supplemented with additional information. Further conditions which may become appropriate as a result of the updated Nutrient Management Plan will also be considered at that time.

6. Stanhope Dairy Farm Ltd. and/or Mr. Gordon James Rendle and Mr. Robert Roderick Rendle must keep accurate records of all deliveries of yard waste to the Property, including but not limited to:
 - Date of delivery,
 - Source of yard waste for each delivery,
 - Weight and/or volume of yard waste delivery (records should be maintained in consistent units);
7. Stanhope Dairy Farm Ltd. and/or Mr. Gordon James Rendle and Mr. Robert Roderick Rendle must keep accurate records of all nutrient related applications, such as compost produced from yard waste, to the cultivated land on the Property, including but not limited to:
 - Date of application,
 - Weight and/or volume of application (records should be maintained in consistent units),
 - Area of application on the Property;
8. Composting of imported yard waste must be conducted separately from all other farm operations on the Property in accordance with normal farm practices and any other bylaw or enactment applicable to such activities;
9. Compost produced using imported yard waste must be stored separately from all other farm inputs on the Property in accordance with normal farm practices and any other bylaw or enactment applicable to such activities; and
10. All applicable records as noted herein must be provided to the ALC within ten (10) days of any request for such documents.

My decision with respect to the importation of yard waste does not relieve your clients 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 Property.

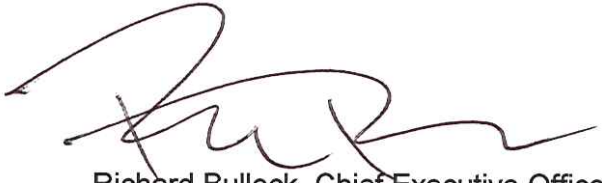
To be clear, my decision contained herein is made in accordance with the direction set out in the Appeal Decision. Neither I nor the ALC takes any position with respect to the use, composting, and/or storage of yard waste and/or application of compost produced from yard waste as a normal farm practice. That is not a question to be determined by the ALC.

I encourage your clients to contact ALC staff in the future should they intend to alter their currently contemplated practices or pursue new practices that may or may not be consistent with the Regulation in order to ensure all uses on the Property are appropriate. Furthermore, should your clients seek more specificity with respect to the conditions of operation noted above, the ALC will require further details with respect to these uses.

My decision does not fetter the ability of the ALC to investigate activities on the Property further and, if appropriate, issue orders should it be deemed necessary.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'R Bullock', written over a horizontal line.

Richard Bullock, Chief Executive Officer

cc: District of Central Saanich, Attention: Patrick Robins, via electronic mail

Capital Regional District, Attention: Russ Smith and Tom Watkins, via electronic mail