

Presented by Jim Wright, 8300 Osgoode Drive, Richmond,  
speaking as President of the Garden City Conservation Society  
to the General Purposes Committee of Richmond Council, Jan. 21, 2013,  
re "Regulation of Soil Removal and Deposit Activities on Agricultural Land"  
I'm providing relevant documents with minimal markup of the most relevant parts.

Mayor Brodie and Councillors,

We commend your prompt action to address dumping that would harm the long-term agricultural capability of the ALR land at 9360 Finn Road. Thanks to Farmer Ray Galawan and FarmWatch and our citizens, it has become an occasion to assert that Richmond acts effectively in collaboration with the Agricultural Land Commission to safeguard our farmland, especially from dumping.

The main intent of my input was to clarify what documents provided by Thomas Loo of the Agricultural Commission staff show when viewed together with visual evidence that FarmWatch has protected and recorded. I learned about the stop-work order at the last minute, but I've adapted so that this is still relevant.

My own conclusion is that the Qualified Practitioner responsible for the 9360 Finn Road project has not provided adequate oversight in keeping with the understandings listed in the December 7<sup>th</sup> letter from Executive Director Colin Fry of the Agricultural Land Commission and the Terms and Conditions sent with it. I was going to urge you to ask Colin Fry to deem the project to include a non-farm use. That would require an application for non-farm use to be approved by the Commission.

That step with the ALC's Colin Fry is now not needed at this time, but it may still be needed later. The step would be in keeping with this paragraph in his letter:

If there is no oversight by a Qualified Practitioner at any time during this project, the Commission may consider the deposition to be a non-farm use and deem it as being non-compliant with the Agricultural Land Commission Act.

Thomas Loo has come to additional understandings with the Qualified Practitioner and the party he is working for. I'm sure that Farmer Ray and FarmWatch will be monitoring closely. This still matters because further action may be needed if the monitors identify a problem, so I ask council to prepare for it now.

A key factor in all this is the term *Granular Fill*. The ALC's Colin Fry was responding to the Qualified Practitioner's report with a diagram titled "Constructed Roadway" on page 55. The labels show that the road would consist of "Granular Fill." Granular fill is usually crushed rock and it seems to typically have dimensions under three inches. However, we know from the Thomas Loo email message that he went along with the Qualified Practitioner's stated intent to him to use concrete pieces of up to six inches as a base, which has now been increased to 18 inches. The point remains that there was a wide divergence between the criteria the Qualified Practitioner promised and what actually happened, which I have observed firsthand.

Whatever council does with the staff recommendation, the Garden City Conservation Society is asking council to keep setting clear expectations about no-nonsense action by the Commission. The results will clarify what else needs to be done.



From: [Thomas.Loo@gov.bc.ca](mailto:Thomas.Loo@gov.bc.ca)

Date: Thu, 10 Jan 2013 10:26:43 -0800

Subject: RE: freedom of information re: 9360 Finn Road

Good Morning Mr. Galawan,

Thank you for your email request. I will process it and send you the information that you have requested as per our telephone conversation – I can send you the following items.

- 1) The letter of assessment by ALC staff – Some people have called it the “authorization” letter. The letter advises to the agent that the proposal as submitted would be considered a permitted use.
- 2) The proposal as submitted by their agent
- 3) The Agrologist Report (who is also the agent acting for the occupier and owners)

Just to give you an update. I met with the Agrologist – Mr. Bruce McTavish and two staff from the City Bylaw Dept. Ms. Magda Laljee – Supervisor of Bylaws, and Mr. Ed Warzel – Manager of Bylaws.

We conducted a site inspection to review the site and the issue of the concrete debris. I’ve also taken the liberty to enclose a copy of the Agrologist’s notes.

In short, the Commission does not object to the use of recycled concrete for the purposes of constructing a farm access road. Mr. McTavish advised that the reason they are using the larger pieces at the base is to provide some stability. He advised that it was his opinion that pieces up to about 6” or so should be placed at the bottom to create a stable platform. Then they would be using smaller than 6” pieces for the middle and a final layer of 4” or less for the driving surface. This will create an all weather access and create a good surface that should last heavy use for a long time.

Currently the width of the road does exceed the Min. of Agriculture’s Guidelines for “Farm Practices involving Fill”. Typical widths are about 5 metres with a height that is about 0.5 metres above the natural grade.

Given the softer soils McTavish advised that they need to create a trench to reach a more stable compact soil at the bottom. Overall height of the road should be within the reasonable limits as set by the guidelines. We have assurances that upon completion of the project, the road width will be reduced to something closer to the 5 metres or so.



From this point on, McTavish will monitor and ensure that overall no rebar will be placed as "road material". During our inspection, we did notice a few larger pieces of rebar metal protruding out from the road. They will be removed in the upcoming week. I've also asked them to consider dedicating a small area when the loads come in, that they can dump and inspect. All plastic/ metal debris should be removed and set aside for disposal.

As to the reason the road bisects the parcel. McTavish advised that his client feels this way it will access a larger portion of the finished tree farm and decrease the amount of overall road. The original plan submitted showed the road to the west of the residence, going from Finn Road to the south property line, which essentially would have done the same thing.

McTavish's client feels that by starting behind the existing pad and building area, they would be able to use the surface there as a staging area for materials leaving the finished farm.

McTavish has also suggested that his client may want to consider erecting a large sign to inform the residents in the area of what is taking place.

Please let me know if you need anything else.

The short summary at this time is that I did not observe anything that would be considered a contravention of the ALC Act. Tree nurseries are considered a "farm use" and therefore the development of them is permitted. The volumes of soils that they will be importing for the site to create adequate root depth also seemed reasonable and necessary. This project originally had larger volumes, but because of ALC concerns, they did reduce the volumes to absolutely what was necessary.

The Richmond Agricultural Advisory Committee is aware of this, and it is my understanding that they were supportive.

This site will not be a dump site for debris and unsuitable soils.

City of Richmond staff and ALC Compliance Officers will be monitoring this site throughout the development.

Thomas

Thomas Loo Compliance and Enforcement Officer Provincial Agricultural Land Commission Suite 133 - 4940 Canada Way Burnaby, British Columbia, V5G 4K6 Phone #: (604) 660-7000 Fax #: (604) 660-7033

Excerpts from

**Agricultural Site Assessment and Farm Plan For Bill Jones Horticultural Inc.,**  
9360 Finn Road Richmond, B.C. Prepared for Bill Jones Horticultural Inc. Prepared  
by: **Bruce McTavish, M.Sc., MBA, P.Ag., RPBio.** McTavish Resource & Management  
Consultants Ltd. 2858 Bayview St. Surrey, B.C. V4A 3Z4, October 25, 2012

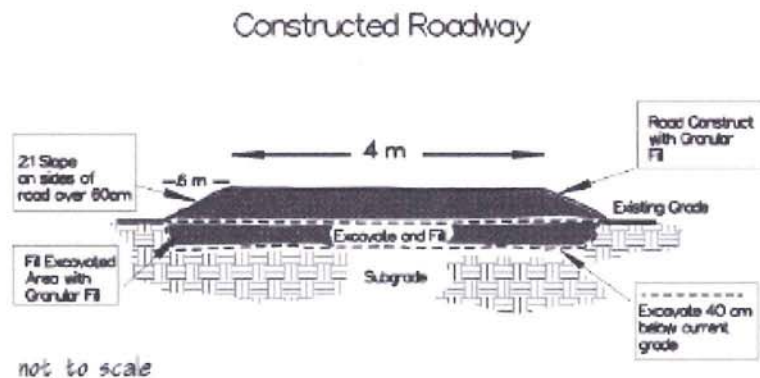
From page 3: 28:

## 9.0 Construction of Farm Access Roads and Berms

To access the caliper trees and the Filbert area a perimeter access road will need to be constructed and the current central road extended to the eastern property line. Efficient harvest of caliper trees requires large wagons and flat bed trucks to be loaded on the site. To do this efficiently it is recommended that the perimeter road be wide enough and with wide enough corners for a flat deck trailer to drive in a circular fashion around the farm. This will require the top of road width to be 4m and with side slopes of 2:1, the road should be slightly higher than the ground elevation to prevent flooding and improve stability.

To reduce visual impacts the topsoil stripped during road building will be used to construct a small berm that will be planted with Cedar trees. The suggested road design is shown in appendix VI.

From page 55:



Client: Bill Jones Horticultural Inc. Street: 9360 Finn Road Town: Richmond BC		Scale NTS
Contact Bruce McTavish	Phone #: 604.240.2481	Date: 06.29.12
Designer: Liz Spring	Editor:	Plan #: Road Section View





**MCTAVISH  
RESOURCE & MANAGEMENT  
CONSULTANTS LTD.**

January 8, 2013.

Attn: Bill Jones

RE: Site inspection 9360 Finn Road Richmond , B.C.

Bill,

I carried out a site inspection with the City of Richmond and the ALC this afternoon and as discussed with you after the meeting, the following procedures need to be put in place:

- a) There cannot be concrete with rebar or other metal in it used for road material and the several pieces that we observed need to be removed,
- b) We observed the occasional piece of one inch plastic water pipe, and this needs to be removed,
- c) Once the topsoil is brought in the access road needs to be reduced to a width of 4 metres,
- d) When you are bringing in concrete and you have the operator on site, Thomas Loo and I need to be on site to do a short training session on allowable material as well as roles and responsibilities. This is to ensure that the operator clearly understand the need to separate anything that would be considered undesirable, and they are clear that I as the Professional Agrologist will be making site visits and have authority over material quality,
- e) From our discussion I understand that you are fine with putting up a sign that will have Agricultural Site Development and the ALC file number as well as my email and web site contact as the main contact person to answer agricultural related questions. I will develop an abbreviated form of my report to post on my web site as well as the site plan that people can be directed to.

Regards

Bruce McTavish. P.Ag., RPBio.  
President





**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

December 7, 2012

Reply to the attention of Thomas Loo  
**File: #49945**

McTavish Resource Management Consultant Ltd  
2858 Bayview St.  
Surrey, BC, V4A 2Z4  
(via email – bmct@intergate.ca)

Dear Mr. McTavish:

**Re: Proposal to Place Fill in the ALR**  
**Property: 9360 Finn Road, Richmond, BC**  
**PID: 003-593-118**  
**Legal Description: LOT 6 EXCEPT: FIRSTLY: PART SUBDIVIDED BY PLAN 41056; SECONDLY: PART SUBDIVIDED BY PLAN 80324; SECTION 15 BLOCK 3 NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT PLAN 38989**

This letter is in response to a proposal to deposit fill that was received at this office on October 25, 2012.

As described in the proposal and accompanying documents, the Commission understands the following about the proposal to place fill:

- The property is owned by Canada Future Investment Co. Ltd.,(BC 633844)
- The owners have appointed you, Bruce McTavish to act as their agent in this regard.
- The type of material proposed to be placed is Topsoil and granular fill.
- The area of the proposed fill is **10 ha**.
- The proposed volumes of fill material are **48133 m<sup>3</sup>**.
- The intended depth of fill is **0.3 m**.
- The proposed duration of the fill project is **3 years**.
- The proposed fill area is included in Appendix A "Figure 7. Farm Layout"
- The area marked as "Container Nursery", will be built according to similar container nursery construction with the use of imported gravel and geotextile materials. The topsoil in the "Container Nursery" area shall be salvaged stored for the purposes of future restoration of the approximate 1.45 hectares.
- The project shall be done in accordance to the report as submitted by McTavish Resource & Management Consultants Ltd., dated October 25, 2012 (the "plan") and will be overseen by the Qualified Professional (QP) of record, Mr. Bruce McTavish
- Any and all imported materials shall must be screened and authorized by the QP prior to placement on the above noted property,
- The QP must provide updates as requested by the Commission
- Upon completion of the project, the QP is to submit a final report outlining the final agricultural capability and the placement of materials as it relates to the plan



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Based on the above, information, it is our understanding that the proposal will not substantially raise the property, but will allow the intended crop adequate root depth.

If at any time, that you feel as the Qualified Professional of record that you observe materials that you feel are unsuitable for this project or are no longer associated with the project, then you are to notify the Commission immediately.

If there is no oversight by a Qualified Professional at anytime during this project, the Commission may consider the deposition to be a non-farm use and deem it as being non-compliant with the Agricultural Land Commission Act

Please note, it is your responsibility to ensure that the placement of fill does not cause danger on or to adjacent land, structures or rights of way, or foul, obstruct or impede the flow of any waterway. In addition, this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin Fry, Executive Director

A large, handwritten signature in black ink is written over the typed name 'Colin Fry, Executive Director'. The signature is highly stylized and cursive, starting with a large loop and ending with a long, sweeping tail that extends downwards and to the right.



## TERMS AND CONDITIONS

1. That the fill placement activities be restricted to the 10.0 ha area as shown on the attached air photo.
2. That the total fill placement shall be limited to 48133 m<sup>3</sup> to achieve the finished grade elevations as proposed and identified in the report, as prepared by Bruce McTavish of McTavish Resource & Management Consultants Ltd. dated October 25, 2012 (the "Plan").
3. The fill placement shall be in substantial compliance with the plan.
4. That, under the direction of the qualified professional of record, Mr. Bruce McTavish all existing 'topsoil' on the authorized site shall be stripped and salvaged for future soil reclamation purposes. Salvaged topsoil is to be stripped using an excavator with a cleanup bucket to ensure soil horizons are removed separately. Topsoil stockpiles are to be stored separately by horizon type and replaced in the reverse order of removal to prevent mixing of the horizons and to facilitate the re-creation of the present soil condition. Salvaged 'topsoil' shall not be removed from the property.
5. That Topsoil material is not authorized to be removed from the property.
6. That appropriate weed control must be practiced on all disturbed areas.
7. That all soil stockpiles shall be seeded and established to an appropriate plant cover, or other suitable soil erosion control measure shall be applied to protect the stockpiles from wind, runoff or other removal process. Protection is also to extend to damage which may be caused by recreational vehicles such as motorcycles etc.
8. That dust suppression practices, and/or restrictions on gravel pit vehicle traffic be applied when necessary to minimize air-borne dust from traffic on the access road and thereby potential negative impacts resulting from the dust on neighbouring properties.
9. A yearly report must be submitted to the Commission detailing volumes and quality of the soils, photos, as well as information relating to the placement as it related to the plan.
10. That a final report prepared by the qualified professional of record be submitted to the Commission upon completion of the project. The final report shall include a written description of the completed project, photos of the site, and evidence that the reclamation has been completed as well as professional assessments specific to:
  - a) the soil reclamation outcomes for all areas within the fill placement area.
  - b) the efficacy of site drainage on the total reclaimed area;
  - c) identifying potential negative impacts on the drainage of soils elsewhere on the property, and/or on neighbouring properties, should the impacts be determined to be a result of the project and its activities.
11. That the proposed fill placement project, including all reclamation activities, be completed by September 1, 2015. Upon completion of the project, please submit a



closure report which includes photos and written confirmation of the project's completion as outlined above.

12. Should you require an extension of time beyond this date to complete the project, a request shall be submitted to the Commission prior to July 1, 2015. The request shall include a status report that includes details of the project, the reason for the extension request, and photos of the site.
13. Approval for fill is granted for the sole benefit of the applicant and is non-transferable without written approval of the Commission. Should ownership of the property change, please inform the Commission in writing.

**Please advise this office, by signing and returning one copy of these conditions, whether or not you intend to proceed with the placement of fill proposal on the above basis.** As the agent for this proposal, the Commission considers it to be your responsibility to notify your client. Should you, or your client not agree to restrictions as set out in the above 'terms and conditions', the option of submitting a formal Non-Farm Use application to the Commission is available. Should an application be made, please be advised that the Commission has the authority to grant an approval, with or without conditions, or deny the proposal. The application process is initiated by submitting the required forms and paying the requisite fee (\$600) to the local government.

I, \_\_\_\_\_ agree to the above terms and conditions and intend to  
(print name here) proceed with the placement of fill as outlined above.

\_\_\_\_\_  
Signature of owner or agent