

Association for the Protection of Rural Metchosin,
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January 30, 2020

Ms Jennifer Dyson, Chair,
Agricultural Land Commission,
201-4940 Canada Way,
Burnaby, BC, V5G 4K6

Dear Ms. Dyson,

**Re: Request by [REDACTED] of May 3, 2019 for an Extension Relating to
Notice of Intent (NOI) #52183 at [REDACTED], Metchosin, BC**

The Association for the Protection of Rural Metchosin (APRM) is dedicated to the purpose of its title. Over the last two years we have been concerned about placement of fill at three sites along the Sooke Road, two of which were authorised by the ALC. There are many indicators that these sites are being used for industrial activities rather than agriculture.

We believe that the site at [REDACTED] is functioning as a commercial dump site under the pretence of converting the land to a turf farm. Our suspicions have been strengthened by information revealed in a recent FOI request to the ALC. We thank your staff for their cooperation in responding to that request.

A summary of the history¹ of this activity:

- 1) The original permit was issued on Feb. 24, 2006, and allowed for placement of 240,000 m³ of fill on 2.7 ha within the ALR and on 3.6 ha outside the ALR to create a turf farm. An application to increase the fill volume to 375,000 m³ was granted on April 13, 2011, at which time the duration of the fill period was to be two years.
- 2) Extensions of the permit were granted from Jan. 22, 2014 to July, 2016 and from July 25, 2016 to July 1, 2019.
- 3) Import of fill has continued every year since 2006, with the fill on the non-ALR land regulated by the District of Metchosin. In February 2019, as a condition of their permit for 2019, the District required the [REDACTED] to conduct a survey of the fill placed. That survey, which is attached ², shows that a 340,000 m³ of fill have been placed over the total site. However, on May 3, 2019, Madrone Environmental Services,

consultants to the [REDACTED], reported to the ALC that only 106,000 m³ of the 375,000 m³ of fill permitted had been placed on the ALR lands, and asked for an extension of the expiry date for the permit.

4) On Sept. 27, 2019 Avtar Sundher of your staff wrote to the [REDACTED], noting as follows:

“Given that the Fill Placement Activities are only 30% complete after a period of over 13 years, I have serious concerns about your commitment to develop the Property as a turf farm. Before I consider an extension, you must provide a farm plan for the proposed turf farm including detailed plans for irrigation and drainage of the Property and a justification for the large volume of fill.”

5) On Sept. 27, 2019, [REDACTED] of Madrone wrote to Katarina Glavas of your staff as follows:

“Thank you for your assessment — it is generally what I had anticipated.

“I want to convey that I am disappointed with the current state of affairs — as this project pre-existed and continued with Madrone under a different Project Manager/Standard of Professionalism until this past summer.

“I am hoping that this ALC communication will enable me to develop a closure and farm plan for immediate implementation that will see agricultural land developed from existing material on Site.

“If I am unsuccessful in convincing the Client to that end, I may require a C&E Order from the ALC to ensure appropriate measures are taken to restore the land to a state suitable for agriculture.”

6) In October 2019, the [REDACTED] filed the “[REDACTED] Turf Farm, Farm Plan” (attached)³ with the ALC. It does not provide the information requested by the ALC. There is no discussion of field preparation, irrigation method, water demand and feasible source, drainage, purchase of specialised equipment, or even of determination of potential production. We do not believe it comes anywhere close to what is required for a turf farm plan.

7) In the CRD, those who take fill to dump sites pay a fee. Based on information from those in the trucking business, we believe a conservative value for the fee is \$6.6/m³ (\$5/yd³). Using this figure, the [REDACTED] will possibly have received about \$2,210,000 in income over the period of fill placement authorised by the ALC. The evidence points to this income as their main interest rather than establishment of a turf farm.

Given the evidence above, we have three requests of the ALC:

- 1) Deny the extension of the permit.

- 2) Issue a Cease and Enforcement Order to require the site to be restored to a condition fit for agricultural use, as suggested by Madrone.
- 3) Extend the ALR designation to cover the whole of the fill site.

Thank you for your consideration of this problem site.

Yours Truly,

Jennifer Burgis, President (j_burgis@telus.net)

Association for the Protection of Rural Metchosin.

Ken Farquharson, Vice President (ken.farquharson@shaw.ca)

Cc: District of Metchosin

Hon. Lana Popham MLA, BC Minister of Agriculture

Attachments (3):

1. Chronology of Events.
2. Survey of Fill volumes
3. Farm Plan