



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

October 20, 2008

Reply to the attention of Ron Wallace
ALC File: MM-38353

Gerry Visser
Lot #2 - 29605 McTavish Road
Abbotsford, BC V4X2G3

Dear Sir:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 632/2008 outlining the Commission's decision as it relates to the above noted application.

Please submit the following to the Commission before commencing the fill project:

- A \$10,000 security deposit which will be available to be returned upon successful completion of the project.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes/ Letter of Credit – example

cc: City of Abbotsford (4520-20/SRP#1372)

RW/
i/MM-38353d1

Letter of Credit - Example

BENEFICIARY: Minister of Finance
c/o Provincial Agricultural Land Commission
#133 - 4940 Canada Way
Burnaby, BC V5G 4K6

Re: ALC Application # _____

We hereby issue in your favour our Irrevocable Letter of Credit # _____ for CAD

\$ _____ in the account of _____

(Name of Individual or Company)

(Street Address and/or Legal Description)

TERMS AND CONDITIONS:

1. Expiry Date: _____
2. Drawings are to be made in writing to _____
(Name of Financial Institution)
3. Partial drawings are permitted.
4. The Bank/Credit Union will not inquire as to whether or not the Agricultural Land Commission has right to make demand on this Letter of Credit.
5. This Letter of Credit is irrevocable up to the expiry date.
6. This Credit is irrevocable up to the expiry date and unless it is extended in writing will be null and void after the expiry date whether or not the original credit is returned to us for cancellation. The amount of this credit may be reduced from time to time only by the amount drawn upon it by you or by formal notice in writing received by us from you that you desire such reduction.
7. Request for any amendment except reduction in amount must be made directly to our customer who will then instruct us accordingly.
8. Any drawings made under this letter of credit must be accompanied by the original of this credit.
9. **Mandatory Condition:**
"It is a condition of this letter of credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to the present or any future expiration date, we notify you in writing, that we elect not to consider this letter of credit to be renewable for any additional period."
10. We engage to honour presentations submitted within the terms and conditions indicate above.



A meeting was held by the Provincial Agricultural Land Commission on September 30, 2008 in Abbotsford, B.C.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Ron Wallace	Staff
	Tony Pellett	Staff

For Consideration

Application: # MM- 38353
 Applicant: Gerry Visser
 Proposal: The purpose of the application is to stabilize a 0.2 ha portion of the property that was subject to a landslide that occurred during a storm in April 2007.

The applicant is proposing to fill 800 cubic meters of structural soil over approximately 0.2 ha at a depth of approximately 3.0 m. The property is being used for residential use only as the majority of the land is very steep.

A geotechnical assessment and recommended procedure was prepared by Geo Media Engineering Ltd dated February 29, 2008.

Legal: NWS 01526 Lot #2, Section 23, Township 14
 Location: #2 - 29605 McTavish Road, Abbotsford

Site Inspection

A site inspection was conducted on September 30, 2008. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Ron Wallace Staff
- Tony Pellett Staff
- Gerry Visser Applicant

The Commissioners and staff met with Gerry Visser at the subject property and viewed the proposed fill area. It was apparent that the back portion of the property had recently (within the last couple of years) undergone a landslide and that the existing bank is unstable.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land

2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Discussion

The Commission recognizes that the back portion of the property requires stabilization and supports the proposed fill as outlined in the geotechnical Assessment of Slope Failures report prepared by Geo Media Engineering Ltd.

IT WAS

MOVED BY: Commissioner Bose
SECONDED BY: Commissioner Pranger

THAT the application be allowed subject to the following conditions:

- The fill project is to be in substantial compliance with the plans outlined in the report prepared by Geo Media Engineering Ltd.
- A \$10,000 security deposit which will be available to be returned upon successful completion of the project.
- That Geo Media Engineering Ltd. (or another professional with specialized knowledge in soil structure and hydrology) will oversee the project and upon final completion of the project, provide a closure report.
- Approval for filling is granted for the sole benefit of the applicant and is non-transferable.

This decision does not relieve the owner or occupier 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 land under an enactment.

CARRIED

Resolution # 632/2008