



**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

January 11, 2010

Reply to the attention of Ron Wallace  
ALC File: 38966

Fraser Valley Aggregates Ltd  
100-19429 - 54th Avenue  
Surrey, BC V3S 7X2

Dear Sir/Madam:

**Re: Application to Remove Soil and Place Fill in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 1851/2009 outlining the Commission's decision as it relates to the above noted application.

Please submit the following to the Commission before commencing the project.

- A \$300,000 security deposit which will 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 the 'Per:' label. The signature is fluid and cursive.

Erik Karlsen, Chair

Enclosure: Minutes/Letter of Credit - example

cc: City of Abbotsford (4520-20/SRP#1420)  
Klaus and Lynn Funke – 1146 Ross Road, Abbotsford, BC V4X1B4  
Catherine Orban, M.Sc., P.Ag. – 1977 Harlequin Cres. Nanoose Bay, BC V9P9J2

**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.



# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

**A meeting was held by the Provincial Agricultural Land Commission on December 8, 2009 at the Best Western Regency Inn in Abbotsford, B.C.**

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

### For Consideration

Application: 38966  
 Applicant: Klaus and Lynne Funke et al  
 Agent: Fraser Valley Aggregates Ltd.  
 Proposal: The intent of the Operator, Fraser Valley Aggregates Ltd, is to extract aggregate from the site (over approximately 8.71 ha) and transport the raw material under Ross Road by conveyor to an existing processing facility. The total estimated bulk material volume is 1,900,000 m<sup>3</sup> of which 1,330,000 m<sup>3</sup> is estimated to be merchantable sand and gravel. Some 570,000 m<sup>3</sup> is estimated to be non-merchantable clay overburden which will be replaced. Some 1,200,000 m<sup>3</sup> of imported fill will be required to satisfy the proposed final grades. The project includes the restoration of the agricultural capability of the lands for the potential of enhanced crop production.

An Agrologist report was prepared for the project by Catherine Orban, P.Ag. who has outlined the project and rehabilitation of the site and will provide regular monitoring reports to the appropriate authorities.

Legal:	The South West Quarter of the South West Quarter of the North West Quarter of, Section 11, Township 13, NWD
Location:	1286 Ross Road
Legal:	Lot 6, Section 11, Township 13, new Westminster District, Plan 45098
Location:	1146 Ross Road
Legal:	Lot A, Section 11, Township 13, new Westminster District, Plan 72754
Location:	1099 Peardonville Road
Legal:	Lot 5, Township 13, new Westminster District, Plan 41659
Location:	1184 Ross Road
Legal:	Lot 4, Township 13, new Westminster District, Plan 37179
Location:	1030 Ross Road

### Site Inspection

A site inspection was conducted on December 8, 2009. Those in attendance were:

- Sylvia Pranger                      Chair, South Coast Panel
- Michael Bose                        Commissioner
- John Tomlinson                      Commissioner

- Ron Wallace                      Staff
- Tony Pellett                      Staff
- Brian French                      Consulting Agrologist
- Catherine Orban                      Consulting Agrologist
- David Vernon                      Fraser Valley Aggregates Ltd.

The Commissioners and staff met with the proponents and viewed the site and discussed the proposed extraction and rehabilitation project. The Commissioners mentioned the prospect of creating three approximately equal properties from the five existing subject properties. It was believed the reconfiguration of the lots into three parcels would benefit agriculture.

### **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**

#### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

#### **Subclasses**

- A        soil moisture deficiency  
P        stoniness  
T        topography

#### **Assessment of Impact on Agriculture**

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission also recognized the Ross Road area as an important source of Lower Mainland aggregate, with a large number of sand and gravel pits already in operation when the ALR was designated. As such, the Commission supported the proposal subject to a security deposit and the Supervising Professional Consultant (Catherine Orban, M.Sc., P.Ag.) or another professional with specialized knowledge in soil structure and hydrology, overseeing the project, providing regular monitoring reports and upon final completion of the project, providing a closure report. The Commission requires that all imported fill be inspected by the Consultant to ensure suitable quality and that the source of the fill be recorded.

Lastly upon completion of the project the Commission requires the reconfiguration of the five subject properties into three properties of approximately equal size. It was believed this reconfiguration would provide for more useful agricultural parcels.

**IT WAS**

**MOVED BY:** Commissioner Tomlinson  
**SECONDED BY:** Commissioner Pranger

THAT the application be allowed subject to the following conditions:

- The project be in substantial compliance with the plans outlined in the 'Aggregate Extraction & Rehabilitation Plan' prepared for the applicant.
- A \$300,000 security deposit which will be returned upon successful completion of the project and conditions on approval.
- That the Supervising Professional Consultant (Catherine Orban, M.Sc., P.Ag.) or another professional with specialized knowledge in soil structure and hydrology, oversee the project, provide regular monitoring reports and upon final completion of the project, provide a closure report.
- That all imported fill be inspected by the Consultant to ensure suitable quality and that the source of the fill be recorded.
- That the five (5) subject properties be reconfigured into three properties of approximately equal size upon completion of the project.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.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.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

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.

**CARRIED**  
**Resolution # 1851/2009**