



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

March 21, 2007

Reply to the attention of Jennifer Carson
ALC File: # MM - 36822

Kelly Cummings
2061 Orchard Drive
Abbotsford, BC V3G 2B8

Dear Mr. Cummings:

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

Please find attached the Minutes of Resolution # 67/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Erik Karlsen, Chair

cc: City of Abbotsford (4520-40/SRP#1250)
George & Sarah Kato, 29435 Downes Road, Abbotsford, BC V4X 1S3

Enclosure: Minutes

JC/lv
36822d2

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 February 19, 2007 in Abbotsford, B.C.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Terra Kaethler	Staff
	Brian Underhill	Staff
	Jennifer Carson	Staff

For Consideration

Application: # MM- 36822
Applicant: Kato's Nursery Ltd.
Agent: Kelly Cummings
Proposal: To deposit 17,204m³ of structural clay material over 1.59 ha area at a depth of 1 meter for expansion of his nursery and to improve drainage on the property.
Legal: PID: 025-626-019
Lot 1, Section 34, Township 13, New Westminster District, Plan BCP4470
Location: 29435 Downes Road, Abbotsford

Site Inspection

A site inspection was conducted on Monday February 19, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Terra Kaethler Staff
- Brian Underhill Staff
- Jennifer Carson Staff
- Mr. Lund Kato's Nursery representative

The Commissioners and ALC staff met with Mr. Lund onsite and revisited the site where the fill is going to be placed. The Commissioners commented on the professionalism of the report and the manner in which all of the neighbors were made aware of the application.

Mr. Lund confirmed that the staff report dated February 6, 2007 was received and no errors were identified.

Conclusions

- The Commission is pleased with the proposal to expand on a legitimate agricultural enterprise.
- That the proposal will positively impact agriculture.

IT WAS

MOVED BY: Commissioner Tomlinson

SECONDED BY: Commissioner Bose

THAT the application be allowed with conditions.

AND THAT the approval is subject to the following conditions:

- Carrying out the filling as specified in the application in accordance with the report from CARR Environmental Consultants
- The posting of a \$15,000 letter of credit which will be returned upon successful completion of the project.

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 # 67/2007