



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

October 29, 2007

Reply to the attention of Jennifer Carson  
ALC File: O-37350

Glenn Bell, BCLS  
Bell & Giuriato  
101 - 21616 - 52nd Avenue  
Langley, BC  
V2Y 1L7

Dear Mr. Bell:

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

Please find attached the Minutes of Resolution # 503/2007 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.

Please submit the following to the Commission before commencing the fill project. Filling can commence once the Commission has confirmed that it is satisfied that the following preliminary conditions have been met:

1. analysis and confirmation from a registered professional that the project will improve drainage on the subject property as well as adjoining properties to the benefit of agricultural use.
2. confirmation that David Sahlstrom or another Professional Agrologist will be overseeing the project and writing a final report upon completion of the project.
3. a letter of credit for the amount of \$350,000 from the contractor to be returned upon the completion of the project to the satisfaction of the Commission.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

  
Erik Karlsen, Chair

cc: The Corporation of the Township of Langley (SO000446)

Enclosure: Minutes, Letter of Credit example



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on September 25, 2007 in Langley, B.C.**

**PRESENT:**

Sylvia Pranger	Chair, South Coast Panel
Michael Bose	Commissioner
John Tomlinson	Commissioner
Tony Pellett	Staff
Gordon Bednard	Staff
Thomas Loo	Staff
Ron McLeod	Staff
Jennifer Carson	Staff

### For Consideration

Application: # O- 37350  
Applicant: Tom Barichello  
Agent: Bell & Giuriato  
Proposal: To place 35,000 cubic meters of fill on the subject property.  
Legal: PID: 026-886-880  
Lot B, Section 5, Township 11, New Westminster District, Plan BCP26772  
Location: 22635 - 48th Avenue, Langley

### Site Inspection

A site inspection was conducted on September 25, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Tony Pellett Staff
- Gordon Bednard Staff
- Thomas Loo Staff
- Ron McLeod Staff
- Jennifer Carson Staff
- Tom Barichello Applicant
- Glen Bell Agent
- Alf Deglan Contractor

The Commission met with the agent and contractor on the subject property to view the proposed fill site. The purpose of the proposal is to improve the drainage on the property by filling in and flattening out the areas where ponding occurs. Generally the applicant is able to get three cuts of hay per year from the property, but due to the excess water, the tractor often gets stuck in the area proposed for fill. As a result this portion of the property has only be hayed once, substantially reducing the yield. The plan for accessing the site is laying down a bark mulch road for the fill trucks, which will then be taken up and sold back to the supplier for a fee. While onsite, the Commission mentioned that it would likely be requiring an Agrologist report on the site and a professional opinion on the potential effects of changing the drainage patterns on the neighbouring properties

## **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 improved ratings for the agricultural capability of the soil of the subject property are:

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

#### Subclasses

- D        undesirable soil structure  
T        topography  
W        excess water

### **Assessment of Agricultural Suitability**

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

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

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes, that if done properly, the proposal would not have a negative impact on the existing or potential agricultural use of surrounding lands.

## **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That if done properly the proposal will not have an adverse impact agriculture.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

**IT WAS**

**MOVED BY:** Commissioner Bose  
**SECONDED BY:** Commissioner Pranger

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- analysis of the drainage patterns on the subject property and adjoining lands by a qualified professional that confirms whether or not the project will improve drainage on the subject property to the benefit of agricultural use. The analysis is also to address and mitigate possible negative effects of the project on the groundwater regime and surface water flows of the subject and adjacent properties.
- that upon receipt and satisfaction of the analysis, the Commission requires a letter of credit for the amount of \$350,000 from the contractor to be returned upon the completion of the project to the satisfaction of the Commission. If a phasing plan is developed, the Commission can reduce the bond to reflect the open phases of the filling project.
- written confirmation that David Sahlstrom or another qualified professional Agrologist oversees the project on the subject property and frequently monitors the site to ensure that the filling is carried out properly.
- that David Sahlstrom or another qualified professional Agrologist provide a closure report detailing the outcome of the filling project to be submitted to the Commission on or before November 31<sup>st</sup>, 2008.
- approval for non-farm use 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 # 503/2007**

**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.