



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

May 11, 2009

Reply to the attention of Ron Wallace
ALC File: O-38580

James Hinton
14831 Buena Vista Avenue
White Rock, BC V4B1X3

Dear Sir:

Re: Application to Deposit Fill Within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 165/2009 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 \$30,000 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 a white background.

Erik Karlsen, Chair

Enclosure: Minutes/Letter of Credit - example

cc: Township of Langley (SO000577)

Aplin and Martin Consultants Ltd Suite 201- 12448 - 82 Avenue Surrey, BC 3W3E9

RW/
I/O-38580d2

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 April 23, 2009 in Surrey, B.C.

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

For Reconsideration

Application: # O- 38580
Applicant: James Hinton

Agent: Aplin and Martin Consultants Ltd
Proposal: To deposit approximately 61,250 cubic meters of fill on 2.45 ha of the 4.1 ha property for the purpose of raising the land and improving the drainage.

Legal: PID: 005-033-764
Lot 21, Section 25, Township 7, New Westminster District, Plan 40223

Location: 21298 - 36th Avenue, Langley, BC

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 Commissioners recalled its site inspection of the subject property on January 26, 2009. At the time it was noted the property has areas with standing water and that the property is somewhat characterized by excess water limitations. The Commission believed the report dated December 16, 2008 prepared by Madrone Environmental Services Ltd. provided a good framework for the proposed fill project to improve the property for agricultural purposes. However, the Commission also believed more information should be provided pertaining to the hydrology and drainage patterns that would result from the proposed fill being placed on the subject property.

A new report dated March 31, 2009 was provided by Madrone Environmental Services Ltd entitled *Hydrology Assessment* to the Commissioners. The purpose of the assessment was to review the hydrologic conditions on the property and in the immediate surrounding area to determine the impacts the proposed placement of fill may

have on hydrology in the area. The Commission reviewed this report and supported the recommendations provided by Madrone Environmental Services Ltd.

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 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Subclasses

M soil moisture deficiency
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 believed the proposal would improve the site for agriculture if done according to the recommendations and professional standards as outlined in the reports prepared by Madrone Environmental Services Ltd.

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 the proposal will improve the site for agriculture if done to the professional standards as outlined in the reports prepared by Madrone Environmental Services Ltd.
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 subject to the following conditions:

- The fill project is to be in substantial compliance with the plans outlined in the reports prepared by Madrone Environmental Services Ltd.
- A \$30,000 security deposit which will be returned upon successful completion of the project.
- That Madrone Environmental Services Ltd (or another professional with specialized knowledge in soil structure and hydrology) will oversee the project, provide twice yearly monitoring reports 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 # 165/2009