



Agricultural Land Commission
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November 7, 2008

Reply to the attention of Ron Wallace
ALC File: O-38484

Rogers Wireless Inc
1600 - 4710 Kingsway
Burnaby, BC V5H4M5

Dear Sir/Madam:

**Re: Application for Transportation, Utility and Recreational Uses in the
Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 700/2008 outlining the Commission's decision as it relates to the above noted application.

The Commission would like to draw your attention to a similar application for a communication facility that was made by Cascadia Tower Inc. on the adjacent property to the south located at 12104 No. 2 Road, Richmond. The Commission recently supported this facility to help provide the infrastructure for wireless communications in the area.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

Enclosure: Minutes

cc: City of Richmond
Maureen Haldeman - 12060 No. 2 Road, Richmond, BC

RW/
I/O-38484d1



A meeting was held by the Provincial Agricultural Land Commission on October 10, 2008 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

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

For Consideration

Application: # O - 38484
 Applicant: Rogers Wireless Inc
 Proposal: To co-locate telecommunications site comprised of Rogers wireless equipment shelter a TELUS equipment shelter and a 45.5 m high lattice tower. The facility would utilize approximately 138m2 within a fenced area. An existing road/driveway runs from No. 2 Road to the site, so no additional road works would be required.

Legal: PID: 007-789-637
 Lot A, Block 3 North, Section 7, Range 6 West, New Westminster District, Plan 3508

Location: 12060 No. 2 Road, Richmond

Site Inspection

A site inspection was conducted on October 1, 2008. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Ron Wallace Staff
- Kevin Sharp Applicant
- Repres.(TELUS) Applicant

The Commissioners and staff met with the applicants to view the site and discuss the proposed telecommunications development comprised of a Rogers Wireless equipment shelter a Telus equipment shelter and a 45.5 m high lattice tower. The Commission noted that the western half of the subject property is significantly encumbered with illegal non-farm uses, including a car/vehicle repair business, with many vehicles and related equipment and materials stored on site. The Commissioners expressed their concern with this illegal use and indicated to the applicants that the ALC's Compliance and Enforcement staff will be notified to act towards bringing the property into compliance with the regulations. As a result of this illegal use the Commissioners indicated to the applicants that it would not be prepared to support the telecommunications use. The Commission also noted that Cascadia Tower Inc. is making a similar application for a communications site on the adjacent property to the south of the subject property.

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

As recalled from the onsite inspection of the subject property the Commissioners were not prepared to support the proposed telecommunications development due to the property being significantly encumbered with illegal non-farm uses, including a car/vehicle repair business, with many vehicles and related equipment and materials stored on site. The Commissioners have requested the ALC's Compliance and Enforcement staff to notify the owners of the property that they are engaging in illegal activity and to bring the property back into compliance with the regulations. The Commission recognizes that due to the level of illegal activity on the property, this process will likely require significant time to achieve.

IT WAS

MOVED BY: Commissioner Bose
SECONDED BY: Commissioner Tomlinson

THAT the application be refused.

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.

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CARRIED
Resolution # 700/2008