



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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September 11, 2009

Reply to the attention of Ron Wallace
ALC File #O-38241

TM Mobile Inc.
3030 – 2nd avenue SE
Calgary, AB
T2N 5N7

Dear Sir/Madam:

Re: Request for Reconsideration

This is further to your letter in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #680/2008.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 684/2009 outlining its latest decision.

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

cc: Township of Langley

Enclosure: Minutes/Sketch Plan



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 30, 2009 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Erik Karlsen	Chair of the Commission
	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Tony Pellett	Staff

For Consideration

A letter from Jim McNee, Real Estate Manager, was received requesting that the Commission reconsider its decision recorded as Resolution #680/2008. It requested that the second access route to the proposed tower site be dropped due to the following:

1. The access further north along 248th Street brings that driveway dangerously close to the end of the overpass across Highway No.1.
2. By adding a second access to the property may place further pressure on the Commission to allow subdivision or alternative, non-agricultural use of the land.
3. There would be considerable expense of constructing a second, new driveway which will require extensive grading adjustment for a access road that would be infrequently used by TELUS.

Application:	#O-38241
Applicant:	TM mobile Inc.
Agent:	Jim McNee, Real Estate Manager
Original proposal:	To replace an existing wooden pole on Ministry of Transportation Right of Way with a 50 foot steel monopole and two (2) shelters. The remainder of the property is being farmed and a proposed access road is along the western edge of the property.
Original decision:	Refused as proposed. However, the Commission allowed the proposed tower site at the northwest corner of the subject property subject to access to the tower site at a point further north along 248 th Street and the construction of a fence and gate around the perimeter of the tower facility.
Current proposal:	That the proposed tower site be approved without the requirement of constructing a second access point to the agricultural land.
Legal:	Lot 1, New Westminster District, Except Part on Statutory R/W, Plan 23059, Section 11, Township 11, Plan 13268
Location:	248 th Street, Langley

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

S33(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, or
- (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that the applicant had provided evidence that was not available at the time of the original decision and so reconsidered the application.

Discussion

Upon reconsideration the Commission concurred with the applicant that the construction of a second access road onto the subject property would negatively impact agriculture. It was believed the use of the existing access road by TELUS to the tower site would be acceptable and have no significant impact on agriculture.

IT WAS

MOVED BY: Commissioner Bose
SECONDED BY: Commissioner Tomlinson

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request to build the proposed tower site without the requirement of constructing a second access point to the agricultural land be approved.

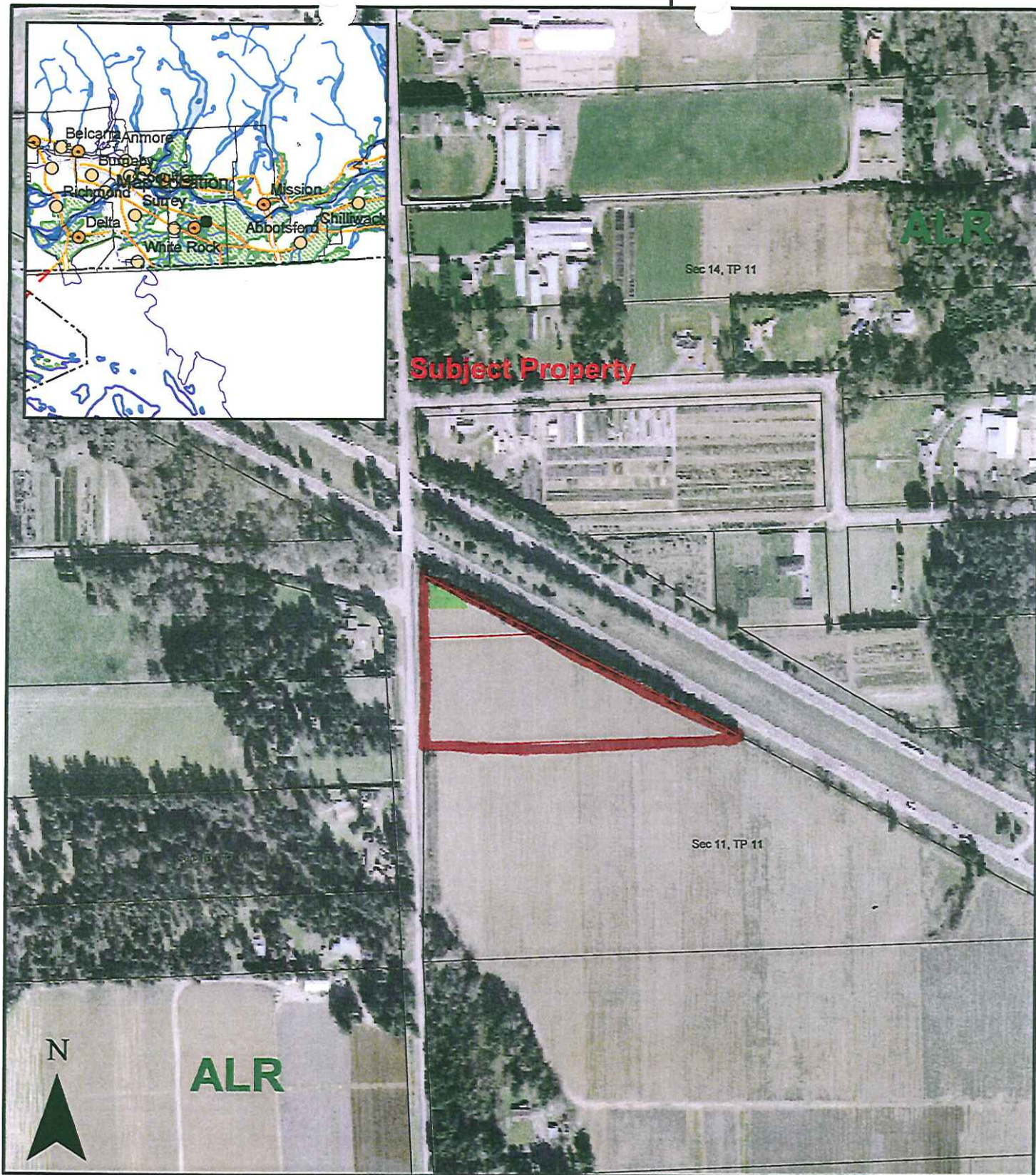
AND THAT the approval is subject to the following conditions:

- The construction of a fence and gate around the perimeter of the tower facility.
- 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

122°32'0"V



Provincial Agricultural Land Commission
Application #O-38241
Resolution #684/2009

-  Subject property
-  Area approved for tower site in the ALR

ALC File #:	25-2008-38241
Mapsheet #:	92G.018
Map Produced:	June 20, 2008
Regional District:	Greater Vancouver