



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

June 12, 2009

Reply to the attention of Ron Wallace
ALC File: O-38321

Robert Gallichen
14066 - 61st Avenue
Surrey, BC V3X 1E2

Dear Sir:

Re: Application for Transportation Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 166/2009 outlining the Commission's decision as it relates to the above noted application.

Also attached is a copy of a letter to the City of Surrey pertaining to the application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes

cc: City of Surrey

RW/
i/O-38321d1



A meeting was held by the Provincial Agricultural Land Commission on April 20, 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 Consideration

Application: # O- 38321

Applicant: Robert Gallichen

Proposal: The applicant proposes to erect a dwelling and farm two parcels at the west end of the 59 Avenue right-of-way (RoW) on which the City of Surrey has partially constructed a roadway without Commission authorization. The City has declined a building permit until the applicant has made an application on Surrey's behalf and has obtained Commission approval to construct and pave a half road and water main and to create a cul-de-sac near the end of the RoW.

The half road would be located at the centre line of the RoW sloping towards the south.

The cul-de-sac would encroach on the adjoining Lot 21, Block 1... Plan 1435 (not part of this application).

The project would also require a 7.0 m wide ditch RoW from 59 Avenue to the Serpentine River through Lot 31, Block 1...Plan 1435 (also not part of this application) and a second 7.0 m wide ditch RoW from 59 Avenue north to 60 Avenue through Lot 22, Block 1...Plan 1435 (also not part of this application).

Legal: PID: 012-198-439
Lot 32, Block 1, Section 12, Township 2, New Westminster District, Plan 1435

PID: 012-198-323
Lot 20, Block 1, Section 12, Township 2, New Westminster District, Plan 1435

Location: 16000 block of 59 Avenue, Surrey

Site Inspection

A site inspection was conducted on April 20, 2009. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Ron Wallace Staff
- Tony Pellett Staff
- Robert Gallichen Applicant

The Commissioners and staff met with the applicant to view the site and discuss the project.

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 Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the applicant's 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 believed that the construction of a paved road on this right-of-way could encourage rural residential development. The Commission noted that the requirement for Commission approval for construction of unconstructed road rights-of-way is designed to forestall non-farm development of adjacent parcels. Although the Commission would be prepared to consider the construction of a minor road along 59th Avenue, an applicant other than the City cannot compel dedication of ditch rights-of-way nor construction of road works on parcels not owned by the applicant.

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 negatively impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Pranger
SECONDED BY: Commissioner Tomlinson

THAT the application be refused as submitted;

AND THAT the City of Surrey be advised that this application cannot be completed by an applicant other than the City, but that the Commission would be prepared to continue its consideration of this matter once the City has accepted responsibility for the application.

CARRIED

Resolution # 166/2009



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

June 11, 2009

Reply to the attention of Ron Wallace
ALC File: O-38321

City of Surrey
14245 56 Avenue
SURREY BC V3X 3A2

Attention: Rémi Dubé

Re: Application to Construct 59 Avenue in the Agricultural Land Reserve (ALR)

This is further to discussion at the Surrey Agricultural Advisory Committee meeting of 04 June 2009, attended among others by you, Regional Planner Tony Pellett of this office, and applicant Robert Gallichen. That discussion ended with a request that the Commission develop some criteria to guide the City and its agricultural advisory committee in relation to the manner in which the 59 Avenue ALR area may be developed so as to benefit agriculture.

Here is the background leading up to the Commission's initial consideration of the application to construct 59 Avenue.

- In July 2007, the Commission reviewed an application to deposit fill on the south side of 59 Avenue. The Commission observed that the City had, without Commission approval, constructed a roadway on 59 Avenue and therefore made its approval of the fill subject to submission of an application for extension of 59 Avenue.
- In November 2007, the Commission received a set of engineering drawings of a proposed extension to 59 Avenue complete with a cover page listing the City's requirement for the "developer" [not the City, as expected] to build the road.
- In January 2008, Mr. Gallichen began work required to submit the application, including notification of the other owners. He obtained written consent from the two owners whose land would be required for ditching and a conditional response from an owner part of whose land would be required for a maintenance access.
- In February 2008, Mr. Gallichen's engineer submitted a letter citing preliminary approval given by Sarb Atwall, City of Surrey Project Manager—Land Development.
- In July 2008 the fee was paid and the application was entered into our systems. Section 35 of the *Community Charter* provides that such roads are vested in the municipality, thus Commission staff required that he obtain authorization from the City to act on its behalf.
- In February 2009, an email from Project Manager Ravi Saini provided the City's comment, "The City of Surrey does not have any concern to the road opening provided all works are constructed to City standards and By-laws, and approvals from the Regulatory authorities are obtained." Regional Planner Tony Pellett acknowledged receipt of the City comment and responded by asking whether the matter had yet been taken to the Agricultural Advisory Committee for comment prior to the Commission's next meeting on April 20-23.
- On 20 April 2009, the Commission met Mr. Gallichen on site and discussed the process which had led him to make the application which they had expected to receive from the City. They also expressed concern over the impact of a paved road, potentially leading to non-farm expectations from other owners. Mr. Gallichen advised that he would have preferred a gravel road, but that the City had insisted on pavement.