



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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Reply to the attention of Terra Kaethler  
ALC File: 50343

July 9, 2010

Nirender and Sukhjit Pataria  
15086 – 48<sup>th</sup> Ave  
Surrey, BC  
V3S 0L2

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution # **2542/2010** outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Surrey (7909-0040-00)

TK/50343d1



**A meeting was held by the Provincial Agricultural Land Commission on July 7, 2010 in Langley, B.C.**

<b>PRESENT:</b>	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Tony Pellett	Staff
	Ron MacLeod	Staff

**For Consideration**

Application: # 50343  
 Applicant: Nirender and Sukhjit Pataria  
 Agent: N/A  
 Proposal: The non-farm use of the 2.0 ha property to be used for truck parking.  
 Legal: 011-161-922  
 Location: Lot 5 Section 34 Township 1 New Westminster District Plan 5697  
 15086 – 40<sup>th</sup> Ave, Surrey

**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**

This application is one of five which the Commission reviewed concurrently for the non-farm use of ALR land for truck parking within the City of Surrey. Commissioner Bose and staff member Ron MacLeod described the activities taking place on site.

The Commission noted that a portion of the subject property is being used for truck parking. In addition, the parking area has been filled and debilitated to the point that it was not usable for agriculture. The Commission believes that the continued use of the property for truck parking would render the property unsuitable for agriculture in the long-term and result in a permanent loss of agricultural land.

The Commission noted that the City of Surrey planning department and the City of Surrey Agricultural Advisory Committee recommended that the application be refused.

The Commission believes the unauthorized use of the property for truck parking represents a significant negative impact on the existing and potential agricultural capacity of the subject property and adjacent lands.

## Conclusions

1. That the land under application is prime agricultural land according to the British Columbia Land Inventory (BCLI).
2. That the land under application has been debilitated for agricultural use by unauthorized placement of fill and the subsequent use as a truck parking facility.
3. That the proposal unauthorized development 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.

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, or*
  - (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.

## CARRIED

**Resolution # 2542/2010**