



Agricultural Land Commission
133-4940 Canada Way
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Reply to the attention of Terra Kaethler
ALC File: 51799

August 13, 2010

Himmat, Mohinder, Kamail, & Sukhdev Sekhon
7095-122 St
Surrey, BC V3W 4Z8

Dear Sirs/Madames:

Re: **Application for Soil Deposition in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 2605/2010 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 the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Surrey

TK/
51799d1



A meeting was held by the Provincial Agricultural Land Commission on July 7th, 2010 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:

Richard Bullock	Chair, Commission
Sylvia Pranger	Chair, South Coast Panel
Michael Bose	Commissioner
John Tomlinson	Commissioner
Tony Pellett	Staff

For Consideration

Application: 51799
Applicant: Himmat, Mohinder, Kamail and Sukhdev Sekhon
Proposal: Blueberry farm requires three dwellings (the main house plus a duplex) and farm workshops for processing the blueberries. Fill is allowed for the farm buildings and the main house, but fill for the duplex would bring the total residential fill beyond the 0.2 ha allowed under ALC policy #19. The application requests authorization to fill in order to bring the duplex to flood protection levels.
Legal: Parcel "ONE" (Reference Plan 8613) North West Quarter Section 2 Township 2 Except: Parcel "2" (Reference Plan 42263), New Westminster District 15448 No. 10 Hwy
Location: 7095-122 Street, Surrey

Site Inspection

A site inspection was conducted on July 7, 2010. Those in attendance were:

- Richard Bullock Chair, Commission
- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Tony Pellett Staff

The applicants were not present and an attempt to contact them from the site was unsuccessful.

Staff explained the purpose of the existing fill, namely that 0.2 ha was to accommodate a single family dwelling and the balance of the fill was for driveways and farm buildings. Staff pointed out the site for the proposed fill, which would provide the required elevation for a two-family duplex deemed necessary for farm use of the property.

The Commissioners noted sloping ground at the north end of the property (notably in the northwest corner) and asked whether there were any limitations to building a duplex there. Staff advised that the plan submitted with the application shows three statutory

rights of way in that area and explained that a duplex in that location might require a different design or relocation of the existing ditch in order to avoid the statutory rights of way.

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 discussed the proposed location for the fill, and believed that, as submitted, the proposed fill was beyond an acceptable volume and would occupy prime farmland with no real benefit to agriculture.

However, the Commission would have no objection to the construction of two further "residences necessary for farm use" on sloping ground not directly affected by the statutory rights of way.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Bose

THAT the application be refused as submitted.

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.

CARRIED
Resolution # 2605