



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 20, 2016

ALC File: 54232
Your File: 6520-20

Samantha Ward, Project Engineer
City of Surrey Engineering Department
13450 104 Avenue
Surrey, BC V3T 1V8

Dear Ms. Ward:

Re: Application to Pursuant to Section 6 of BC Regulation 171/2002

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #217/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Please send one (1) electronic copy or two (2) print copies of the final survey plan to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

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.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision "may not fulfill the purposes of the commission as set out in section 6". I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Further correspondence with respect to this application should be directed to Liz Sutton at (Elizabeth.Sutton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Director of Policy and Planning

Enclosure: Reasons for Decision (Resolution #217/2016)

54232d1



AGRICULTURAL LAND COMMISSION FILE 54232

**REASONS FOR DECISION
OF THE SOUTH COAST PANEL**

Application submitted pursuant to s. 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*)

Applicant: **City of Surrey**
(the "Applicant")

Agent: **Samantha Ward**
(the "Agent")

Application before the South Coast Regional Panel: **William Zylmans, Panel Chair**
Gordon McCallum
Satwinder Bains



THE APPLICATION

[1] The legal description of the Property involved in the application is:

Parcel Identifier: 013-230-999

Parcel A (Reference Plan 3999), South West Quarter Section 20, Township 8, New Westminster District, Except: Firstly; Part on Statutory Right of Way, Plan 4500, Secondly: Part Dedicated Road on Plan BCP14696, Thirdly; Part Dedicated Road on Plan BCP22116
(the "Property")

[2] The Property is 14.2 ha in area.

[3] The Property has the civic address 17916 Fraser Highway, Surrey.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.

[6] Pursuant to s. 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*) (the "Regulation"), the Applicant is applying to install a sanitary trunk sewer (1050mm diameter) and establish a right of way on a 0.1 ha portion of the Property (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".

[7] On March 4, 2016, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the South Coast Regional Panel (the "Panel").

[8] The Application initially identified the southern end of the ALR portion of the property legally described as Lot 5, Section 20, Township 8, New Westminster District, Plan 47452 (Parcel Identifier: 006-199-534) as being part of the Proposal. However, the owner of this property was not provided appropriate notification pursuant to s. 7 of the

Regulation. The Applicant has indicated that the sanitary trunk sewer alignment no longer intersects with the ALR portion of this property. The Panel only considered the portion of the sanitary trunk sewer alignment that is on the Property.

RELEVANT STATUTORY PROVISIONS

[9] The Application was made pursuant to s. 6 of the Regulation:

- 6 Unless permitted under sections 2 and 3, a person must file an application under section 34 (6) of the Act directly with the office of the commission and in a form acceptable to the commission for any of the following uses:
 - (a) widening of an existing road right of way;
 - (b) construction of a road within an existing right of way;
 - (c) dedication of a right of way or construction of any of the following:
 - (i) a new or existing road or railway;
 - (ii) a new or existing recreational trail;
 - (iii) a utility corridor use;
 - (iv) a sewer or water line other than for ancillary utility connections;
 - (v) a forest service road under the *Forest Act*;
 - (d) the new use of an existing right of way for a recreational trail.

[10] The Panel considered the Application within the context of s. 6 of the ALCA:

- 6 The following are the purposes of the commission:
 - (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.



EVIDENTIARY RECORD BEFORE THE PANEL

[11] The Panel considered the following evidence:

1. The Application;
2. Local government documents; and
3. Agricultural capability map, ALR context map and satellite imagery.

All documentation noted above was disclosed to the Agent in advance of this decision.

SITE VISIT

[12] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

[13] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92G/2(g) for the mapping units encompassing the Property are Class 3 and Class 4, more specifically (O3LW), (6:O3LW – 4:3DW) and (7:4T – 3:3TD).

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with this parcel of land are D (undesirable soil structure), L (degree of decomposition - permeability), T (topography (slope)) and W

(excess water). In addition, BCLI map sheet 92G/2(g) indicates the presence of organic soils on the Property.

In this regard, the Panel finds that the land making up the Property is capable of supporting agriculture and is appropriately designated within the ALR.

[14] The Proposal is part of a project that would extend an existing trunk sewer on 177A Street and would service future development west and north of the Property. The area related to the Proposal is limited in size (approximately 0.1 ha) and would be a component of servicing a large area of land outside of the ALR. Furthermore, the majority of the trunk sewer is located outside of the ALR. In this instance, the Panel finds that the Proposal would provide necessary servicing with a limited impact on land in the ALR.

DECISION

[15] For the reasons given above, the Panel approves the Proposal to install a sanitary trunk sewer (1050mm diameter) and establish a right of way on a 0.1 ha portion of the Property.

[16] The Proposal is approved subject to the following conditions:

- a. The sanitary trunk sewer location and installation must be in substantial compliance with the information submitted with the Application;
- b. During the installation of the sanitary trunk sewer on the Property, any excavated soil must be handled in such a manner as to prevent the mixing of soil horizons and any soil must be replaced in an appropriate fashion upon completion of the sanitary trunk sewer;
- c. The sanitary trunk sewer must be buried at an appropriate depth to allow for future normal agricultural activities, including, but not limited to, the use of normal agricultural machinery;

- d. The area on the Property where the sanitary trunk sewer will be located and any areas used during the installation of the sanitary trunk sewer must be reclaimed to an agricultural standard equal to or better than the current state of the land; and
- e. The right of way dedication and installation of the sanitary trunk sewer on the Property must be completed within five (5) years from the date of this decision.

[17] 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.

[18] Panel Chair **William Zylmans** concurs with the decision.


Commissioner **Gordon McCallum** concurs with the decision.

Commissioner **Satwinder Bains** concurs with the decision.

[19] Decision recorded as Resolution #217/2016.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #217/2016. The decision is effective upon release.



Colin J. Fry, Director of Policy and Planning

June 20, 2016
Date Released