



Agricultural Land Commission
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June 9, 2016

ALC File: 54235
Your File: 6520-20

David Hislop
City of Surrey
13450 104 Avenue
Surrey, BC V3T 1V8

Dear Mr. Hislop:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #199/2016) as it relates to the above noted application. A sketch plan depicting the decision has been attached.

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 Eamonn Watson at (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Chief Tribunal Officer

Enclosures: Reasons for Decision (Resolution #199/2016)
Sketch Plan

54235d1



AGRICULTURAL LAND COMMISSION FILE 54235

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

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicant:

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

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: 002-818-281

Lot 22, Section 20, Township 8, New Westminster District, Plan 61583
(the "Property")

[2] The Property is 2.4 ha in area.

[3] The Property is located at 7347 181 Street, Surrey.

[4] The Property is located mostly within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA"). The portion of the Property that is within the ALR is 2.3 ha in area.

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

[6] Pursuant to s. 20(3) of the ALCA, the Applicant is applying to develop a water storage pond, approximately 1.6 ha in size, and ancillary uses on the Property (the "Proposal"). The totality of the uses associated with the Proposal would cover the majority of the ALR portion of the Property (2.3 ha). The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".

[7] On January 29, 2016, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the South Coast Regional Panel (the "Panel").



RELEVANT STATUTORY PROVISIONS

[8] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[9] 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

[10] The Panel considered the following evidence:

- 1. The Application; and
- 2. Agricultural capability map, ALR context map, and satellite imagery

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

[11] On July 27, 2015, the Applicant approved the engineering servicing strategy related to the West Clayton Neighbourhood Concept Plan, which included the Proposal. The Commission received the Application from the Applicant on October 8, 2015.



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] The proposed water storage pond is intended to be used for irrigation water, manage water quality, act as a land use buffer between agricultural and residential uses, and serve educational purposes. The proposed water storage pond would provide potential irrigation water during dry periods by both pumping and gravity, in part by increasing summer base water flow to the downstream farm ditches, while also reducing peak water flows during wet weather.

[14] The area related to the Proposal is relatively limited in size (approximately 2.3 ha) and services a large area of land outside of the ALR. The Proposal is also associated with a large scale planning objective by the Applicant (West Clayton Neighbourhood Concept Plan). In this instance, the Panel finds that the Proposal would provide necessary services while providing protection and buffering to land being used for agricultural purposes with a limited impact on land in the ALR.

[15] As noted in the Application, the Property was purchased by the Applicant in 1981 and has not been used for agricultural purposes. Based on the current state and size of the Property and the adjacency of the Proposal to the ALR boundary and residential development, the Panel finds that this would be an appropriate location for the Proposal.

[16] The Panel finds that the Proposal would improve the interface between the adjacent residential uses and the agricultural land north and west of the Property, particularly with respect to buffering and water management.



DECISION

[17] For the reasons given above, the Panel approves the Proposal to build a water storage pond on the Property.

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

- a. The water storage pond and ancillary uses must be in substantial compliance with the plans submitted with the Application; and
- b. The Proposal is approved for the sole benefit of the Applicant (City of Surrey) and is non-transferable. Should the Applicant considered selling the Property, the water storage pond and ancillary uses must be reclaimed to an agricultural standard before completing the transfer of the land.

[19] 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.

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

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

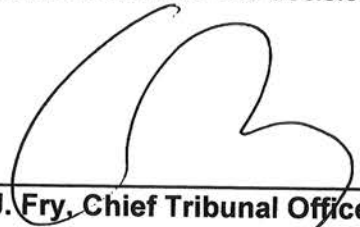
Commissioner **Satwinder Bains** concurs with the decision.

[21] Decision recorded as Resolution #199/2016.

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 #199/2016. The decision is effective upon release.



Colin J. Fry, Chief Tribunal Officer

June 8, 2016
Date Released



PROVINCIAL AGRICULTURAL LAND COMMISSION
Application #54235 (Resolution #199/2016)



Approved water storage pond and ancillary uses (approximately 2.3 ha)

