



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 19, 2007

Reply to the attention of Jennifer Carson
ALC File: # O - 37313

Insignia Homes Silver Valley 3 Ltd
200 - 6660 Graybar Road
Richmond, BC V6W 1H9

Dear Mr. Grimm:

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

Please find attached the Minutes of Resolution # 251/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Corporation of the District of Maple Ridge (3060-20/ALRA1-Prior)

Enclosure: Minutes/Sketch Plan

JC//lv
37313d1

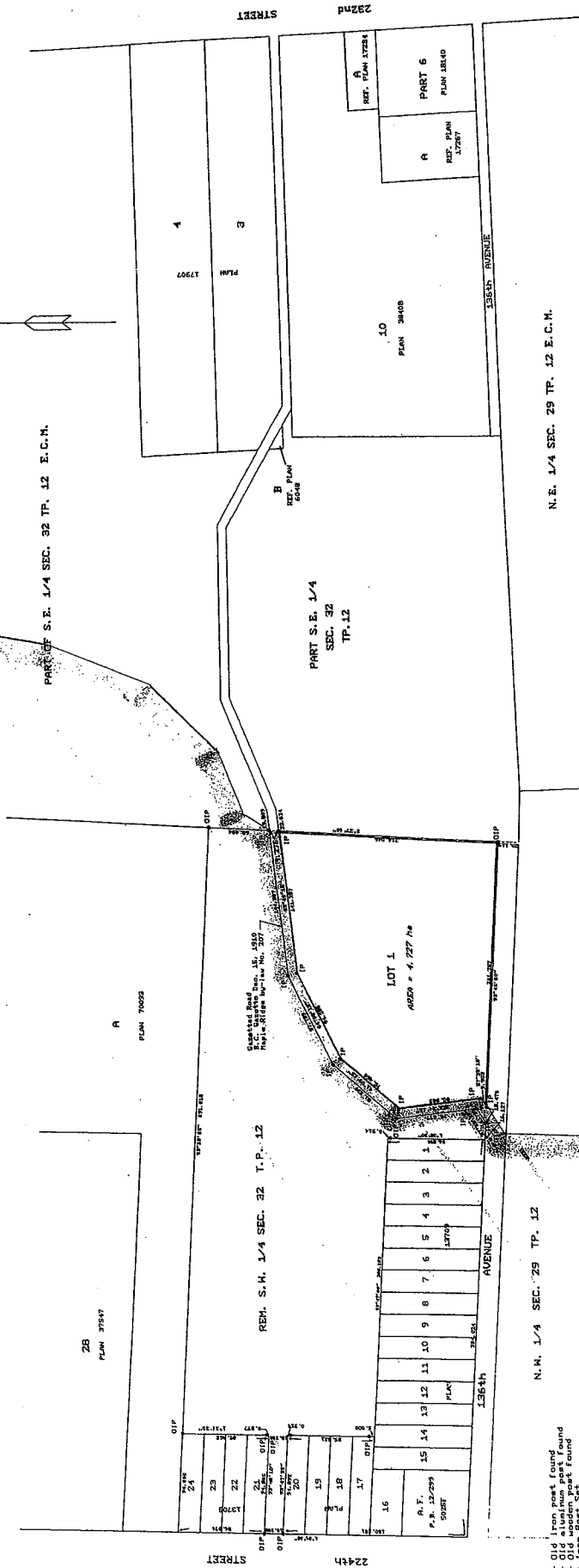
13-DA-312.1B

SUBDIVISION PLAN OF A PART OF S.W. 1/4 SECTION 32 TOWNSHIP 12 EXCEPT: FIRSTLY: PARCEL "A" SHOWN RED ON PLAN IN ABSOLUTE FEES PARCEL BOOK VOLUME 12 FOLIO 299 NO. 5025F SECONDLY: PART SUBDIVIDED BY PLAN 13709

THIRDLY: PARCEL "25" (REFERENCE PLAN 17420) FOURTHLY: PART SUBDIVIDED BY PLAN 23511 AND FIFTHLY: PART SUBDIVIDED BY PLAN 70093, NEW WESTMINSTER DISTRICT THE MUNICIPALITY OF MAPLE RIDGE B.C.S.S. 925-029

GRAPHIC SCALE - 1:25000 ALL DIMENSIONS ARE SHOWN IN METRES © COPYRIGHT

PLAN 85759 Deposited in the Land Title Office on this 2nd day of June 1990. Registrar E.J. ... Ref No. A114229



LEGEND OIP - Old Iron post found and Old Iron post found and Old Woodchuck post found IP - Iron Post Set IP - Iron Post Set (unregistered) ha - hectares Bearings are astronomical and are derived from Plan This plan lies within the Daishney - Alouette Regional District.

Approved under the Land Title Act this 1st day of June 1990. Registrar of the District of Maple Ridge.

OWNER: PIERREY HOLDINGS LTD. INCORPORATION NO. 348287. Authorized signatory: ... Address of Witness: ...

I, D. Semonich a British Columbia resident in British Columbia, certify that I was present at the survey represented by this plan and that the survey was completed on the 27th day of June 1990. D. Semonich

Semonich and Associates 22320 - 139th Avenue Maple Ridge BC V6W 4G7-0238 FILE: 90022484

PROVINCIAL AGRICULTURAL LAND COMMISSION Application #O - 37313 Resolution # 251/2007



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 22, 2007 in Maple Ridge, B.C.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	Erik Karlsen	Commissioner
	Tony Pellett	Staff
	Jennifer Carson	Staff

For Consideration

Application: # O - 37313
Applicant: Insignia Homes Silver Valley 3 Ltd
Proposal: Non-farm use of approximately 2 ha of land on a 9 ha parcel. The proposal is to create a temporary staging of soil, sand and rocks, which will be incorporated within the storm water management infrastructure of an adjacent residential development.
Legal: PID: 001-992-457
South West 1/4, Section 32, Township 12, New Westminster District, Except Firstly: Parcel "A" shown Red on Plan In Absolute Fees Parcel Book Volume 12 Folio 299 No. 5025F, Secondly: Part Subdivided by Plan 13709, Thirdly: Parcel "25" (Reference Plan 17120), Fourthly: Part Subdivided by Plan 23511 and Fifthly: Part Subdivided by Plan 70093, Sixthly: Part Subdivided by Plan 85759
Location: 22679 - 136th Avenue, Maple Ridge

Site Inspection

A site inspection was conducted on May 22, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- Erik Karlsen Commissioner
- Tony Pellett Staff
- Jennifer Carson Staff
- Ingrid Milne Applicant
- Harry Grimm Applicant
- Jeff Verhiel Applicant

The Commissioners and Staff met with the applicants Ingrid Milne, Harry Grimm and Jeff Verhiel from Portrait Homes to discuss the non-farm use application. Mr. Grimm informed the Commission that they started the process in 2005 and since have resubmitted the application 3 times. The proposal before the Commission is to use the subject property as a staging area for the various components required for the soil medium that will assist in storm water retention on adjacent land not within the ALR. Initially the application was to use the property for screening the soils so that the whole process could be accommodated onsite. The Commission also enquired about the allegations presented in opposition letters of buried garbage and car parts. Mr. Grimm stated that nothing of the sort was done while they have been working on the property, although he was not sure what happened earlier with previous owners. When asked about the benefits of this proposal on agriculture, Mr. Grimm stated that there were no direct benefits for agriculture. However, by reducing the

exhaust and fumes in using this area as opposed to another site, Mr. Grimm mention that there would be less pollution ending up on agricultural land. The product that Mr. Grimm's company is creating is in order to support proper infiltration which would also retain storm water onsite so that it would not inundate adjacent farmlands. The Commission expressed concern that the applicant went ahead with their project without approval from the District of Maple Ridge and the ALC. The Commission also noted that the road that was built on the property should also have come to the Commission for a decision. Mr. Grimm confirmed that the staff report dated April 25, 2007 was received and no errors were identified.

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 Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The improved agricultural capability classifications of the soil of the subject property are:

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

- A soil moisture deficiency
- P stoniness
- T topography

Organic Soils - Organic soils are grouped into seven classes, designated as O1 to O7. The organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.

Subclasses

- W excess water

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the 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. When on the property the Commission noted that the unapproved use of the property had already compromised the soils. The Commission wished to stress that it does not appreciate that the applicant followed through with the non-farm use of the property without Commission and local government approval. The Commission believes that as the proposed non-farm use has already started on the property and as a result compromised the agricultural suitability of the property, a further 18 months of non-farm use would not further adversely impact existing or potential agricultural use of surrounding lands. In return for this permission, the Commission expects that the property be returned to an agricultural standard within 6 months of the non-farm use ceasing.

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 not have further adverse impacts on agricultural capability provided that the property is reclaimed to an agricultural standard.

IT WAS

MOVED BY: Commissioner Bose
SECONDED BY: Commissioner Karlsen

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- Submission of an Irrevocable Letter of Credit (ILOC) as security in the amount of \$250,000 to ensure that the land is appropriately reclaimed to an agricultural standard acceptable to the Commission. This ILOC will be returned upon successful completion of the site reclamation. As the non-farm use is already occurring on the property, the Commission requires submission of the ILOC on or before July 31, 2007. Failure to submit the ILOC as required will cancel the Commission approval and you will be required to cease the non-farm use on the property immediately and reclaim the site to an agricultural standard acceptable to the Commission.
- Receipt of a plan by a Professional Agrologist by August 31, 2007 detailing how to reclaim the property back to agricultural productivity as good or better than existed prior to non-farm use.
- Further conditions may be imposed on the project if necessary by the Commission.
- Use of the Professional Agrologist plan to reclaim the property back an agricultural standard acceptable to the Commission by June 30, 2009
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.
- the staging process be in substantial compliance with the proposal outlined in the application to the Commission.
- a time limit of 18 months be placed on the non-farm use. This non-farm use approval expires on December 30, 2008.

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.

CARRIED
Resolution # 251/2007



Staff Report
Application # O – 37313
Applicant: Insignia Homes Silver Valley 3 Ltd

DATE RECEIVED: March 26, 2007

DATE PREPARED: April 25, 2007

TO: Chair and Commissioners – South Coast Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: Non-farm use of approximately 2 ha of land on a 9 ha parcel. The proposal is to create a temporary staging of soil, sand and rocks, to be incorporated within a storm water management infrastructure associated with adjacent residential development. This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Corporation of the District of Maple Ridge

Legal Description of Property:

PID: 001-992-457

South West 1/4, Section 32, Township 12, New Westminster District, Except Firstly: Parcel "A" shown Red on Plan In Absolute Fees Parcel Book Volume 12 Folio 299 No. 5025F, Secondly: Part Subdivided by Plan 13709, Thirdly: Parcel "25" (Reference Plan 17120), Fourthly: Part Subdivided by Plan 23511 and Fifthly: Part Subdivided by Plan 70093, Sixthly: Part Subdivided by Plan 85759

Purchase Date:

September 2004

Location of Property:

22679 - 136th Avenue, Maple Ridge

Size of Property:

9 ha (The entire property is in the ALR).

Present use of the Property:

Residence, horses, balance of the property remains untouched

Surrounding Land Uses:

WEST: Single Family Residential
SOUTH: Single Family Residential and Slated Development- eco cluster
EAST: Under Development Application- Park in ALR
NORTH: Conservation park in ALR (GVRD)

Agricultural Capability:

Data Source: Agricultural Capability Map # Digital - 92G.028
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

OCP: None
Designation: Agriculture

Zoning Bylaw and Designation:

Zoning: None
Designation: A-2 (Upland Agricultural)
Minimum Lot Size: 4 ha

PREVIOUS APPLICATIONS:

Application #24257-0

Applicant: Breaghy Holdings Ltd.
Decision Date: March 14, 1990
Proposal: To subdivide along the ALR boundary. The proposal would create a 9 ha parcel in the ALR and a 5.2 ha parcel out of the ALR.
Decision: Allowed. In addition, the Commission has no objection to the incorporation of the small area lying east of Lot 1, Plan 13709 with the proposed lot out of the ALR.

Application #18275-0

Applicant: Caros, N.G.
Decision Date: August 24, 1984
Proposal: To consolidate 11 parcels totalling 33.99 ha and then subdivide into 4 lots of varying sizes.
Decision: Allowed.

Application #32303-0

Applicant: Parash, Lawrence & Roberta
Decision Date: April 19, 1999
Proposal: To deposit 125,000m³ of excavation material up to a maximum depth of 1.5 m
Decision: Refused on the grounds that there are appropriate drainage solutions possible without need of filling.

Application #26425-0

Applicant: Parash, Lawrence
Decision Date: August 13, 1993
Proposal: Renew a permit to deposit fill.
Decision: Allowed with conditions.

RELEVANT APPLICATIONS:

Application #32732-0

Applicant: Payton, Norman

Decision Date: July 22, 1999

Proposal: The 4.371 ha property was being used as an equestrian centre with Commission approval. The request was to also permit farmer market sales, musical performances, ceremonies (weddings/graduations), craft fairs, fund raising events, beer gardens.

Decision: Allowed on the grounds that the uses proposed are supportive of the agricultural nature of the principle use of the property for equestrian purposes and will not have a permanent impact on the land itself.

Application #35259-0

Applicant: Golden Eagle Ranch Inc

Decision Date: March 23, 2004

Proposal: The proposal will consolidate 6 privately held parcels and create 2 new parcels. The lands will be designated as Wetlands Conservation area and held by the Province of BC and the GVRD respectively.

Decision: Allowed.

Application #35725-0

Applicant: Trochta, Tadeusz & Anna

Decision Date: February 16, 2005

Proposal: To subdivide one (1) 1.1 ha lot from the 3.2 ha property.

Decision: Allowed - compatible with agriculture, no impact

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council:

No comments or recommendations

Local Government Staff:

That the Council authorize this application to proceed to the Commission with the understanding that the Commission will determine the appropriateness of the proposed use pertaining to the affected property within the ALR.

STAFF COMMENTS:

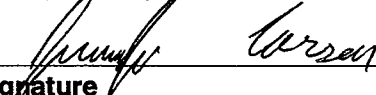
It is recommended that staff consider the following:

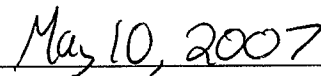
- There have been numerous previous applications on the subject property by previous owners.
- Two letters of opposition were received by the Commission. A CD of pictures demonstrating some of the causes for opposition is available.
- A site visit will help to determine whether this proposed use is appropriate for the property.

ATTACHMENTS:

1. Base Map
2. Agricultural Capability Map
3. Aerial Photograph
4. Letter outlining proposal
5. Sketch of proposal
6. Letters of opposition (2)

END OF REPORT


Signature


Date