



Agricultural Land Commission
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August 8, 2007

Reply to the attention of Jennifer Carson
ALC File: # MM - 37373

Larry Bergquist
22081 - 123 Avenue
Maple Ridge, BC V2X 4C6

Dear Mr. Bergquist:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 382/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Fraser Valley Regional District (#3015-20-2006-06)
Frank Fogarassy, 12790 Stave Lake Road, Mission, BC V2V OA6
Cynthia Ostonal, 4792 Inman Avenue, Burnaby BC, V5G 2Y2

Enclosure: Minutes

JC/lv/37373d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 10, 2007 in Mission, B.C.

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

For Consideration

Application: # MM- 37373
Applicant: Frank Fogarassy, Larry Bergquist & Cynthia Ostonal
Proposal: To subdivide the subject property to create eight (8) 4 ha lots
Legal: PID: 004-713-371
North West 1/4, Section 24, Township 18, New Westminster District, Except Part Subdivided by Plan 32097, Secondly: Part Subdivided by Plan 33864
Location: 12790 Stave Lake Road

Site Inspection

A site inspection was conducted on July 10, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Tony Pellett Staff
- Jennifer Carson Staff
- Larry Bergquist Applicant
- Frank Forgarassy Applicant

The Commissioners and Staff met with the applicants on the subject property. Mr. Forgarassy toured the Commission through a portion of the property to provide a sample of the property characteristics. It was estimated that the configuration of the proposed lots would require approximately 2.5 ha for an access road. Both applicants discussed that the subdivision was occurring so that the different property owners could have their own parcel of land, as well as be able to sell some of the parcels in order to finance the infrastructure that would be required for the lots. Mr. Bergquist discussed with the Commission that he felt that the property was not presently agriculturally viable.

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 ratings of the agricultural capability 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 4 – Land in this class has limitations that require special management practices or severely 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

- D undesirable soil structure
- T topography
- 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. Unfortunately, much of the land capable of food production in the Lower Fraser Valley has already been subdivided down to smaller lot sizes. In terms of commercial agriculture operations, such parcelization can have very detrimental effects. Except for very specialized crops grown under intensive management practices, most other types of agriculture demand larger production units than the proposed lots. It is felt that with the subdivision as proposed, the other crop options now available on the subject property would be almost eliminated because of the reduced parcel size. The Commission believes the proposal would adversely impact existing or potential agricultural use of surrounding lands.

Other Considerations

The Commission also notes that most of the previous subdivision proposals on the subject property have been refused by previous panels for similar reasons of good agricultural capability and the adverse effect of the parcelization of agricultural land.

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 impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Pranger
SECONDED BY: Commissioner Bose

THAT the application be refused.

CARRIED

Resolution # 382/2007



Staff Report
Application # MM – 37373
Applicant: Frank Fogarassy

DATE RECEIVED: April 23, 2007

DATE PREPARED: June 15, 2007

TO: Chair and Commissioners – South Coast Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide the subject property to create eight (8) 4 ha lots. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Fraser Valley Regional District

Legal Description of Property:

PID: 004-713-371

North West 1/4, Section 24, Township 18, New Westminster District, Except Part Subdivided by Plan 32097, Secondly: Part Subdivided by Plan 33864

Purchase Date:

August 1986

Location of Property:

12790 Stave Lake Road

Size of Property:

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

Present use of the Property:

No buildings or existing uses

Surrounding Land Uses:

WEST: Rural residential
SOUTH: Dairy and rural residential
EAST: Mixed used farming
NORTH: Acreages, rural residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/1/g
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Dewdney-Alouette Regional District McConnell Creek-Hatzic Prairie OCP Bylaw No. 454 (1987)
Designation: Agricultural

Zoning Bylaw and Designation:

Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559 (1992)
Designation: Zoned Upland Agriculture (A-1)
Minimum Lot Size: 4 ha

PREVIOUS APPLICATIONS:

Application #28264-0

Applicant: Bergquist, Larry
Decision Date: December 08, 1993
Proposal: To exclude the 36 ha property from the ALR for the development of a theme park, senior citizen's housing, guest ranch and residential lots (0.1 ha).
Decision: Refused the exclusion and development of this land because it had good agricultural capability.

Application #06660-0

Applicant: Dewdney-Alouette RD
Decision Date: December 14, 1978
Proposal: RD Review of ALR in cooperation with ALC. RD proposed exclusion of 3180.6 ha for entire RD, 1977.3 ha in Mission. By Res#8771/78, Commission recommended Mission exclusion of 1737.3 ha.
Decision: Cabinet allowed exclusion of 1884.6 ha and refused 92.7 ha.

Application #20883-0

Applicant: Bergquist, Larry & Cynthia
Decision Date: March 19, 1987
Proposal: To subdivide one 4 ha lot from the 36 ha property.
Decision: Allowed as requested because the subdivision would complete the 4 ha lots fronting Stave Lake Rd.

Application #06660-4

Applicant: Dewdney-Alouette RD
Decision Date: December 14, 1978
Proposal: RD Review of ALR in cooperation with ALC.
RD proposed inclusion of 188.2 ha.
By Res#8771/78, Commission recommended inclusion of 166.7 ha.
Decision: Partial Approval. Cabinet allowed inclusion of 166.7 ha by OIC and refused 21.5 ha by Notice of Determination. This resolution number is used to enter statistical information relating to the area under application and subsequent decision.

Application #35557-0

Applicant: Bergquist, Larry & Cynthia
Decision Date: April 05, 2005
Proposal: To subdivide the 36.3 ha lot into 72 lots of approximately 0.45 ha in size and construct a sewage water treatment plant.
Decision: Refused subdivision as proposed. - good agricultural capability, impact of proposed subdivision on land and adjacent agriculture.

RELEVANT APPLICATIONS:

Application #35989-0

Applicant: Richardson, Grant

Decision Date: June 22, 2005

Proposal: To subdivide the 16 ha property into two lots of 8 ha each. The northern lot would require panhandle access or road construction from Hartley Road.

Decision: Refused as proposed - land has good agricultural capability and there is no perceived benefit to agriculture by allowing the subdivision.

Application #35989-1

Applicant: Richardson, Grant

Decision Date: October 18, 2005

Proposal: Reconsideration of a decision to refuse the subdivision of the subject property, based on several different lot configuration proposals.

Decision: Reconsidered and refused proposal based on capability and impact.

Application #37155-0

Applicant: Alblas, Mattheus & Marlin

Decision Date: April 11, 2007

Proposal: To subdivide the 15.6 subject property to create four (4) 3.9 ha lots.

Decision: Refused as it would have an adverse impact on agriculture.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council:

That the application be forwarded to the ALC for consideration on the basis of agricultural land use planning criteria; and that the ALC be advised that in the event that it consents to the subdivision that some modifications to the lot configuration (but not parcel size) may be required to deal with topographic challenges and road access requirements.

Local Government Staff:

Recommended that the Council forward the application with the aforementioned recommendations.

STAFF COMMENTS:

It is recommended that the Commission consider the following:

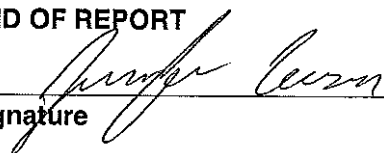
- The subject property has improved ratings of Class 2, 3, 4, 5 and 7. The Class 5 and 7 polygons have limiting factor of topography.
- Subdivision into small lots would greatly reduce the agricultural options for the property.
- Although the adjacent properties to the north, east and south are not under application at this time, approval of subdivision on the subject property could lead to subdivision applications from adjacent property owners.
- A site visit to the subject property will help to determine whether or not this proposal will have an impact on agriculture.

ATTACHMENTS:

1. Local Government Staff Report (4 pages)
2. Written submission by applicant
3. Sketch of proposal
4. Base Map
5. Agricultural Capability Map
6. Aerial Photograph

END OF REPORT

Signature



Date

June 23, 2007