



Agricultural Land Commission
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August 8, 2007

Reply to the attention of Jennifer Carson
ALC File: #O - 37461

Robert and Marilyn Townsend
3028 - 53rd Street
Delta, BC V4L 2N5

Dear Mr. and Mrs. Townsend:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 379/2007 outlining the Commission's decision as it relates to the above noted application.

Please also be advised that the Commission requires that all the non-agricultural products being stored on the property, namely the plumbing equipment, be removed from the property by January 30, 2008. If this has not been completed the Commission's Compliance and Enforcement Department will become involved.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: The Corporation of Delta (#LU005026)

Enclosure: Minutes

JC/lv/37461d1.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

For Consideration

Application: # O - 37461
Applicant: Robert and Marilyn Townsend
Proposal: To subdivide the 24 ha subject property into two parcels, one (1) at 8.0 ha that would include the residence and buildings, and one (1) at 16 ha that would be sold.
Legal: PID: 024-628-387
Lot 4, District Lot 173, New Westminster District Group 2, Plan LMP43570
Location: 3028 - 53 Street, Delta

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
- Mr. Townsend Applicant

The Commissioners and Staff met with the applicant, Mr. Townsend, on the subject property. Mr. Townsend showed the Commission the heritage buildings on the property that he is interested in restoring. In order to finance this restoration Mr. Townsend has indicated that he requires additional capital which he is proposing to gain through selling the remainder parcel of 16 ha. The Commission viewed that Mr. Townsend has currently set aside 4.0 ha closest to the existing house for feeding wildlife and improving the soil. If the subdivision is permitted, Mr. Townsend would return to boarding horses in the older barn and would also add a lunch room and a tack room. The rest of the property would be used for hay and leased out to potato and corn growers. The Commissioners also noted a substantial amount of non-agricultural products being stored on the property, and believes these items be removed from the property.

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 for 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.

Subclasses

N	salinity
D	undesirable soil structure
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. While the Commission understands that the restoration of heritage buildings is important to the applicant, subdividing high quality agricultural land should not be used as a means to finance restoration. The Commission believes the proposal would adversely impact existing or potential agricultural use of surrounding lands.

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 adversely 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 Tomlinson

SECONDED BY: Commissioner Bose

THAT the application be refused and that all the non-agricultural products being stored on the property, namely the plumbing equipment, be removed from the property by January 30, 2008.

CARRIED

Resolution # 379/2007



Staff Report
Application # O – 37461
Applicant: Robert and Marilyn Townsend

DATE RECEIVED: June 01, 2007

DATE PREPARED: June 22, 2007

TO: Chair and Commissioners – South Coast Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide the 24 ha subject property into two parcels, one (1) at 8.0 ha that would include the residence and buildings, and one (1) at 16 ha that would be sold. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The local government is currently in the process of finalizing a Heritage Revitalization Agreement on the subject property to restore the Pybus Family Farm. Sale of the larger parcel is intended to provide funds to repair and maintain the house, barn and outbuildings. The Townsends indicate that they would continue to farm the 8.0 ha associated with the homesite.

Local Government:

The Corporation of Delta

Legal Description of Property:

PID: 024-628-387

Lot 4, District Lot 173, New Westminster District Group 2, Plan LMP43570

Purchase Date:

July 2000

Location of Property:

3028 - 53 Street, Delta

Size of Property:

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

Present use of the Property:

Farm homesite, barn, creamery, hay fields

Surrounding Land Uses:

See attached sketch

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/3a
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

OCP: Not available
Designation: A - Agricultural

Zoning Bylaw and Designation:

Zoning: Not available
Designation: A1 - Agricultural
Minimum Lot Size: 8.0 ha

PREVIOUS APPLICATIONS:

Application #32575-0

Applicant: BC Assets and Land Corporation

Decision Date: March 08, 1999

Proposal: To dedicate various rural roads in Delta to a width of 20 meters and to capture drainage ditches maintained by the Corporation. Nine different parcels are affected, and a total of 2.1 ha of ALR

Decision: Allowed road rights-of way to be dedicated over an area of 3 ha and water main R/W to be dedicated over .21 ha. However, the Commission refused road Right-of-way dedication over 1,7 ha. along Hwy.17.

RELEVANT APPLICATIONS:

Application #35048-0

Applicant: Genstar Titleco Limited

Decision Date: November 19, 2003

Proposal: The proposal is to subdivide a 1.7 ha area containing a heritage house from the 56 ha property and dedicate it as a heritage park.

Decision: Allowed subject to fencing and vegetative screening to minimize impact on the adjacent agricultural land.

Application #35314-0

Applicant: BC Conference of Mennonite Brethren Churches

Decision Date: May 11, 2004

Proposal: To add a 940 square meter expansion on to the existing Cedar Park Mennonite Church. The addition will house Sunday school.

Decision: Allowed as requested.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council:

Council of the Corporation of Delta forwarded the application with a recommendation of support

Local Government Staff:

That the application be forwarded to the ALC with the recommendation of approval.

STAFF COMMENTS:

It is recommended that the Commission consider the following:

- The property is located on prime agricultural land (Class 2 & 3).
- Subdivision into smaller lots would reduce the agricultural options for the property.
- Although the adjacent properties 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 will help to determine whether or not this proposal will have an impact on agriculture.

ATTACHMENTS:

1. 3 letters from applicant to Delta Council
2. Sketch of proposal
3. Sketch of surrounding uses
4. Base Map
5. Agricultural Capability Map
6. Aerial Photograph

END OF REPORT



Signature

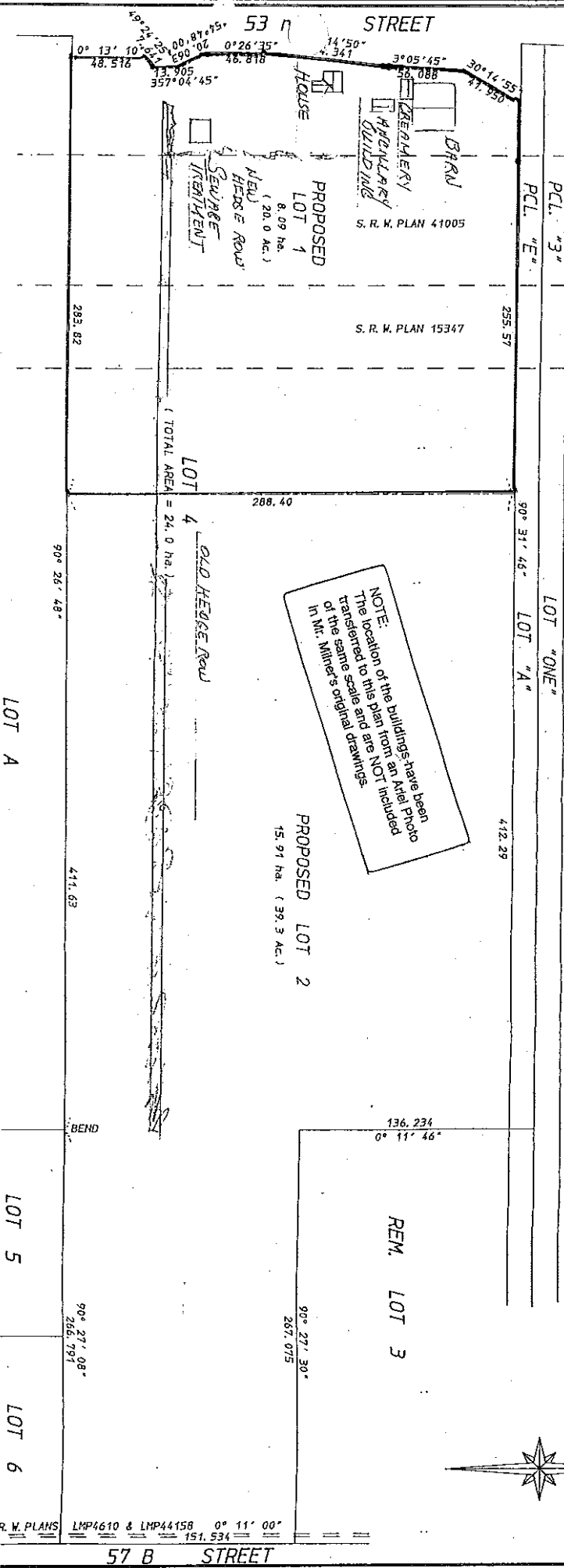


Date

First Option 20 Acres
 Remainder 39.30 Acres

DELTAPORT MAY

Attachment B
 Page 1 of 1



NOTE:
 Location of the buildings have been
 transferred to this plan from an Aerial Photo
 of the same scale and are NOT included
 in Mr. Milner's original drawings.

IC ADDRESS: 3028 - 53rd STREET, DELTA, B. C.
 STEPHEN D. MILNER - B. C. LAND SURVEYOR
 #102-5007-47A AVENUE, DELTA, B. C. V4K 1T9
 TEL.: 946-1788
 FAX: 946-1789

THIS 4th DAY OF MAY, 2006
 S. D. MILNER, B. C. L. S.
 *THIS DOCUMENT IS NOT VALID UNLESS
 ORIGINALLY SIGNED AND SEALED.*
 CLIENT REFERENCE: R. TOWNSEND

PLAN SHOWING PROPOSED SUBDIVISION ON
 LOT 4, DISTRICT LOT 173, GROUP 2, NWD, PLAN LMP43570
 MUNICIPALITY OF DELTA
 Scale: 1:2433 (Metric)
 FILE: 7801-B
 MAP:

S. R. W. PLANS LMP4610 & LMP44158 0° 11' 00"
 151.534