



**Staff Report**  
**Application # O – 38657**  
**Applicant: Shirvan Bakhtiyari**  
**Agent: Brian G. Hart & Co.**

**DATE RECEIVED:** November 20, 2008

**DATE PREPARED:** January 16, 2009

**TO:** Chair and Commissioners – South Coast Panel

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** To adjust the boundary between a 15.2 ha and a 47.5 ha parcel to create a 47.5 ha and 15.2 ha parcel. The size of the properties will remain the same, but their location is different. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

The Corporation of Delta

**Legal Description of Properties:**

1. PID: 024-722-146  
Parcel 99, Section 23, Township 5, New Westminster District, Plan LMP45178
2. PID: 003-492-451  
Lot 5, EXCEPT Firstly: Part Subdivided by Plan 29915, Secondly: Parcel "A" (Reference Plan 50162), Thirdly: Part on Plan 62760, Section 23, Township 5, and of District Lot 171, New Westminster District Group 2, Plan 857

**Purchase Dates:**

1. September 2000
2. June 1992

**Location of Properties:**

6020 - 28 Avenue & 2605 - 64 Street, Delta

**Size of Properties:**

1. 15.2 ha (The entire property is in the ALR).
2. 47.5 ha (The entire property is in the ALR).

Total: 62.7 ha

**Present use of the Properties:**

Proposed lot 1: Farming with a farm produce stand  
Proposed lot 2: Farming with a residential building

**Surrounding Land Uses:**

**WEST:** Small parcel farms  
**WEST:** Highway 17  
**SOUTH:** Farm/ Boundary Bay  
**EAST:** Greenhouse

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92G/03  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

Designation: Agriculture (A)

**Zoning Bylaw and Designation:**

Designation: Agriculture (A1)  
Minimum lot size: 8 ha

**PREVIOUS APPLICATIONS:**

**Application #04378-0**

**Applicant:** Burr, P.R.  
**Decision** July 12, 1977  
**Date:**  
**Proposal:** Subdivide off 2 lots of 21.5 ha from 2 parcels totaling 83.7 ha in area.  
**Decision:** Refused outright.

---

**Application #22512-0**

**Applicant:** Kallu, S.  
**Decision** October 19, 1988  
**Date:**  
**Proposal:** Golf course and driving range.  
**Decision:** Set terms and conditions as the use is permitted outright.

---

**Application #22512-1**

**Applicant:** Kallu, S.  
**Decision** April 25, 1994  
**Date:**  
**Proposal:** Confirm if the Golf course and driving range were substantially completed by April 6, 1994.  
**Decision:** Proposal was not substantially completed by April 6, 1994 therefore the right to use the land as a golf course and driving range is extinguished.

---

**Application #32575-0**

**Applicant:** BC Assets and Land Corporation  
**Decision** March 08, 1999  
**Date:**  
**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:** Commission allowed road rights-of way to be dedicated over an area of 3 ha. Commission allowed water main R/W to be dedicated over .21 ha. Commission refused road Right-of-way dedication over 1,7 ha. along Hwy.17+

---

**Application #32575-1**

**Applicant:** BC Assets and Land Corporation  
**Decision** August 25, 1999  
**Date:**

**Proposal:** To dedicate approximately 1 ha as road R/W to bring the north and east roads adjacent to the consolidated parcel up to a 20 meter standard.  
**Decision:** The Commission allowed the widening of 41 b St by six meters so that the R/W was the municipal standard of 20 meters.

---

**RELEVANT APPLICATIONS:**

**Application #32825-0**

**Applicant:** BC Assets and Land Corporation

**Decision Date:** September 27, 1999

**Date:**

**Proposal:** To subdivide a 0.8 ha lot from a 65 ha property for the purpose of heritage conservation. A heritage home which has undergone renovation, a heritage barn, the remnants of an orchard and a rare elm tree.

**Decision:** The Commission allowed the subdivision on the grounds the transfer of the property to the Indian band seems likely.

---

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Council:**

That the application be denied, two councilors were opposed to this motion.

**Planning Staff:**

That the application be denied.

**STAFF COMMENTS:**

It is recommended that the Commissioners consider the following:

- The applicant has owned the subject properties since June 1992 and September 2000.
- The agricultural capability of the subject properties is improvable to Class 3, 4 and 5 with limitations of salts, excess water and undesirable soil structure.
- The approving officer decided not to sign this boundary adjustment under Section 10 of the Act as he felt it did not meet the Commission's criteria.
- Both Delta Staff and Council recommended refusal of the application.
- A site visit will help to determine whether or not this proposal will have an impact on agriculture.

**ATTACHMENTS:**

1. ALC Context Maps (2 pages)
2. Aerial Photograph
3. Agricultural Capability Map
4. Sketch of proposal
5. Local Government Staff Report (6 pages)
6. Letter from approving officer (2 pages)
7. Letter from EBB Consulting (3 pages)

**END OF REPORT**

---

**Signature**

---

**Date**