



Agricultural Land Commission
133-4940 Canada Way
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www.alc.gov.bc.ca

February 14, 2014

ALC File: #53312

Vasilica Nemtanu
1385 Frost Road
Lindell Beach, BC V2R 4X8

Dear Vasilica Nemtanu:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #21/2014 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.


- 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Eamonn Watson (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #21/2014

cc: Fraser Valley Regional District (File #3015-20-2013-01)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53312.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Planner
Eamonn Watson	Planner
Jennifer Carson	Planner
Colin Fry	Executive Director

PROPOSAL (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide the subject property into two lots as divided by Frost Road. One (1) 4.4 ha lot north of Frost Road and one (1) 11.0 ha lot south of Frost Road.

PROPERTY INFORMATION:

Owner: Vasilica Nemtanu

Legal: PID: 004-583-523
Legal Subdivision 11, Section 10, Township 22, New Westminster District

Location: 1385 Frost Road, Lindell Beach

Size: 15.4 ha (excluding road dedication)

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

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.
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COMMISSION CONSIDERATION

The Commission reviewed one previous application involving the subject property:

Application #9829 (Fraser, 1980)	The Commission considered a similar application to subdivide the subject property as divided by Frost Road in 1980. By Resolution #176/1980 the Commission refused the proposed subdivision on the grounds that Frost Road was not a major obstacle to the agricultural use of both sides of the subject property.
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Despite comments made as part of the application regarding increased traffic and challenges crossing Frost Road with farm machinery, the Commission believes the previous decision was sound and that Frost Road is still not an impediment to farming the subject property as a single agricultural parcel.

The Commission believes that maintaining lot sizes as large as possible is beneficial to the preservation of agricultural land. This is also consistent with how the Commission has approached many previous applications in this particular area.

The Commission concluded that the proposed subdivision would not be in keeping with the objectives of the *Agricultural Land Commission Act* to preserve agricultural land and encourage agriculture.

IT WAS
MOVED BY: **Commissioner Collins**
SECONDED BY: **Commissioner Pranger**

THAT the proposal to subdivide the subject property as divided by Frost Road be refused.

CARRIED
Resolution #21/2014