



Agricultural Land Commission
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February 23, 2006

Reply to the attention of Gordon Bednard

Nu - Found Ventures Ltd
RR1 - 9971 Parkwood Drive
Rosedale, BC V0X 1X0

Dear Sir/Madam:

Re: Application #MM-36393

Lot 20, New Westminster District, EXCEPT Firstly: Part subdivided by Plan LMP42899, Secondly: Part subdivided by Plan LMP51798, Section 1, Township 3, Range 29, W6M, Plan 36291

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude 6.7 ha from the ALR for the development of 24 residential and 3 hobby farm lots. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you and Tina Vokey for taking the time to meet with its representatives on January 31, 2006 in Langley, and again on February 1, 2006 at the property. The Commission found the meeting and site visit informative. The Commission especially appreciated the detailed history of the property which you had compiled. However, while you have shown that the property has seen little agricultural use in the past, at this point, the Commission is extremely reluctant to consider exclusion of the land without agreeing to a broader planning direction for the area with the Regional District.

The Commission considered that the present application was substantially the same as the most recent application on the same property. As such the Commission felt it was appropriate to give the same response: that the application be refused but would be reconsidered when the Fraser Valley Regional District undertakes planning for the area and the Commission agrees to proposed planning designations and the future direction for the area.

For these reasons, the Commission refused your application as proposed.

The decision noted above is recorded as Resolution # **38/2006**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Fraser Valley Regional District - Attn: Richard McDermid

GB/lv/36393d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on February 2, 2006 at Langley, B.C.

PRESENT: Carol Paulson Commissioner
Walter Dyck Commissioner

ABSENT: Peter Dhillon Chair

STAFF: Gordon Bednard, Regional Research Officer
Tony Pellett, Planner

For Consideration

Gordon Bednard presented his staff report dated January 13, 2006 regarding application #MM- 36393. Mr. Pede confirmed that he had received the staff report and did not identify any errors.

Exclusion Meeting

An exclusion meeting was conducted on January 31, 2006 at Langley City Hall. Those in attendance were:

- Commissioners Paulson & Dyck
- Agricultural Land Commission Staff: Gordon Bednard, Regional Research Officer and Tony Pellett, Planner
- Ken Pede and Tina Vokey

Site Inspection

A site inspection was conducted on February 1, 2006. Those in attendance were:

- Commissioners Paulson & Dyck
- Agricultural Land Commission Staff: Gordon Bednard, Regional Research Officer and Tony Pellett, Planner
- Ken Pede

The Commission toured the property and discussed the proposal with the applicant.

Commission Discussion

The Commission considered that the present application was substantially the same as the most recent application by the same applicant on the same property. As such the Commission felt it was appropriate to give the same response: that the application be refused but would be reconsidered when the Fraser Valley Regional District undertakes planning for the area and the Commission agrees to proposed planning designations and the future direction for the area.

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IT WAS
MOVED BY: Commissioner Carol Paulson
SECONDED BY: Commissioner Walter Dyck

THAT the staff report be received and the application be refused for the above reasons.

CARRIED



Staff Report
Application # MM – 36393
Applicant: Nu - Found Ventures Ltd (Kenneth Pede)

DATE PREPARED: January 13, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Gordon Bednard, Regional Research Officer

PROPOSAL: To exclude 6.7 ha from the ALR for the development of 24 residential and 3 hobby farm lots.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

This application appears to be substantially the same as an application by the same owner in 2003. The owner has submitted a history of the property, and a listing of limitations to its use for agriculture - mostly concerning the oil pipeline R/W and hydro lines which cross the property.

Local Government:

Fraser Valley Regional District

Legal Description of Property:

PID: 007-310-854

Lot 20, New Westminster District, EXCEPT Firstly: Part subdivided by Plan LMP42899, Secondly: Part subdivided by Plan LMP51798, Section 1, Township 3, Range 29, W6M, Plan 36291

Purchase Date (m/d/y):

08/01/1995

Location of Property:

South of Yale Road East, west off Thompson Road, Popkum

Size of Property:

7.7 ha

ALR Area:

6.7 ha

Present use of the Property:

vacant, mostly treed

Surrounding Land Uses:

WEST: large ALR farmlands within city of Chilliwack
SOUTH: large ALR properties with non-ALR hillside beyond
EAST: rural lot in ALR with small lot subdivision out of ALR beyond
NORTH: small lot residential subdivision out of ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92H/4f - 1:25,000
The majority of the property is identified as having Prime ratings of Class 2 and 3.

Official Community Plan and Designation:

Agricultural - Large Holdings

Zoning Bylaw and Designation:

Rural - R
4 ha MLS

PREVIOUS APPLICATIONS:

Application #30166-0

Applicant: Nu-Found Ventures Ltd, Inc No. 471531
Decision Date: March 28, 1996
Proposal: To exclude the 12 ha property from the ALR in order to subsequently rezone the land for residential use.
Decision: That the application be refused as presented.

Application #30166-1

Applicant: Nu-Found Ventures Ltd, Inc No. 471531
Decision Date: April 24, 1998
Proposal: Reconsider application for exclusion in light of review of the area by Application #59-MM-27302 (West Popkum ALR Boundary Review), identifying the Class 5 soils for suburban residential or other non-farm development.
Decision: Allow exclusion of 3.9 ha of the 12.2 ha property, as requested.

Application #34911-0

Applicant: Nu Found Ventures Ltd
Decision Date: July 31, 2003
Proposal: Propose to exclude approximately 5 ha of the 7.7 ha property to facilitate a 25 lot suburban residential subdivision.
Decision: Refused. The Commission would be willing to revisit this file following satisfactory completion of the planning process with the Fraser Valley Regional District.

RELEVANT APPLICATIONS:

Application #34196-0

Applicant: Natalie Stasiuk
Decision Date: May 31, 2001
Proposal: To exclude the 2.2 ha property and allow one parcel access from the east.
Decision: That the application be refused as submitted on the grounds that a major part of the property has prime agricultural capability, but the Commission would allow exclusion of the low capability eastern portion subject to fencing, buffering and retention of at least 8000 m² in the ALR.

Application #34196-1

Applicant: Natalie Stasiuk

Decision Date: July 30, 2002

Proposal: To reconsider 34196-0 on the basis that the decision did not reflect road issues.

Decision: That the Commission initiate reconsideration.

Application #34196-2

Applicant: Natalie Stasiuk

Decision Date: September 9, 2002

Proposal: To exclude the 2.2 ha property (on the grounds that the configuration and existing use of the parcel makes the western portion of the parcel unsuited to agriculture despite its high capability rating) and to allow eventual construction of a road on the adjacent unbuilt road allowance.

Decision: That the application be allowed as submitted. [By separate resolution, the Commission also allowed construction of a road within the adjacent Llanberis Way right-of-way subject to fencing of the south side of the road.]

Application #34867-0

Applicant: Marilee Daase

Decision Date: June 24, 2003

Proposal: To exclude the 1.89 ha parcel south of the unbuilt Llanberis Way right-of-way for subdivision into 7 suburban residential parcels.

Decision: That the application be refused on the grounds that (unlike lands excluded to the north and east) the land is rated entirely prime agricultural land. The Commission would be willing to revisit this file following satisfactory completion of the planning process with the Fraser Valley Regional District.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Support from an agricultural boundary perspective, should be conditional on and consistent with the outcome of community planning for the area. Regional District staff advise that the planning process has been inactive but that the submission of this application may bring it back to the Board's more immediate attention.

STAFF COMMENTS:

Staff sees no new information in this application which would lead to a different conclusion from the last application - consider the application only in light of comprehensive community planning for the area. Staff recommends refusal of the application until such time as a plan is agreed to by the Commission and adopted - and then only if the agreed plan reverses the Commission's longstanding conclusion that urban development should be confined to the Class 5 lands, with the dominantly Class 2 lands retained for agriculture (small-scale agriculture in the relatively isolated area east of the BC Hydro substation).

END OF REPORT

Signature

Date