



**Agricultural Land Commission**  
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October 25, 2006

Reply to the attention of Terra Kaethler  
ALC File #O - 36611

Integrated Land Management Bureau  
200 – 10428 – 153<sup>rd</sup> Street  
Surrey, BC V3R 1E1

Attention: Julia Berardinucci

Re: Application to Use land for a non-farm purpose and to Subdivide land in the  
Agricultural Land Reserve  
ALC File #O-36611

Please find attached the Minutes of Resolution #347/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Please note that the approval for the use of a 0.8 ha area for recreational related parking is subject to compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the Corporation of Delta at your earliest convenience.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'E. Karlsen', is written over a white background.

Erik Karlsen, Chair

cc: Corporation of Delta – Planning Department  
Greater Vancouver Regional District – Parks - Attn: Greg Paris

GB/lv/Enclosure: Minutes  
Sketch Plan

36611d1

# Provincial Agricultural Land Commission

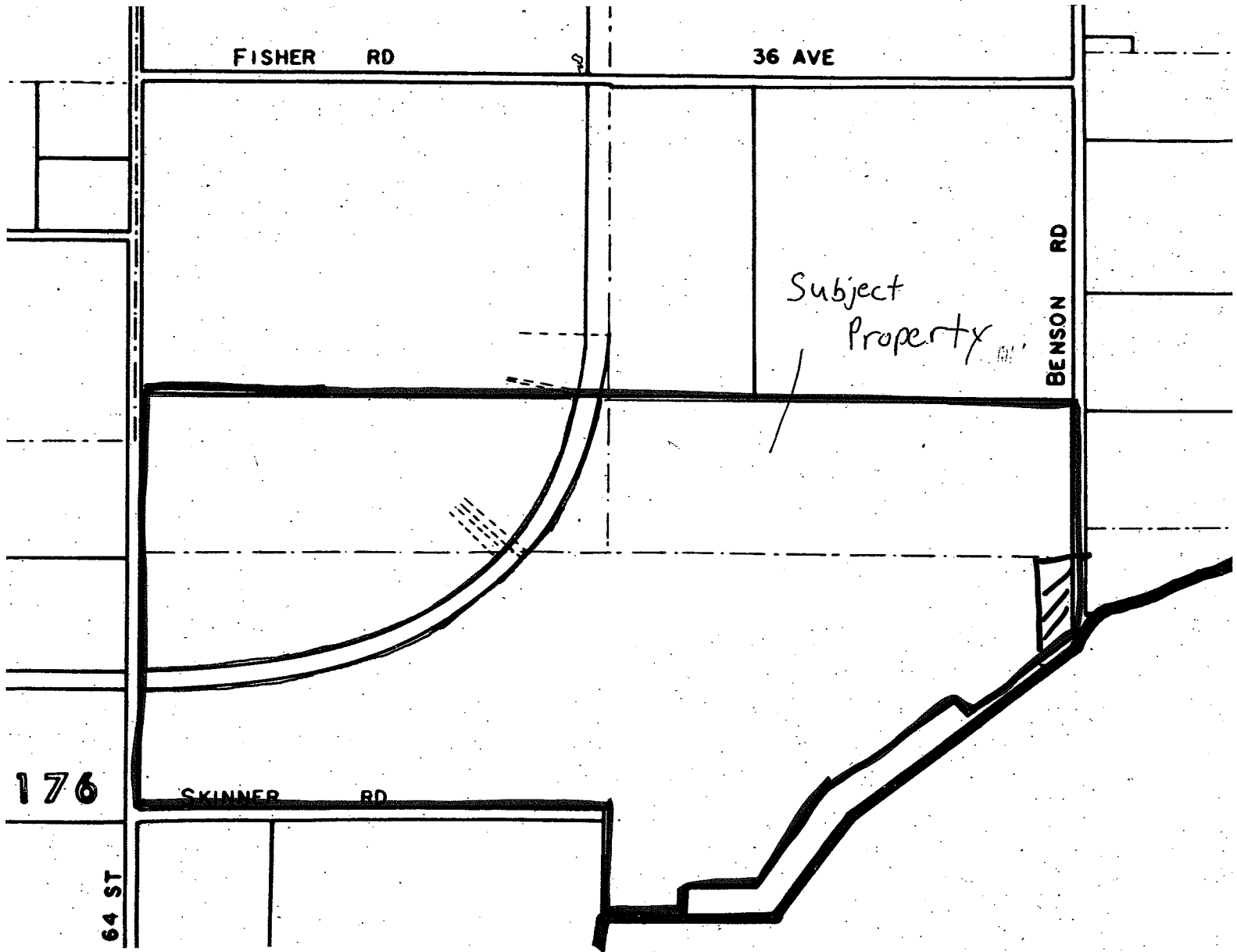
Application #O-36611  
Resolution #347/2006




Subject Property



0.8 Hectare area approved for use as parking area for recreational users



Constituent 

Map # 4

Scale: 1:10,000

**N**

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on June 20, 2006.

**PRESENT:** Erik Karlsen Chair  
Sue Irvine Commissioner  
John Tomlinson Commissioner

**ABSENT:** Lorne Seitz

**STAFF:** Gordon Bednard, Regional Research Officer

For Consideration

Gordon Bednard presented his staff report dated June 14, 2006 regarding application #O-36611.

Site Inspection

A site inspection was conducted on June 20, 2006. Those in attendance were:

- Commissioners Karlsen, Irvine, and Tomlinson
- Agricultural Land Commission Staff: Gordon Bednard, Regional Research Officer

The Commission viewed the area proposed for the 8 ha lot and the staging area.

**Commission Discussion**

The Commission felt that the proposed 0.8 ha staging area at the south end of 72<sup>nd</sup> Street would not negatively impact on the surrounding agricultural areas as it would provide a focus for non-farm activities (recreational walking, cycling and nature viewing). At present these activities, especially the parking of cars in conjunction with them, have caused congestion and restricted the easy access of farm vehicles along the narrow roads in this area. It is hoped that by providing a focus area for parking and a concurrent restriction on parking in other areas, the Commission may assist the farming community.

With regard to the subdivision of an 8 ha parcel of land from the 65 ha subject property, the Commission will defer consideration of this aspect of the proposal pending receipt of a professionally prepared agricultural plan for the subject property, including an agricultural justification for the proposed subdivision.

**IT WAS**

**MOVED BY:** Commissioner John Tomlinson  
**SECONDED BY:** Commissioner Erik Karlsen

THAT the staff report be received and the application be approved in part. Such approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



**Staff Report**  
**Application # O – 36611**  
**Applicant: Integrated Land Management Bureau**  
**Agent: Ministry of Environment**

**DATE PREPARED:** June 14 / 00

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

**FROM:** Gordon Bednard, Regional Research Officer

**PROPOSAL:** To subdivide an 8.1 ha portion from this 65.4 ha lot. The newly created lot would be granted to the GVRD for eventual use for a 0.8 ha parking and picnic area, and the balance would be used for wildlife habitat. The balance of the subject lands (57.3 ha) would remain the property of the province and that portion that is leased for farming would continue to be used as such.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

This application is for the subdivision of a property into two lots. The applicant has not requested non-farm use for either property but it would appear that the proposed owner of the eastern parcel (GVRD) has plans to use the land for an activity which would require specific approval from the Commission. The western parcel was identified in the Tsawwassen First Nation (TFN) draft agreement in principle (which stated that the TFN was requesting title only to certain portions).

**Local Government:**

The Corporation of Delta

**Legal Description of Property:**

PID: 008-728-950  
Parcel "A" (EP 30794), Lot 13 Except Pcl "One" (RP 38003); Section 24, Twp 5, New Westminster District Plan 25196

**Purchase Date (m/d/y):**

1989-01-01

**Location of Property:**

south end of 72nd Street, Delta

**Size of Property:**

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

**Present use of the Property:**

farming on western end, balance vacant

**Surrounding Land Uses:**

**WEST:** Large active agricultural operations, in ALR  
**SOUTH:** Active farm operations, dyke, Boundary Bay  
**EAST:** Golf course, in ALR  
**NORTH:** Active farm operations and rural residences, in ALR

**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:**

Delta OCP (see PLANNING COMMENT) designates the area to the west of the 8.1 ha for Agriculture. The 8.1 ha area is designated Environmentally Sensitive Area (which permits agriculture).

**Zoning Bylaw and Designation:**

Agriculture  
8 ha MLS

**PREVIOUS APPLICATIONS:**

**Application #29141-0**

**Applicant:** Ministry of Environment Lands & Parks  
**Decision Date:** August 10, 1994  
**Proposal:** Permission to legalize the right-of-way on existing ditches and to create a 6.1m wide maintenance right-of-way. Totalling 12.2m in width and affecting approx. 3.8 ha. As well as requesting approval for an irrigation and drainage pump station on 64th St  
**Decision:** Allow.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

Supported subject to:

- use of the land limited to agriculture and habitat conservation until staging area is approved by Delta
- future application for staging area to be limited to 0.8 ha with balance of land protected as wildlife habitat

**PLANNING COMMENTS:**

The Official Community Plan "Environmentally Sensitive Area (ESA)" designation of the subject area was strongly opposed by the Commission, the Ministry of Agriculture & Lands and Delta farm organizations. Normally, ESA protection is achieved through Development Permits, with the Land Use map illustrating a proposed use of the land which would then be restricted by development permit. Instead, Delta proposed creating a separate land use designation which did not include agriculture in the list of permitted uses.

By Resolution #316/2005, the Commission advised Delta:

- it was not currently in possession of information which would enable it to consider consenting to the proposed ESA designation of [the entire area of the subject parcel];
- in the absence of such information, the designation of the leasehold farm portion of the subject parcel must be changed to Agricultural (A) and the designation of the remainder of the parcel must be changed, either to Agricultural (A) or (if applicable) to First Nations Lands.

The agency now called Integrated Land Management Bureau (responsible for administering Crown land) also objected to the ESA designation of most of the parcel, but did not object to the designation over the 8.1 ha area currently under application, which it referred to as the "8.093 ha Nature Legacy (staging area) parcel".

In response to the foregoing concerns, Delta Council carried out a series of OCP amendments prior to adoption.

- The ESA policies were amended to add agriculture to the list of permitted uses.
- By letter of 16 September 2005, the Commission acknowledged this change but requested that "the area designations be as specific as possible, particularly by limiting the ESA designation at the 'Nature Legacy' parcel to that parcel alone".
- Delta concurred, citing as rationale that the intention for use of the 8.1 ha area was biodiversity conservation, which is a permitted use in the ALR.

#### **STAFF COMMENTS:**

At this point there appears to be no agricultural reason to subdivide the land. The future land use of the property is also in question as the Commission has not approved any non-farm use for either proposed lot.

The Commission might consider an alternate proposal to allow the creation of a 0.8 ha lot for the potential staging area (subject to confirmation of the GVRD 's plans and submission of an application for that use). The Commission may also wish to discuss with the applicant a mechanism for increasing the amount of the balance of the 65 ha property which is used for agriculture.

As well, future zoning of the property should ensure that agriculture is an allowed use.

**END OF REPORT**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**