



Agricultural Land Commission
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July 28, 2006

Reply to the attention of Gordon Bednard
ALC File: #O-36791

Alexander and Darlene York
3395 - 41B Street
Delta, BC V4K 3N2

Dear Mr. and Mrs. York:

Re: Application for Additional Dwelling the Agriculture Land Reserve

Please find attached the Minutes of Resolution #379/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'E. Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: Corporation of Delta (File: LU05161)
Lisa King, Planner
BC Assessment, Richmond

CF/lv/Enclosure: Minutes
36791d1

Commission Discussion

In discussion, the Commission noted that for this type of horse operation

1. it is essential that a residence be located as close to the facility as practicable, given the need for immediate assistance in the case of emergency, including but not limited to foaling time and
2. it is essential that the proposed horse importation facility be isolated from the main part of the horse facility, yet also be close to a residence for emergency assistance purposes,
thus
3. these circumstances present as compelling a case as one could visualize for having two residences on one farm, and this case presents an excellent example of why the *Agricultural Land Commission Act* specifically mentions "residences necessary for farm use".

The Commission acknowledged that the proposed location of the new principal residence is remote from the existing residence, contrary to the intent of Delta Bylaw 6367, which by Resolution #172/2006 the Commission recommended be approved and adopted subject to Delta first providing clarification that the administration of the bylaw would be consistent with the intent of section 18 of the *Agricultural Land Commission Act*. [The stated intent of this condition was to avoid having farmers make expensive and time-consuming applications through the local government to the Commission simply to obtain permission for on-farm accommodation which is clearly necessary to the operation of the farm.] The Commission noted its understanding that the owners had put the entire concept before Delta planning officials before Bylaw 6367 was contemplated and that the application was submitted several months before Bylaw 6367 was adopted – thus it is far too late to amend the farm operation to comply with the current "farm home plate" requirement.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner Karlsen

THAT the staff report be received

AND THAT that part of the application proposing to build a new principal dwelling adjacent to the principal horse operation be approved as requested

AND FURTHER THAT that part of the application proposing to retain the existing dwelling as a secondary dwelling to be associated with the proposed secondary (importation) horse operation be approved as requested.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # O – 36791
Applicant: Alexander & Darlene York

DATE RECEIVED: June 29, 2006

DATE PREPARED: July 10, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To construct a second dwelling on 16 ha property.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicants purchased this land from the Crown five years ago. Their goal is to re-locate their farm operation (horse breeding) from land they currently lease. The applicants are proposing to construct a new farmhouse that is in closer proximity to the existing barn than the existing house to facilitate better access to the horses. The existing home is a heritage house and will be occupied by the owner's daughter. It is estimated that the new homesite will be approximately 0.1 ha in size. Both the applicants and their daughter will be involved in the horse operation.

Local Government:

The Corporation of Delta

Legal Description of Property:

PID: 024-469-238

Parcel A, Except Part in Plan LMP 41566, District Lot 56, Group 2, New Westminster District, Plan LMP 41565

Purchase Date:

September 2000

Location of Property:

3395-41B Street, Delta

Size of Property:

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

Present use of the Property:

Hay is grown on the west ½, and potatoes on the east ½. Existing buildings are 1 heritage house, and 1 equestrian building (currently under construction.)

Surrounding Land Uses:

WEST: Farming
SOUTH: Farming
EAST: Farming
NORTH: Farm and 2 residential homes

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:

Official Community Plan designates the property as Agricultural -A1

Zoning Bylaw and Designation:

Zoning Bylaw No. 2750 designates the property as A1.
Minimum Lot Size: 8 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:


Local Government Planning Staff: Planning Staff forwarded the application with the following recommendation:

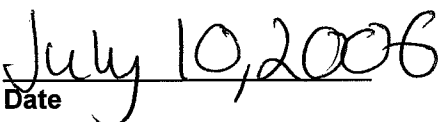
- A. That the application for a second farmhouse at 3395-41B Street be denied as staff is not convinced that there is a need for an additional residence for farm help, as outlined in the Provincial Agricultural Land commission Policy #9
- B. That the application be forwarded to the Provincial Agricultural Land Commission for reconsideration if requested by the applicant.

ATTACHMENTS:

- The Corporation of Delta Council Report " Application for Additional Farmhouse 3395 - 41B Street (York) - Dated June 6, 2006 (8 pages)
- Agrologist Report - Second Residence at 3395 - 41B Street, Delta (Attachment D) (7 pages)
- The Corporation of the Delta MEMO dated June 8, 2006 "Correspondence from Alexander York"
- Country Land Farm - June 8, 2006 letter from A.M. York
- Map: Sketch showing location of existing and proposed buildings.
- Map: ALR Context Map – Greater Vancouver Regional District Constituent 3 (1:10,000)

END OF REPORT


Signature


Date