



Agricultural Land Commission
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April 26, 2007

Reply to the attention of Jennifer Carson
ALC File: X-37042

Michael Friedman
Box 24
General Delivery
Lund, B.C.
V0N 2G0

Dear Mr. Friedman:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 145/2007 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Powell River Regional District ()
Judith Newmark - 101 South Hanley Street, St Louis, Missouri USA 63105, BC,

Enclosure: Minutes



A meeting was held by the Provincial Agricultural Land Commission on April 12, 2007 in Chilliwack, B.C.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Tony Pellett	Staff
	Jennifer Carson	Staff

For Consideration

Application: # X- 37042
 Applicant: Michael Friedman
 Proposal: To subdivide the 36.6 ha parcel into 14 lots ranging in size from 1.2 ha to 8.1 ha. Only four of the proposed lots are within the ALR. The ALR area of the property is approximately 8 ha and is proposed to be subdivided into four lots.
 Legal: PID: 015-932-672
 District Lot 1640, New Westminster District Group 1, Except portions in Plans 16395, 18834, 20101, LMP1775, LMP9675 and LMP15654
 Location: Northwest of the intersection of Ralph and Pryor Roads near Lund.

Site Inspection

A site inspection was conducted on March 29, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Jennifer Carson Staff
- Michael Friedman Applicant

Mr. Friedman confirmed that the Staff Report dated December 27, 2007 was received and no errors were identified.

The Commission met with the Mr. Friedman at the property and walked along the southern and eastern boundaries of the proposed subdivision along dedicated roads. The applicant then escorted the Commission along a path which was in the middle of the proposed subdivision. It was evident from this visit that the land had marginal agricultural capability. The surface of the property had small hills, rocks covering most areas, and in large areas the land was very marshy. The applicant would like the proposed lots to remain within the ALR. Also mentioned was that the access road to the proposed lots is planned to be outside of the ALR lands, however, the Ministry of Transportation may suggest it be put elsewhere. Surrounding properties in the area to the east contained fruit trees and some livestock, however, these properties, for the most part were situated at a slightly higher elevation than the subject property. The properties that were created in earlier subdivisions by Mr. Friedman are 1.2 – 4.0 ha residential lots with gardens.

Commissioner Eligible to Vote

Commissioner Tomlinson and Commissioner Bose were not present at the site inspection. It was confirmed that a summary of the site inspection was provided thus establishing the Commissioners' eligibility to vote on the application.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Discussion

An agricultural capability assessment was conducted in 1980 as part of a previous application(#X-10500). The September 19, 1980 report prepared by E.L. Pottinger, ALC Agrologist identifies the property as having the following improved classifications:

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses

M	soil moisture deficiency	P	stoniness
R	shallow soil / bedrock outcroppings	T	topography
W	excess water		

Organic Soils - Organic soils are grouped into seven classes, designated as O1 to O7. The organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.

Subclasses

W	excess water
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Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture.

The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. From the site visit it was apparent that the capability of the property for agriculture was limited. The proposed lot sizes would be sufficient for hobby farms.

Conclusions

That the proposal will not adversely impact agriculture.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Bose

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

CARRIED

Resolution # 145/2007



Staff Report
Application # X – 37042
Applicant: Michael Friedman
Agent: Emery & Raeland Surveying

DATE RECEIVED: November 2, 2006

DATE PREPARED: December 27, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide the 36.6 ha parcel into 14 lots ranging in size from 1.2 ha to 8.1 ha. Only four of the proposed lots are within the ALR. The ALR area of the property is approximately 8 ha and is proposed to be subdivided into four +- 2 ha lots.

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

BACKGROUND INFORMATION:

Local Government:

Powell River Regional District

Legal Description of Property:

PID: 015-932-672

District Lot 1640, New Westminster District Group 1, EXCEPT portions in Plans 16395, 18834, 20101, LMP1775, LMP9675 and LMP15654

Purchase Date:

1991

Location of Property:

NW of the intersection of Ralph and Pryor Road near Lund.

Size of Property:

36.6 ha (Approximately 8 ha property is in the ALR).

Present use of the Property:

vacant raw land

Surrounding Land Uses:

WEST: vacant lot
SOUTH: residential
EAST: residential
NORTH: vacant crown land

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F/15
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Lund Official Community Plan Bylaw #306, (1998) designates the property as "Agriculture", "Rural Density" and "Lund Watershed - Low Density Large Lot"

Zoning Bylaw and Designation:

Lund Watershed Zoning Bylaw #172, (1989) designates the portions of the property designated as "Lund Watershed - Low Density Large Lot" as WR2 (Watershed Rural 2)
Max Lot Size: 2ha

PREVIOUS APPLICATIONS:

Application #26907-0

Applicant: Friedman, M and Newmark, J
Decision Date: September 11, 1992
Proposal: To subdivide the ALR portion of the property into six lots ranging in size from 2.1 ha to 2.5 ha. Three additional lots outside of the ALR are also being proposed. The size of the ALR portion of the property is approximately 16 ha.
Decision: Allowed as proposed.

Application #10500-0

Applicant: Friedman, Michael
Decision Date: October 29, 1980
Proposal: To subdivide four lots from the 64.4 ha parcel. The staff agrologist completed an on-site at which time the applicant submitted a new proposal for a 23 lot subdivision. This was approved with conditions. In a new proposal the applicant change the subdivision layout to a 10 lot subdivision. This was approved and filed.
Decision: Allowed as requested.

Application #04582-0

Applicant: Friedman R and Friedman M.
Decision Date: July 6, 1977
Proposal: To subdivide a 1.2 ha lot from the 64 ha property
Decision: Allowed as requested.

Application #24776-0

Applicant: Freidman, Michael
Proposal: To add portions of two previously subdivision lots together to create a new lot
Decision: Allowed as requested.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

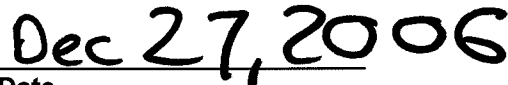
Powell River Regional District Board: The Regional Board concurred with the recommendation of the Planning Committee and forwarded the application with a recommendation of support.

ATTACHMENTS:

- Conceptual Plan of Proposed Subdivision of District Lot 1640, Group 1, New Westminster District (Submitted by the applicant)
- ALC Context Map Powell River Regional District - Constituent Map 1 - 1:10,000 (Created by ALC Staff)
- ALC Context Map 1:50,000 (Created in iMap by ALC Staff)

END OF REPORT


Signature


Date