



**Staff Report**  
**Application # O – 37443**  
**Applicant: Hendrik Malenstyn**

**DATE RECEIVED:** May 22, 2007

**DATE PREPARED:** June 15, 2007

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

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** Subdivision for a Relative: The proposal is for the creation of a 0.3 ha parcel for the applicant's son and the remaining 3.1 ha portion of the subject property would continue to be used for farming. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

Mr. Malenstyn made a previous subdivision application in summer of 2006 which Delta Council denied the application and did not forward the application onto the ALC. Documentation of this history is well illustrated in the attached Council Report.

**Local Government:**

The Corporation of Delta

**Legal Description of Property:**

PID: 011-912-812

Lot 5, New Westminster District, Except The East 70.41 Feet; Section 12, Township 6, Plan 779

**Purchase Date:**

1964

**Location of Property:**

6620 - 60th Avenue, Delta

**Size of Property:**

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

**Present use of the Property:**

Residence, Machine Shed, Barn, Hayfield

**Surrounding Land Uses:**

**WEST:** Residence, Barn, Machine Shop, Crop and Pasture  
**SOUTH:** Bare Land, Hay  
**EAST:** Residence/Hobby Farm, Shed  
**NORTH:** Double wide home and two storing house, crop

**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:**

OCP: Not available  
Designation: A (Agriculture)

**Zoning Bylaw and Designation:**

Zoning: Bylaw No.2750 (1977)  
Designation: A1 - Agriculture  
Minimum Lot Size: 8 ha

**RELEVANT APPLICATIONS:**

**Application #31341-0**

**Applicant:** Nottingham Farms Ltd  
**Decision Date:** April 23, 1997  
**Proposal:** The applicant is seeking permission to relocate several storage magazines containing explosives from one area of the subject property to another in order to enable the remediation of contaminated soils on 60th Avenue.  
**Decision:** Allowed provided the access road to the location of the new explosive storage magazines is made available for use by Nottingham Farms Ltd. Furthermore, the Commission has also allowed soil to be temporarily stockpiled on the property provided it is uncontaminated soil to be used for the reconstruction of 60th Avenue Extension. The specific conditions pertaining to the stockpiling of soil on the property are outlined in the decision letter and Minutes.

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**Application #31341-1**

**Applicant:** Nottingham Farms Ltd  
**Decision Date:** September 28, 1999  
**Proposal:** To replace the existing "Orica" office on the property (which measures 350 sq ft) with a newer 800 sq ft office.  
**Decision:** The Commission allowed the replacement of the existing trailer/office with a new 800 sq ft office.

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**Application #03390-0**

**Applicant:** Malenstyn, H & M  
**Decision Date:** January 20, 1977  
**Proposal:** Boundary adjustment.  
**Decision:** Allowed as it conformed with the Official Regional Plan and was considered a minor boundary adjustment.

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**Application #21353-0**

**Applicant:** Grove Crest Farms Ltd.  
**Decision Date:** August 24, 1987  
**Proposal:** To utilize 0.4 ha of the property for the purpose of locating three moveable explosives storage magazines and access thereto.  
**Decision:** Refused on the grounds that the proposal would be an intrusion into an area with good agricultural potential.

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**Application #35775-0**

**Applicant:** Harris, Edward  
**Decision Date:** February 16, 2005  
**Proposal:** To subdivide the 5.0 ha property into two (2) 2.5 ha lots pursuant to the Commission's Homesite Severance Policy.  
**Decision:** Allow as presented - no negative impact on agriculture.

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**Application #37218-0**

**Applicant:** Paton, Marjorie  
**Decision Date:** April 11, 2007  
**Proposal:** Subdivision for a Relative: The proposal is to subdivide the 23.1 ha lot to create a 1.0 ha lot homesite for the owners' son in accordance with the Homesite Severance Policy.  
**Decision:** Allowed with conditions.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Council:**

The Council for the Corporation of Delta forwarded the application to the ALC, noting that Council would support the application subject to the following conditions being met:

- The ALC finds the owner to be eligible for a homesite severance and approves the application,
- The GVRD approves the sewer area extension and that it satisfies the concerns of the Fraser Health Authority.

**Local Government Staff:**

Recommended that the Council forward the application to the ALC with support subject to the aforementioned conditions.

**STAFF COMMENTS:**

It is recommended that the Commission consider the following:

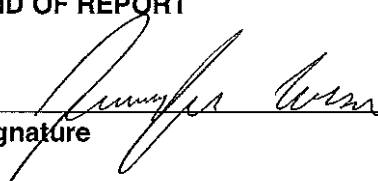
- The improved ratings of the subject property are Class 1 and Class 2.
- This proposal is the son of the applicant.
- Mr. Malenstyn also owns the adjacent property to the west.
- A site visit will assist the Commission in better understanding the proposal and its potential impact on agriculture.

**ATTACHMENTS:**

1. 2 letters from applicant to Delta
2. Delta Council Report (9 pages)
3. Base Map
4. Agricultural Capability Map
5. Aerial Photograph

**END OF REPORT**

Signature



Date

June 23, 2007