



Agricultural Land Commission
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November 23, 2007

Reply to the attention of Ron Wallace
ALC File: O-37629

James Smith
5001 Fenton Drive
Delta, BC V4K2H5

Dear Mr. Smith:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 586/2007 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.

If your client is interested in pursuing the leasing of the home site option offered by the Commission, please send a draft copy of the lease agreement to this office.

Once the Commission is satisfied that all the conditions have been, it will request a final lease agreement and will authorize the Registrar of Land Titles to accept registration of the document.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a horizontal line.

for Erik Karlsen, Chair

cc: The Corporation of Delta (LU005259)
Shirley Savage 2635 Westham Island Road, Delta, BC V4K2N2

Enclosure: Minutes

A meeting was held by the Provincial Agricultural Land Commission on November 06, 2007 in Delta, B.C.

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

For Consideration

Application: # O- 37629
Applicant: Shirley Savage
Agent: James Smith
Proposal: To subdivide the 32.8 ha subject property to create an approximately 0.5 ha home site and a 32.3 ha remainder parcel.
Legal: PID: 012-879-720
Parcel A (214444E), District Lot 89, Group 2, Except Firstly: Part Subdivided by Plan 6480, Secondly: Parcel "One" (Reference Plan 10159), New Westminster District
Location: 2635 Westham Island Road

Site Inspection

A site inspection was conducted on November 6, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Ron Wallace Staff
- Tony Pellett Staff
- Jennifer Carson Staff
- James Smith Agent

The Commissioners and staff met with the agent to discuss the proposed subdivision to separate the house from the property. It was noted that the Savages are long standing farmers in the area but that the applicant has only lived on the property since 1978 and is not eligible for consideration under the homesite severance policy.

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

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is

Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

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.

Subclasses

N salinity
W excess water

Subclasses

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. It was felt that the creation of a residential lot would reduce the agricultural potential of the property and potentially lead to subdivision applications from adjacent property owners.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Bose

THAT the application be refused as proposed. However, the Commission will allow the applicant (Shirley Savage) to lease an approximately 0.5 hectare home site for as long as she resides on the property. Upon her leaving the property, the lease hold site will revert back to the purchaser of the property.

This approval is subject to the following conditions:

- the preparation of a lease agreement for residential purposes between the applicant and purchaser of the property
- the lease hold area be in substantial compliance with the plan submitted with the application
- the registration of the lease agreement on title stating that upon her (Shirley Savage) leaving the property, the lease hold site will revert back to the purchaser of the property
- approval is granted for the sole benefit of the applicant and is non - transferable

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 # 586/2007