



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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Fax: 604 660-7033
www.alc.gov.bc.ca

August 4, 2009

Reply to the attention of Tony Pellett
ALC File: 36611

Integrated Land Management Bureau
200, 10428 153 Street
SURREY BC V3R 1E1

Attention Maxine Davie

Re: Application to subdivide land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **552/2009** 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:

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

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan/copy of original application

cc: Corporation of Delta (file LU6001)
Metro Vancouver Parks
BC Assessment Authority, Richmond

RW/
i/36611d2



A meeting was held by the Provincial Agricultural Land Commission on July 30, 2009 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Erik Karlsen	Commissioner, Commission Chair
	Tony Pellett	Staff

For Consideration

Application: O-36611
Applicant: Integrated land Management Bureau
Proposal: Subdivision along the east boundary of a parcel created under the *Tsawwassen First Nation Final Agreement Act*
Legal: PID: 008-728-950 Parcel "A" (Explanatory Plan 30794) of Lot 13, Sec.24 Twp.5 NWD, Plan 25196 EXCEPT Parcel "ONE" (Reference Plan 38003) and Lot 1, Plan BCP38045
Location: South foot of 72 Street, Delta

Site Inspection

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

- Erik Karlsen Commission Chair
- Sue Irvine Commissioner
- John Tomlinson Commissioner
- Gordon Bednard Staff
- Tony Pellett Staff

The Commission viewed the area proposed for an 8 ha regional park parcel and the area proposed as a staging area for persons wishing to walk on the Boundary Bay dike or foreshore.

Commissioner Eligible to Vote

Commissioners Pranger and Bose were not present at the site inspection. Commissioners Karlsen and Tomlinson provided a summary of the site inspection 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

The Commission noted that the proposed land use (a staging area for persons wishing to walk on the Boundary Bay dike or foreshore) was allowed by Resolution #347/2006, but the decision on subdivision was deferred pending disposition of the Tsawwassen First Nation (TFN) final agreement. The Commission's concern at that time was that the subdivision of the land was predicated on agreement to transfer a part of the land to the TFN, but with the agreement not finalized the Commission had no way of knowing if the subdivision would proceed as proposed in the application.

- In 2006, the Commission completed its assessment of agricultural capability, agricultural suitability and impact on agriculture, and allowed the staging area.
- In April 2009 the *Tsawwassen First Nation Final Agreement Act* came into effect and Plan BCP38045 was registered simultaneously to define the precise area transferred to TFN fee simple ownership.
- Plan BCP38045 leaves a remainder parcel in two widely separated parts, one to the east of the TFN parcel (the proposed regional park) and one to the northwest of the TFN parcel (land currently subject to South Fraser Perimeter Road construction and enhancements to the land currently being farmed under lease). In order to allow the farmer the opportunity to acquire the residual land it is necessary to complete the subdivision deferred under Resolution #347/2006.

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 enhance agriculture by allowing disposition of the land currently being farmed.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Karlsen
SECONDED BY: Commissioner Tomlinson

THAT the subdivision be allowed as submitted.

AND THAT the approval be subject to the following conditions:

- 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. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 522/2009

ALC File 36611
Resol. 552/2009

SUBDIVISION PLAN OF PART A (EXPLANATORY PLAN 30794),
LOT 13 EXCEPT: PARCEL ONE (REFERENCE PLAN 38003); SECTION 24,
TOWNSHIP 5, NEW WESTMINSTER DISTRICT, PLAN 25196.
INTEGRATED SURVEY AREA NO. 13, MAD 83 (CSRS) 2003
CORPORATION OF THE DISTRICT OF DELTA
B009 600 000

SCALE 1:2000

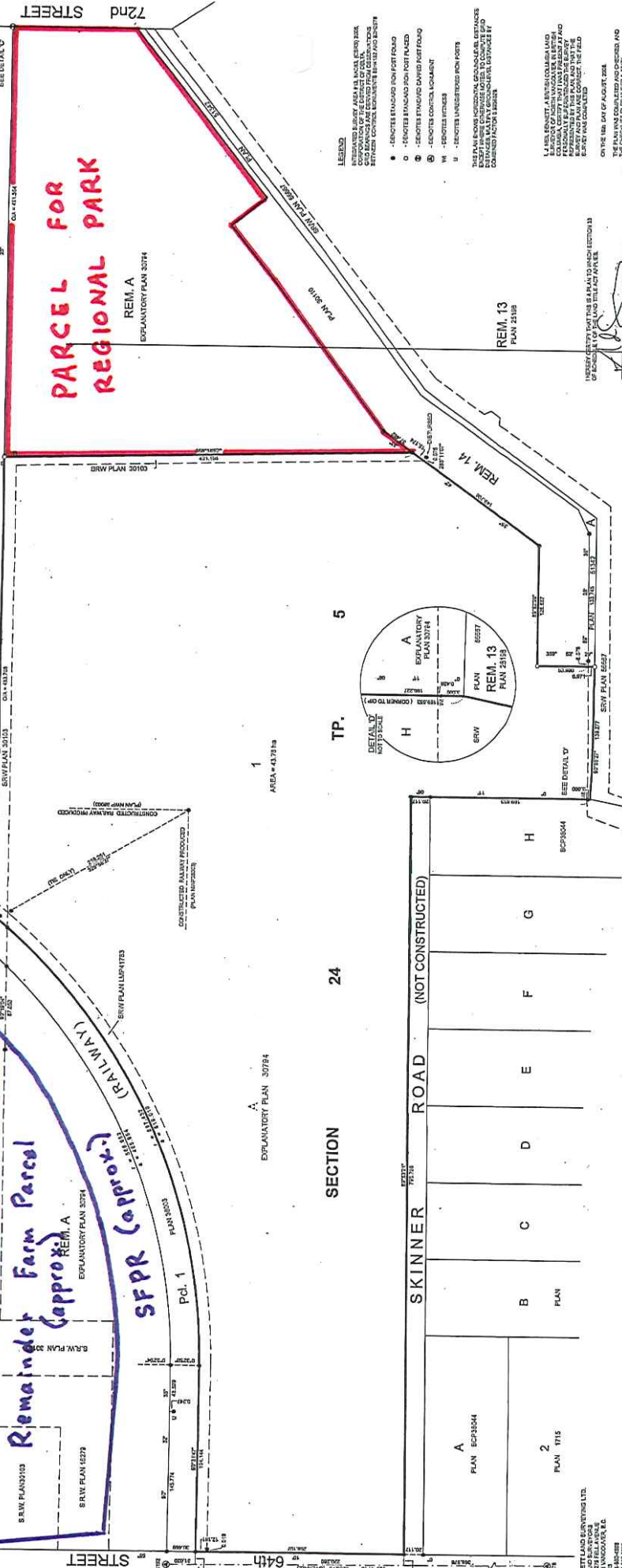
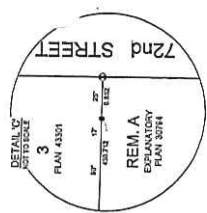
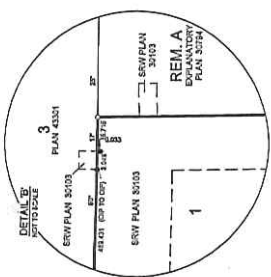
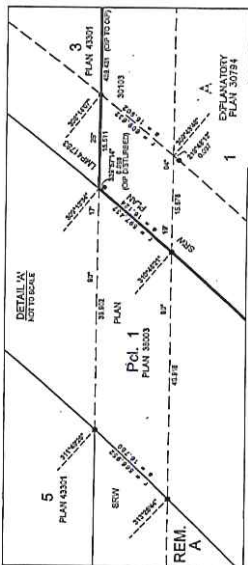
ALL DIMENSIONS ARE IN METRES AND DECIMAL THEREOF.

PLAN BCP38045

REGISTERED IN DELTA LAND TITLE OFFICE AT
NEW WESTMINSTER, B.C.

BY 3 OF MELE 2008
L. O'NEILL, P. ENG. REG. 12345
REGISTERED PROFESSIONAL ENGINEER

BB 16 03 10



LEGEND

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THIS PLAN SHOWS HORIZONTAL CONTROL POINTS, DISTANCES AND BEARING THEREON. THE POINTS WERE OBTAINED BY THE SURVEYOR USING THE FOLLOWING METHODS:
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10 - BY MEANS OF A TOTAL STATION

ON THE 15th DAY OF AUGUST 2008
THE FOLLOWING PERSONS WERE PRESENT AND
THEir SIGNATURES AND NAMES ARE HEREON
ON THE 15th DAY OF JANUARY 2009

REGISTERED PROFESSIONAL ENGINEER

FILE

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