



Provincial Agricultural Land Commission - Staff Report

Application: 51784

Applicant: David & Marion Soutar
Agent: Cultus Country Investments Ltd
Local Government: Fraser Valley Regional District

Proposal: To exclude 1.7 ha of the 4.9 ha ALR portion of the 26.9 ha property.

BACKGROUND INFORMATION

The applicants are requesting exclusion of the 1.7 ha in order to facilitate the planning and development of 18 recreational cottage lots and related recreational amenities to form part of a larger planned "agriculture bare land strata development". In addition, the applicants intend to provide the Commission a restrictive covenant on 2.4 ha of land for agricultural uses only. The remaining ALR lands and restrictive covenant lands are proposed to become common property of all strata lot owners within the development.

PROPERTY INFORMATION

PID: 005-468-167
Legal Description: Lot 171 Section 15 Township 22 New Westminster District Plan 57009
Property Area: 26.9 ha
ALR Area: 4.9 ha
Purchase Date: May 17, 1979
Location: 1687 Columbia Valley Road
Owner: David & Marion Soutar

LAND USE

Current Land Use:

The use of the property up until October 2009 was pasture and grazing for 6 - 8 angus cows on approximately 8.0 ha of the subject property.

Surrounding Land Uses:

North: Crown land - hillside forest
East: Crown land - forest
South: Recreational cottages and vacant land
West: Hillside forest

PROPOSAL DETAILS

Exclusion Area: 1.7 ha

Agricultural Capability:

The majority of the area under application is rated as: Secondary

Source: BCL

Mapsheet: 92G/1a

PREVIOUS APPLICATIONS

Application ID: 33087

Legacy #: 03332

Applicant: D & E Baldwin

RELEVANT APPLICATIONS

Application ID: 45879

Legacy #: 38921

Applicant: Nan Pu To Monastery Inc. No. S41425

Proposal: To exclude 1.0 ha from the ALR in order to facilitate the construction of a monastery. In conjunction with this application is an inclusion application (#38922).

Note: Concurrent application

Application ID: 40660

Legacy #: 35027

Applicant: The BC Conference of Mennonite Brethren Church

Proposal: Propose to exclude two (2) properties totalling 16.18 ha in area from the ALR to provide for the expansion of the Stillwood Camp and Conference Centre operations.

Decision:

Resolution #	Decision Date	Decision Description
567/2003	November 19, 2003	Refused the exclusion of the 16.18 ha area as proposed. Would allow the exclusion 8 ha closest to the existing Stillwood Camp facilities subject to the installation of a fence and vegetative buffer along the new ALR boundary and inclusion of approximately 4 ha of prime capability land located on the upper bench, above the existing camp facilities, into the ALR.

Note: This application is the most recent exclusion application made in the area.

Application ID: 17529

Legacy #: 14117

Applicant: Regional District of Fraser-Cheam

Proposal: Proposal to include 48 ha of land into the ALR on the grounds that any other use would have a detrimental affect on surrounding farms in the area. And to exclude 204.68 ha for residential development through an OCP

Decision:

Resolution #	Decision Date	Decision Description
3034/1982	July 21, 1982	Allowed to include lands identified. Cabinet approved inclusion by OIC (48.0 ha). This resolution number is used to enter statistical information relating to the area approved for inclusion and subsequent decision by Cabinet.

Note: The FVRD made a block exclusion application to the Commission which effectively isolated the current portion of ALR in the subject property.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: OSP for Area "E", RD of Fraser-Cheam Bylaw 400, 82

Designation: AG- Agricultural, RR- Resort Res, & Limited Use

OCP Compliance: No

Zoning:

Zoning Bylaw Name: Area E, 1976 of R.D, of Fraser-Cheam

Zoning Designation: RAG- Rural Ag, L2- Limited Use

Minimum Lot Size: 4.0 ha

Zoning Compliance: No

Comments and Recommendations:

Agricultural Advisory Committee

See attached copy of the March 26, 2010 minutes.

Board/Council

That the application be forwarded to the Commission for consideration based on agricultural land use planning.

ALC STAFF COMMENTS

51784

It is recommended that the Commission consider the following:

- The improved ratings of the agricultural capability of the property are identified as Class 4 and Class 5 with the limitations of stoniness and soil moisture deficiency.
- The applicants have owned the property since November 2009.
- Commission staff calculated that 4.9 ha of the subject property is located within the ALR as opposed to the 5.4 ha indicated in the applicant and local government reports.
- A block exclusion application was made by the FVRD in the 1980s for several properties in Lindell Beach. It is understood that the previous owner was not interested in his property being excluded from the ALR. The exclusion of the other properties in the 1980s resulted in isolating the ALR portion of the subject property.
- The applicants have proposed to place a restrictive covenant on portions of the existing subject property, amounting to 2.4 ha, which would only permit farming. Due to the irregular shape of the polygon proposed, local government and Commission staff advised against proposing the area for inclusion.
- The AAC raised some agricultural concerns of the proposal which are outlined in the minutes of their meeting which are appended to this staff report. Of concern to staff as well is that the property is suitable for agriculture, as is demonstrated by its use up until 2009 for cattle. Furthermore, as the majority of the subject property lies outside the ALR, the AAC questions why the proposed development cannot be situated entirely outside of the ALR. The applicant responded to the concerns laid out by the AAC in a letter dated April 28, 2010 which is attached to this staff report.
- Letters from the public discussing this application are appended to the staff report.
- As discussed in the local government's report, the proposed focus on linear community gardens running through the development connected to a larger common agricultural area is indeed a unique and innovative approach to connect people to agriculture and food production. However, whether ALR land should be excluded to facilitate this project is questionable.
- Commissioners may direct staff to arrange a site visit to the subject property in order to improve their understanding of this application.

ATTACHMENTS

51784 submissions from public.pdf
51784 applicant submission.pdf
51784 lg report.pdf
51784 sketch.pdf
51784_ContextMap20k.pdf
51784_AgCapabilityMap.pdf
51784_AirphotoMap10k.pdf

END OF REPORT

Prepared by: Jennifer Carson