

To: CAO for the Electoral Area Services Committee

Date: 2019-05-08

From: Andrea Antifaeff, Planner I

File No: 3015-20 2019-05

Subject: Agricultural Land Commission Application – Proposed Two (2) Lot Subdivision at 1385 Frost Road, Electoral Area “H”

RECOMMENDATION

THAT the application for a two (2) lot subdivision within the Agricultural Land Reserve for the property located at 1385 Frost Road, Electoral Area “H” be forwarded to the Agricultural Land Commission for consideration;

AND FURTHER THAT the Agricultural Land Commission consider the staff report dated May 8, 2019 under file number 3015-20 2019-05.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Foster a Strong & Diverse Economy

Support Environmental Stewardship

BACKGROUND

The Fraser Valley Regional District (FVRD) has received an application for a two (2) lot subdivision in the Agricultural Land Reserve by the owner of the property at 1385 Frost Road, Electoral Area “H”.

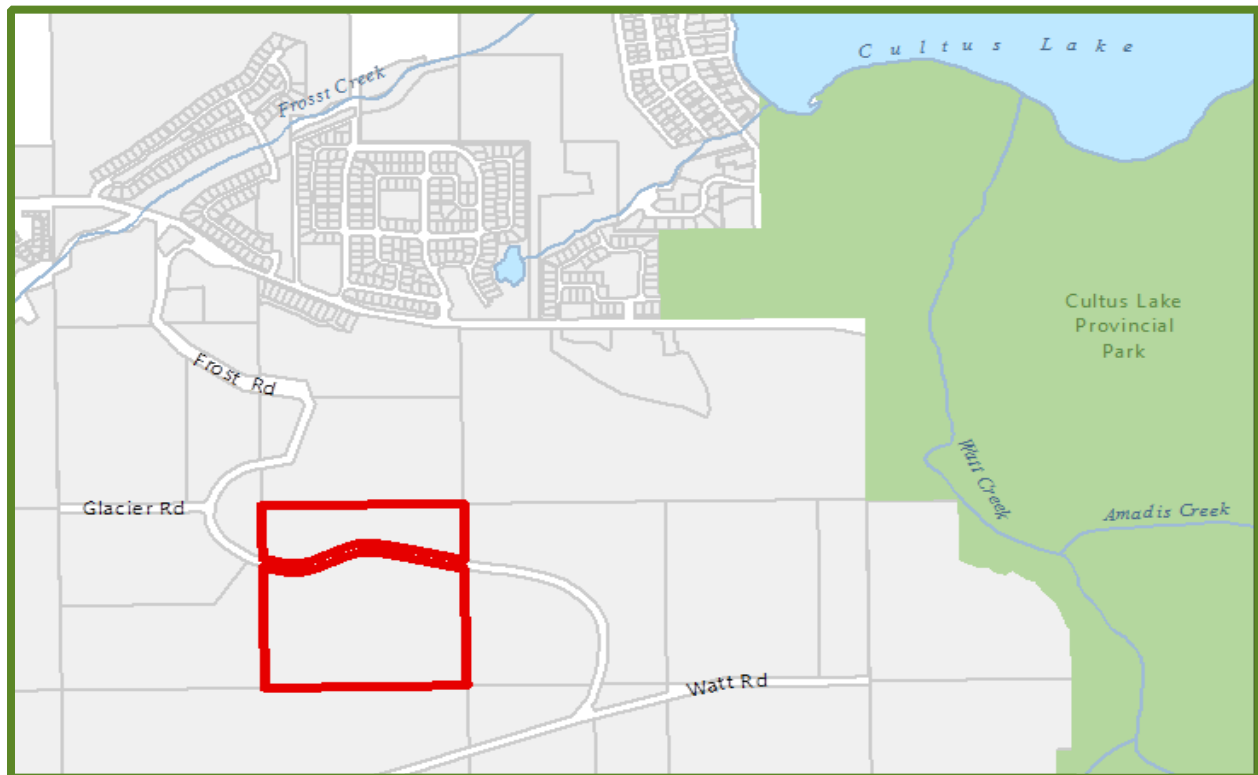
The property owner is proposing to subdivide the 40 acre parcel into two (2) lots along the dedication of a currently undedicated travelled road (Frost Road) that transects the property. The proposed lot sizes are as follows (see Appendix “B”):

- Lot 1: 10.8 acres (north of Frost Road)
- Road Dedication: 2.1 acres
- Remainder (LS 11): 27.3 acres (south of Frost Road)

PROPERTY DETAILS			
Electoral Area	H		
Address	1385 Frost Road		
PID	004-583-523		
Folio	733.02959.000		
Lot Size	40 acres		
Owner	Vasilica Nemtanu	Agent	Florin Dumitru
Current Zoning	Rural Agriculture (R-Ag)	Proposed Zoning	No change
Current OCP	Agricultural (AG)	Proposed OCP	No change
Current Use	Residential	Proposed Use	Agricultural
Development Permit Areas	DPA 5-E (RAR)		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES		
North	^	Campground-Holiday Park (CHP)/Campground & RV Park
East	>	Rural Agriculture (R-Ag), Residential/Farm
West	<	Rural Agriculture (R-Ag), Residential/Farm
South	v	Rural Agriculture (R-Ag), Residential/Farm

NEIGHBOURHOOD MAP



PROPERTY MAP - 2019 Google Imagery



DISCUSSION

Property Description and Subdivision Proposal

Current Use

In 2019, the property is classified as two (2) acres or more (Single Family Dwelling, Duplex) by BC Assessment. It does not currently have farm status and the property is not currently being used for agricultural purposes. There is a single family dwelling, mobile home, hazelnut processing facility, winery building, greenhouse, and three storage shelters located on the portion of the property south of Frost Road. The portion of the property located north of Frost Road does not contain any buildings.

Past Land Use

Before being shut down, there were previously two farm operations on the property - a winery and a hazelnut processing facility. The area north of Frost Road was planted with hazelnuts, grapes, blueberries, and raspberries. The area south of Frost was planted with hazelnuts and various fruit bearing vines and shrubs. The past property uses are shown on Appendix "D".

Current Land Use

The applicant advises that all of the hazelnut trees that were planted on the property have died and the property has been cleared, leaving fifteen (15) acres of land empty. The applicant advises that the winery and hazelnut processing facility are not in use and the property is no longer being used for agricultural production. BC Assessment data shows that the property did not have farm status in 2019, though it did have farm status from 2009-2018.

Future Land Use

The applicant is proposing to subdivide the subject property into two (2) lots of approximately 10.8 acres and 27.3 acres. The owner proposes to build a new house on the proposed lot located north of Frost Road and plant the remainder of the property with grapes. These grapes will be used to re-open the winery facility located on the proposed lot south of Frost Road. The property south of Frost Road is proposed to be sold to the owner's children who will then resume farm operations on that parcel. The owner proposes to plant blueberries on the proposed lot south of Frost Road and re-open the winery facility. The proposed future land uses for the property are shown in Appendix "C".

Mobile Home

In addition to the single family dwelling, there is a mobile home situated on the portion of the property south of Frost Road. The building permit application for the mobile home was initiated by a previous owner and has been closed as "incomplete" (Building Permit No. 98048).

A Section 219 covenant was registered on title (BM124796) to ensure the mobile home, as an "additional one-family dwelling" on the property, would only be occupied by a bona-fide farm hand and the mobile home is to be demolished or removed if the lands ceases to be classified as a farm by BC Assessment or the mobile home ceases to be occupied by a bona-fide farm hand. As Building Permit No. 98048 was closed and filed as incomplete, no certificate of occupancy was provided for the mobile home. As a condition of subdivision approval this mobile home would need to be removed from the property in accordance with the covenant or appropriately permitted by the ALC and FVRD.

Rationale for Subdivision

The application states that the property is transected by Frost Road, creating issues detrimental to farming operations. The property owner also states the following reasons in support of their application:

- The property does not currently have 'farm status' from BC Assessment;
- Their family is now financially able to revamp farm operations;
- Subdivision is supported by FVRD Zoning Bylaw regulations;
- The process would involve a new survey being completed for the property; and,

- Almost 15 acres of the hazelnuts trees have been decimated by the Eastern Filbert Blight causing removal of the trees and shutting down all farming operations related to the hazelnuts five years ago. The winery on the property was also closed, as the best-selling products were based on hazelnut syrups. The subdivision would allow for both parcels to begin new farming operations.

Surrounding Land Uses and Parcel Sizes

The subject parcel is bordered to the West, East and South by other properties within the ALR. To the North there is a holiday park that is not within the ALR.

	Uses	Zoning	OCP	ALR	Size (acres)
North	Seasonal Resort (Cultus Lake Holiday Park)	Campground Holiday Park	RT	No	20
South	Farm – Tree Fruits	Rural Agriculture	Agricultural	Yes	153.5
East	Single Family Dwelling	Rural Agriculture	Agricultural	Yes	40
West	Single Family Dwelling	Rural Agriculture	Agricultural	Yes	3.2 & 19.7

Previous Agricultural Land Commission (ALC) Applications

A previous subdivision application, submitted by the same owner of the subject property, was considered by the ALC in 2014 and a similar application was submitted to the ALC by a different owner in 1980.

The application for subdivision in 2014 was refused by the Agricultural Land Commission, with the following reasons provided in a written notification:

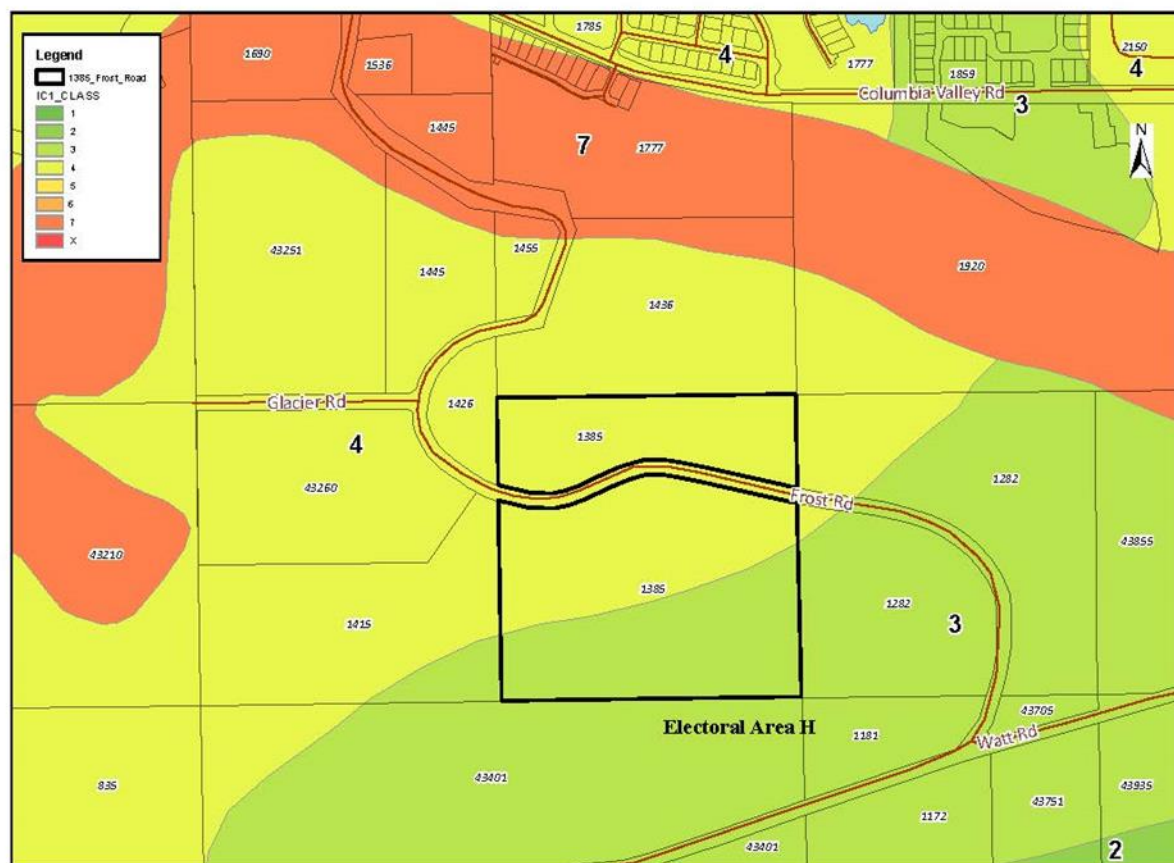
- The Commission considered a similar application to subdivide the subject property as divided by Frost Road in 1980. By Resolution #176/1980 the Commission refused the proposed subdivision on the grounds that Frost Road was not a major obstacle to the agricultural use of both sides of the subject property;
- The Commission believed that the previous decision was sound and that Frost Road was still not an impediment to farming the subject property as a single agricultural parcel;
- The Commission also believed that maintaining lot sizes as large as possible is beneficial to the preservation of agricultural land and is consistent with how the Commission has approached many previous applications in this particular area; and,
- The proposed subdivision would not be in keeping with the objectives of the Agricultural Land Commission Act to preserve agricultural land and encourage agriculture.

Soil Capability Classification for Agriculture

Lands within the Agricultural Land Reserve are assigned an agricultural capability classification. Generally the soils are classified on a scale ranging from 1 through 7; with Class 1 being applied to lands that have the ideal climate and soil to allow growth of the widest range of crops and Class 7 is applied to land that is considered non-arable, with no potential for soil bound agriculture. Classifications also consider the aridity, moisture content and typography of the soils. Capability classes are designated as unimproved and improved. Unimproved ratings are based on soil characteristics without physical improvements whereas improved ratings are based on assumptions that improvements are made to enhance the agricultural potential of the soil.

The subject property has an improved soil capability classification of two different agricultural capability classes (Class 3 and 4). The Agricultural Land Commission is the most appropriate agency to decide and comment on matters such as soil capability for agriculture. However for the Committee's benefit we provide the following summary of the agricultural capability:

- Class 3: Land in this class has limitations that require moderately intensive management practises or moderately restrict the range of crops, or both.
- Class 4: Land in this class has limitations that require special management practises or severely restrict the range of crops, or both.



FVRD Soil Capability Map
Improved Soils

Image 1: Soil capability classification for the property located at 1385 Frost Road, Electoral Area “H”.

FVRD Policies and Regulations

Official Community Plan

The subject property is designated Agricultural (AG) per *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011*. The proposed subdivision meets the minimum parcel size of 4 hectares (10 acres) for lands outside of a floodplain.

The proposal shows consistency with the goals of the Official Community Plan subdivision policies, specifically:

- Policy 5.1.20 New parcels created by subdivision within the AGRICULTURAL areas shall be configured to maximize agricultural sustainability and minimize potential conflicts between farm and non-farm uses.*
- Policy 5.1.21 The Regional Board will support applications for subdivision in the AGRICULTURAL areas, including subdivision of parcels split by a road in the Columbia Valley where:*
- a. lot lines would follow roads and topographic barriers; or,*
 - b. the proposed subdivision will not result in conflicts with agriculture or diminish agricultural potential;*
- provided that the new configuration of parcels does not impede the use of agricultural machinery.*
- Policy 5.1.22 Land in the AGRICULTURAL areas shall be subdivided only in accordance with the standards of the Responsible Authorities, except that the parcel size shall be:*
- b. not less than four (4) hectares for lands outside of a floodplain.*

Zoning

The subject property is zoned Rural-Agriculture (R-Ag) under “Zoning Bylaw for Electoral Area “E”, 1976 of the Regional District of Fraser-Cheam”. The minimum parcel size for new lots to be created by subdivision in the R-Ag zone is 4 hectares (10 acres). The proposed subdivision meets the minimum lot size requirements and the proposed farm uses are permitted uses in the zone.

Subdivision Requirements

Should the applicant received approval for the proposed subdivision from the Agricultural Land Commission, a subsequent subdivision application to the Ministry of Transportation and Infrastructure (MOTI) is required. This application will be reviewed by the FVRD to ensure that the proposal meets the FVRD’s policies and regulations, including all necessary servicing requirements.

COST

The application fee of \$1,500.00 has been received by the applicant. A remittance of \$1,200.00 will be forwarded to the Agricultural Land Commission.

CONCLUSION

Subject to the FVRD subdivision approval and review process, the proposed subdivision may be approvable. It is recommended that the application be forwarded to the Agricultural Land Commission for consideration for the following reasons:

- The proposal meets the minimum parcel size requirements in the Zoning Bylaw;
- The Official Community Plan supports subdivision for parcels split by the road provided that the subdivision doesn't conflict with agricultural potential or fragment agricultural land;
- The Agricultural Land Commission is the best position to decide on the agricultural impact of the subdivision; and,
- The application should be forwarded to the Agricultural Land Commission for a decision on the basis of agricultural merit.

OPTIONS

Option 1 Forward to the ALC with support

THAT the Fraser Valley Regional District Board forward the application for ALR subdivision to the Agricultural Land Commission with support.

Option 2 Forward to the ALC

THAT the Fraser Valley Regional District Board forward the application for ALR subdivision to the Agricultural Land Commission for consideration.

Option 3 Refuse

THAT the Fraser Valley Regional District Board refuse the application for ALR subdivision and not forward the application to the Agricultural Land Commission.

COMMENTS BY:

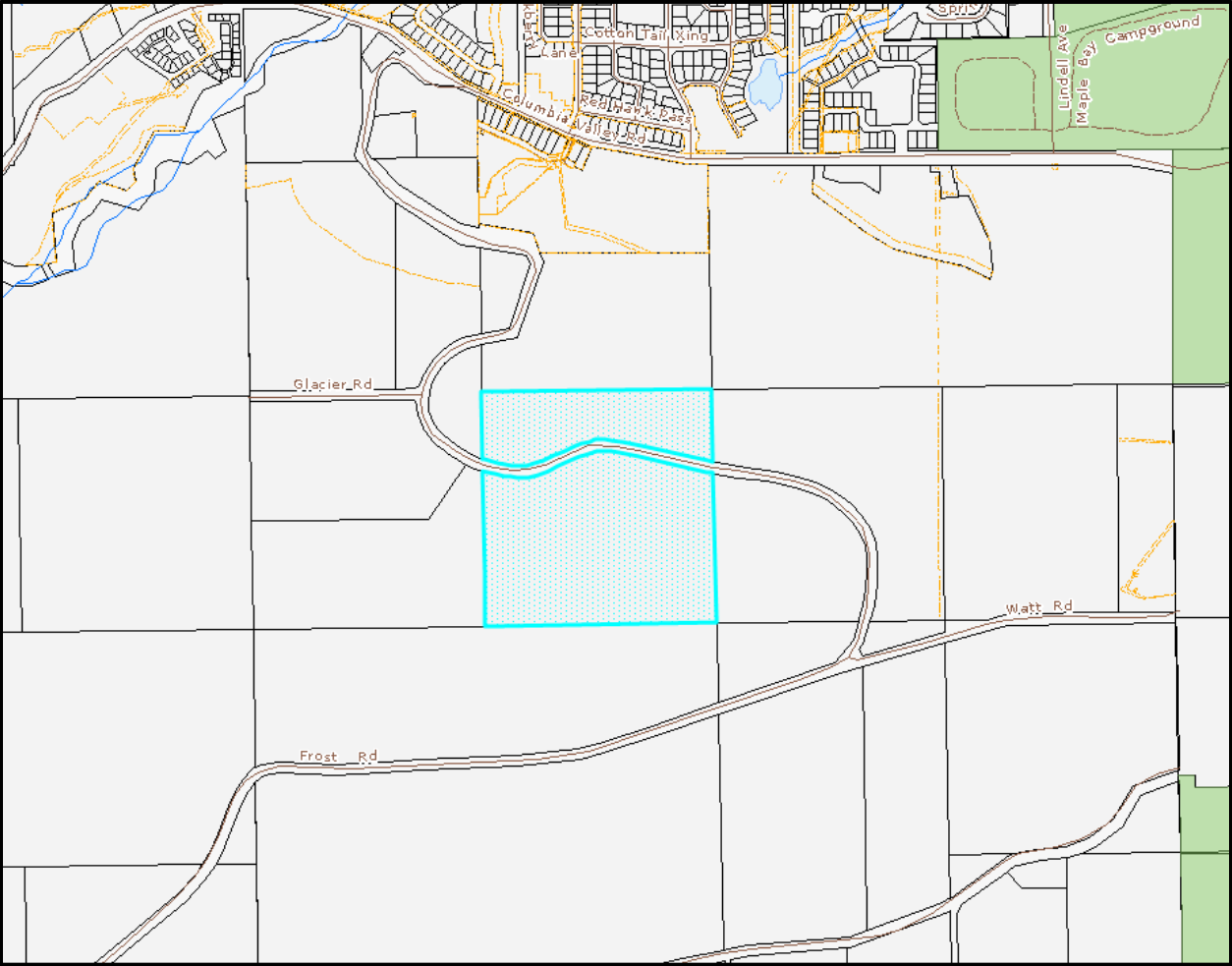
Graham Daneluz, Deputy Director of Planning & Development: Reviewed and supported.

Margaret Thornton, Director of Planning & Development: Reviewed and supported.

Mike Veenbaas, Director of Financial Services: No further financial comment.

Jennifer Kinneman, Acting Chief Administrative Officer: Reviewed and supported.

Appendix "A"
Location Map



Appendix "B"

Proposed Subdivision Layout



Appendix "C"

Proposed Farming Layout



PROPOSED SUBDIVISION PLAN

SCALE 1 : 1000



OF: *LEGAL SUBDIVISION 11 SECTION 10 TOWNSHIP 22*

CIVIC ADDRESS: 1385 FROST ROAD, LINDELL BEACH, B.C.

P.I.D.: 004-583-523

FEBRUARY 24TH, 2019

PREPARED FOR SUBDIVISION APPLICATION PURPOSES ONLY

FILE NUMBER: 10021 G

Past Land Uses Layout



PROPOSAL PLAN FOR SUBDIVISION

FILE NUMBER: 10021_B