



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 58778

Application Status: Under LG Review

Applicant: Vasilica Nemtanu

Agent: Florin Dumitru

Local Government: Fraser Valley Regional District

Local Government Date of Receipt: 03/07/2019

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Subdivision

Proposal: Described on attached Document and Plans.

Also provided as hard-copies to the planning department.

Agent Information

Agent: Florin Dumitru

Mailing Address:

1385 Frost Road

Lindell Beach, BC

V2R 4X8

Canada

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 004-583-523

Legal Description: Legal Subdivision 11 Section 10 Township 22 New Westminster District

Parcel Area: 15.4 ha

Civic Address: 1385 Frost Road

Date of Purchase: 06/26/2004

Farm Classification: No

Owners

1. **Name:** Vasilica Nemtanu

Address:

1385 Frost Road

Lindell Beach, BC

V2R 4X8

Canada

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

Described on attached Document and Plans.

Also provided as hard-copies to the planning department.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

Described on attached Document and Plans.

Also provided as hard-copies to the planning department.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

Described on attached Document and Plans.

Also provided as hard-copies to the planning department.

Adjacent Land Uses

North

Land Use Type: Recreational

Specify Activity: Trailer Park

East

Land Use Type: Agricultural/Farm

Specify Activity: Unused

South

Land Use Type: Agricultural/Farm

Specify Activity: Unused

West

Land Use Type: Agricultural/Farm

Specify Activity: Unused

Proposal

1. Enter the total number of lots proposed for your property.

4.4 ha

11 ha

2. What is the purpose of the proposal?

Described on attached Document and Plans.

Also provided as hard-copies to the planning department.

3. Why do you believe this parcel is suitable for subdivision?

Described on attached Document and Plans.

Also provided as hard-copies to the planning department.

4. Does the proposal support agriculture in the short or long term? Please explain.

Described on attached Document and Plans.

Also provided as hard-copies to the planning department.

Applicant: Vasilica Nemtanu

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

Applicant Attachments

- Agent Agreement - Florin Dumitru
- Proposal Sketch - 58778
- Other correspondence or file information - Plan 10021_B
- Professional Report - Document/Proposal
- Other correspondence or file information - Plan 10021_A
- Certificate of Title - 004-583-523

ALC Attachments

None.

Decisions

None.

**Ms. Vasilica Nemtanu
1385 Frost Road
Lindell Beach, B.C.
V2R 4X8**

February 23rd, 2019

Fraser Valley Regional District
45950 Cheam Avenue, Chilliwack, B.C., V2P 1N6

Agricultural Land Commission
133-4940 Canada Way, Burnaby, B.C., V5G 4K6


Dear Sir/Madam:

Re: Land use(s) applications and/or Building Permit(s)

This letter is to advise that Mr. Florin Dumitru has been authorized by the undersigned to act as my agent with respect to applications for land use approvals and/or building permit(s) for our properties at 1385 Frost Road Lindell Beach, BC.

If you require clarification on any particular aspect, please contact Mr. Florin Dumitru directly at

Yours truly,



Vasilica Nemtanu

To: Agricultural Land Commission

Date: February 23, 2019

Subject: Application for subdivision in the agricultural land reserve (ALR) to provide residence for a relative under section 514 of the local government ACT.

Applicant: Vasilica Nemtanu

Site Location: 1385 Frost Road, Lindell Beach, B.C, V2R 4X8, Electoral Area "E"

Legal Description: Legal Subdivision 11, Section 10, Township 22

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

Proposal:

Given following considerations about the lands:

1. They presently have "no farm use" according to BC assessment (see attached notice);
2. The property is physically divided (As indicated on attached drawings by the constructed road – Frost Road);
3. Our family has grown, and four of our children are adults now and willing to transform the property from lying fallow into a highly productive farm, as it used to be a decade ago;
4. The following issues are related to the current agricultural layout configuration of the property that needs resolving;
5. Almost 15 acres of the hazelnut trees were decimated slowly by the Eastern Filbert Blight causing massive removal of the trees and shutting down all operations 5 years ago. The winery closed, since its best-selling products were based on hazelnuts syrups;
6. Our family is now financially able to revamp the farm operations;

7. This land has never been surveyed. (There is no survey plan registered in the land title system showing the extent and location of the lands). This process would be a good opportunity to re-establish the boundaries around LS 11 as part of this subdivision process, if approved;
8. The subject parcel is zoned as R-Ag zoning as per “Zoning Bylaw” for electoral area “E”, 1976 of the Regional District of Fraser-Cheam; R-Ag zoning provides a 4 Hectare (10 Acre) minimum parcel size for new lots created and in our subdivision application we propose parcel sizes bigger than the minimum parcel size requirement;
9. Both parcels created by the subdivision if approved, will maintain R-Ag zoning, and they will stay within the agricultural land reserve. They will be brought back to farm use immediately.

Past use:

As indicated on drawing “10021_A” and “10021_B” created in 2013, there were two farm operations before shutting down operations, One was the winery and the other one was the hazelnut processing.

The area north of the road was planted with hazelnuts see area denoted (A), grapes (C), blueberries (D) & raspberries (E).

The area south of the road contains a winery, a hazelnut processing facility, a residence and outbuildings.

It was planned with hazelnuts (F), (G), (I) & (W), and various fruit bearing vines and shrubs (k) through (V). All hazelnut trees have died, and they were cleaned from the property leaving 15 acres of the land empty.

Current use:

Since the Blight invasion and closing farm operations 5 years ago, there has been no agricultural activity on the property. Crops are now gone, or in degrading conditions since there was no agricultural activity on the property therefore it is not a viable farm in its current state. It lost its farm status according to BC Assessment.

Proposed future use and subdivision benefits:

Four of our children are now adults and willing to help us bring the property back to farm status, re-open the winery and use the old hazelnut processing facility for producing syrups, jams and other fruit products. Our family reached an agreement that the older folks should re-vitalize the north side of the property planting new grapes in the areas (A), (C), (D) and (E) as shown on plan (10021_B), or areas (A) and (X) plan (10021_G). The north side of the road there is approximately 10.8 Acres. The road would be dedicated as public road at 66 feet width and it would be approximately 2.1 Acres. This is merely updating the property survey because the Road was built years ago, and by virtue of the Highway Act it is not part of the property.

The younger members of the family would like to revamp the winery and the fruit processing facility since our old very well-known winemaker is willing to come back if we re-open. The south side of the property (south of the road), approximately 27.3 Acres will be all covered by blueberry plants. The proposed operations layout as shown on drawing "10021_G".

By agreement between us and our children all grapes harvested on the north side of the road will be processed and turned into wine at the winery on the south side by our young family members.

It is proposed to separate the two operations by a legal subdivision into two parcels using the road as divider. On the North side we will build a new house and move in. The south side will be owned by our 2 sons and 3 daughters, all with equal ownership, 20% each.

Their demand for ownership was made so they can invest their savings and time into this agricultural enterprise. Ownership represents a guarantee for them that after investing and working on the land they will be able in the end to collect their rewards.

Conclusions:

We request that the Agricultural Land Commission consider very carefully these factors since what we are proposing is to basically preserve this agricultural land by allowing our young children to become farmers and work with their own financial possibilities and willingness to perform.

As a fact, the most important reason why Canada's economy is one of the strongest in the world is due to its perfected Title System that guarantees owners legal protection and access to financing to succeed in their land improvements or agricultural projects.

This subdivision will not physically diminish the agricultural land size, since the split line is represented by the road itself.

The footprint of the new house on the North side does not take away from crop area since area "B" is not suitable for crops because it is covered by trees and is too steep for farming (sloping down approximately 45° towards the West end of it).

If this subdivision is approved, it will help revamp an old dysfunctional farm that has a huge potential.

As another fact, this winery located on the property used to be the second largest winery in western BC. We are now willing, because we have help from our entire family, to bring our farm back on its feet.

We do strongly believe that maintaining lot sizes as large as possible is beneficial to the preservation of agricultural land, but sometimes it makes sense to subdivide considering that old farmers are getting older and

unable to work a large parcel and their children that are now adults, demand property rights in order to secure their future. They need a title because they need guarantees.

We are willing to sustain them in their request and we ask you kindly to perform a vigorous analysis of our situation even though it might be out of your comfort zone to approve land subdivision.

All owner-parties resulted from this subdivision if it gets approved, will be involved in active farming uses.

As presented earlier, this subdivision will not fragment the holding from an agricultural point of view but just from a title view (since the Road already splits it).

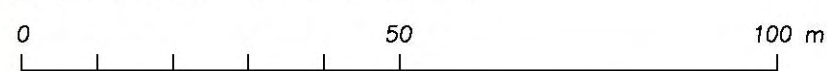
The house footprint will be located on rugged terrain unsuitable for crops. This subdivision will help re-vitalize mainly our wine production and that will be a great achievement for the local community as well.

If our request is granted and we are successful at regaining this farm to operational viable status, our farm will then be the only operational one within 3 km radius.



PROPOSAL PLAN FOR SUBDIVISION

SCALE 1 : 1000



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF
EXCEPT OTHERWISE INDICATED

OF: **LEGAL SUBDIVISION 11 SECTION 10 TOWNSHIP 22**

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

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

JANUARY 08TH, 2013

PREPARED FOR SUBDIVISION APPLICATION PURPOSES ONLY

FILE NUMBER: **10021_A**

