

To: CAO for the Electoral Area Services Committee

Date: 2019-07-09

From: Andrea Antifaeff, Planner I

File No: 3015-20 2019-06

Subject: Agricultural Land Commission Application – Proposed subdivision (boundary adjustment) at 11180 Popkum Road North & PID 024-762-091, Electoral Area “D”

RECOMMENDATION

THAT the application for subdivision (boundary adjustment) within the Agricultural Land Reserve for the property located at 11180 Popkum Road North and PID 024-762-091, Electoral Area “D” be forwarded to the Agricultural Land Commission for consideration;

AND FURTHER THAT the Agricultural Land Commission consider the staff report dated July 9, 2019 under file number 3015-20 2019-06.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Foster a Strong & Diverse Economy

Support Environmental Stewardship

BACKGROUND

The Fraser Valley Regional District has received an application for a two lot subdivision (boundary adjustment) in the Agricultural Land Reserve for the property located at 11180 Popkum Road North and PID 024-762-091, Electoral Area “D”. The proposed lot sizes are as follows (see Appendix “B”):

Proposed Lot 1: 0.93 acres (0.37 hectares)

Proposed Lot 2: 34.9 acres (14.12 hectares)

PROPERTY DETAILS	
Electoral Area	D
Address	11180 Popkum Rd N & No Civic Address
PID	030-039-371 & 024-762-091
Folio	733.06473.200 & 733.01144.002
Lot Size	35.83 acres (Both properties)

Owner	Martin & Niesje Klyn & Klyn Kitchens Ltd.	Agent	Dylan Anderson (OTG Developments)
Current Zoning	Rural Agriculture (R-Ag) & Park Reserve (P-2)	Proposed Zoning	No change
Current OCP	Agriculture Large Holding (AG-L)	Proposed OCP	No change
Current Use	Agriculture & Residential	Proposed Use	Agricultural & Residential
Development Permit Areas	6-D RAR		
Agricultural Land Reserve	Southern Portion of Properties		

ADJACENT ZONING & LAND USES

North	^	Park Reserve (P-2), Forest & Fraser River
East	>	Rural Agriculture (R-Ag); Park Reserve (P-2) Farm
West	<	Park Reserve (P-2), Forest
South	v	Rural Agriculture (R-Ag), Farm

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Property Description and Subdivision Proposal

The owners of the property have made an application for a two lot subdivision (boundary adjustment) involving the properties located at 11180 Popkum Road North and PID 024-762-091.

The proposed boundary adjustment is to relocate and rearticulate PID 024-762-091 to resolve a land locked 0.93 acre parcel that is owned by Klyn Kitchens Ltd. (Adriaan Klyn). The land locked parcel was discovered during a survey several years ago by the previous owner. Previous to the survey, the parcel was assumed to form a part of the surrounding parcel, which is owned by Adriaan and Niesje Klyn. The survey also revealed that the existing agricultural building (now being reconstructed), which predates building permits, was constructed over the property line.

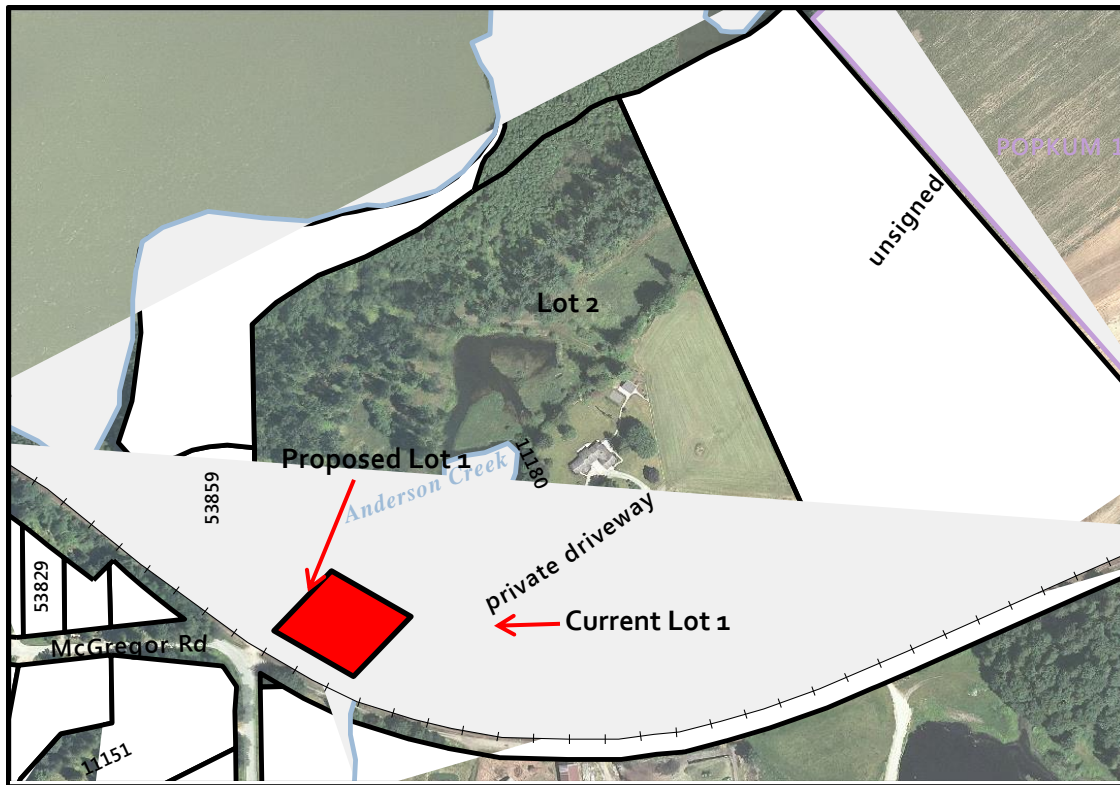


Image 1: Proposed subdivision lot layout

Rationale for Subdivision

The application states the following reasons in support of the subdivision application:

- To enhance the agricultural capability of both proposed lots;
- To clean-up the locations of legal parcels;
- The current situation of PID 024-762-091 creates a number of challenges to both properties. There is currently an agricultural building located across the property lines of PID 024-762-091 and 11180 Popkum Road North. Should any future additions be required for this agricultural building, it would create significant logistical and planning challenges;
- If the proposed boundary adjustment is approved, a subsequent application would be applied for to include 421m² of proposed lot 1 into the Agricultural Land Reserve. This would bring the entirety of proposed lot 1 into the ALR. This proposed inclusion is one of the main factors that differentiates this application from the previous 2018 application;
- The location of the road and watercourse isolate the prime farm land from 11180 Popkum Road North. Proposed lot 2 would be easier to farm following the boundary adjustment as the road would be rearticulated and the watercourse would then only run through proposed lot 2; and,
- The zoning bylaw for FVRD – Electoral Area “D” has a provision which allows for re-subdivision.

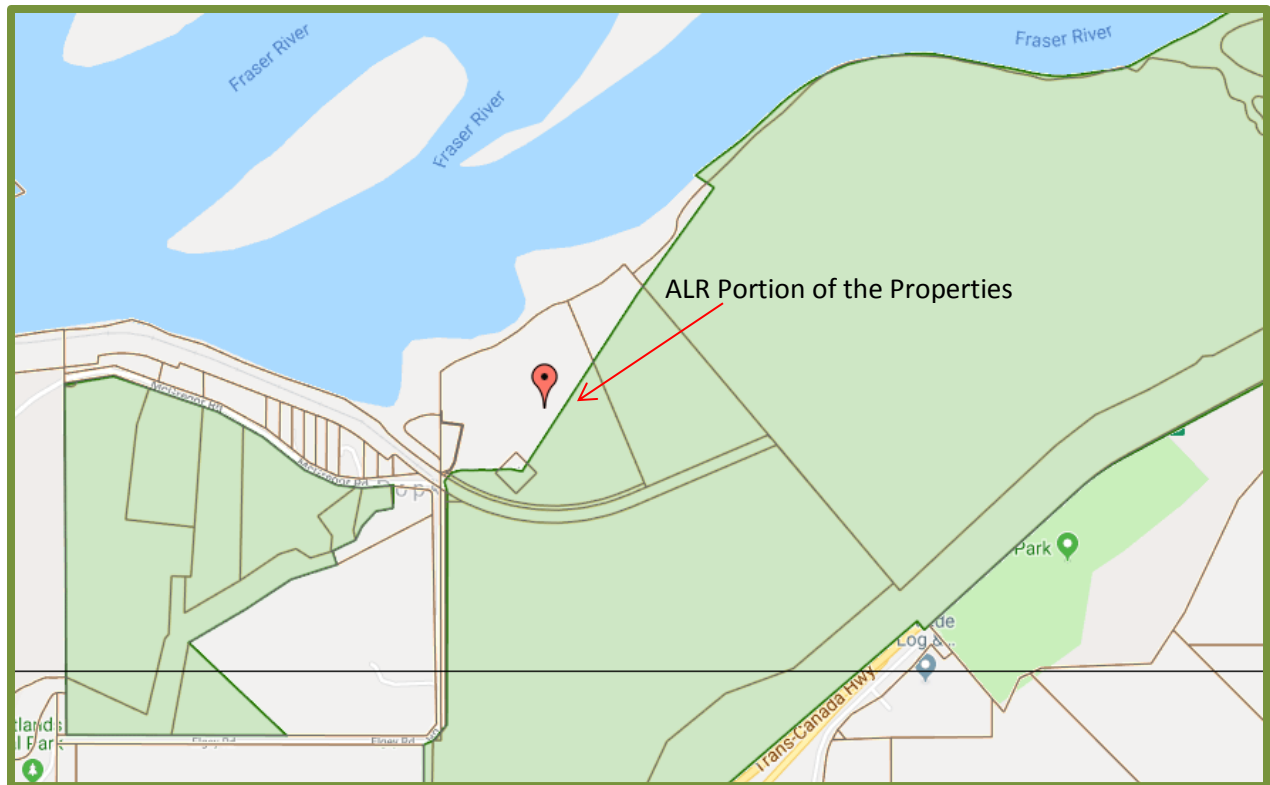


Image 2: Agricultural Land Reserve boundary

A previous subdivision application was submitted by the previous property owner of the subject properties and was considered by the ALC on September 25, 2018.

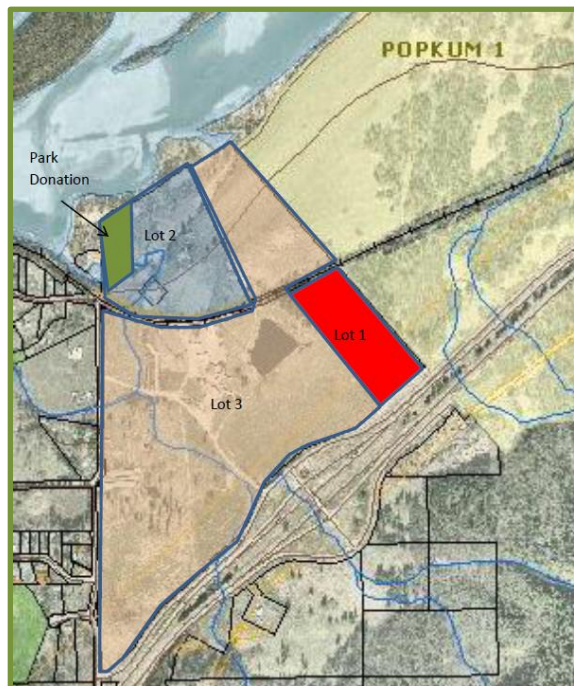


Image 3: Previous subdivision application lot layout

The previous application proposed to adjust the boundaries of 11180 Popkum Road North, 54101 Yale Road East and PID 024-762-091. The purpose of the application was to realign the boundaries of PID 024-762-091 to the eastern side of 54101 Yale Road East in order to resolve the encroachment of the agricultural building and enhance the agricultural use in favor of the property at 11180 Popkum Road North. The previous application involved the parcel to the south (across railway line); the current application does not.

The application for the subdivision in 2018 was refused by the Agricultural Land Commission, with the following reasons provided in written notification:

- The creation of proposed Lot 1 would subdivide an area of active agricultural land from Lot 3 for the purpose of creating a lot large enough to facilitate residential development.
- The subdivision of proposed Lot 1 would limit the range of agricultural operations that could take place on Lot 3, by reducing the area of land available to be farmed as a large continuous farm unit. Therefore, the panel finds that the creation of proposed Lot 1 does not enhance the agricultural use of the overall farm.

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 topography 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 properties have an improved soil capability classification of three different agricultural capability classes (Class 2, 3, and 5). 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 2: Land in this class has minor limitations that require good ongoing management practises or slightly restrict the range of crops, or both.
- Class 3: Land in this class has limitations that required moderately intensive management practises or moderately restrict the range of crops, or both.
- Class 5: Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

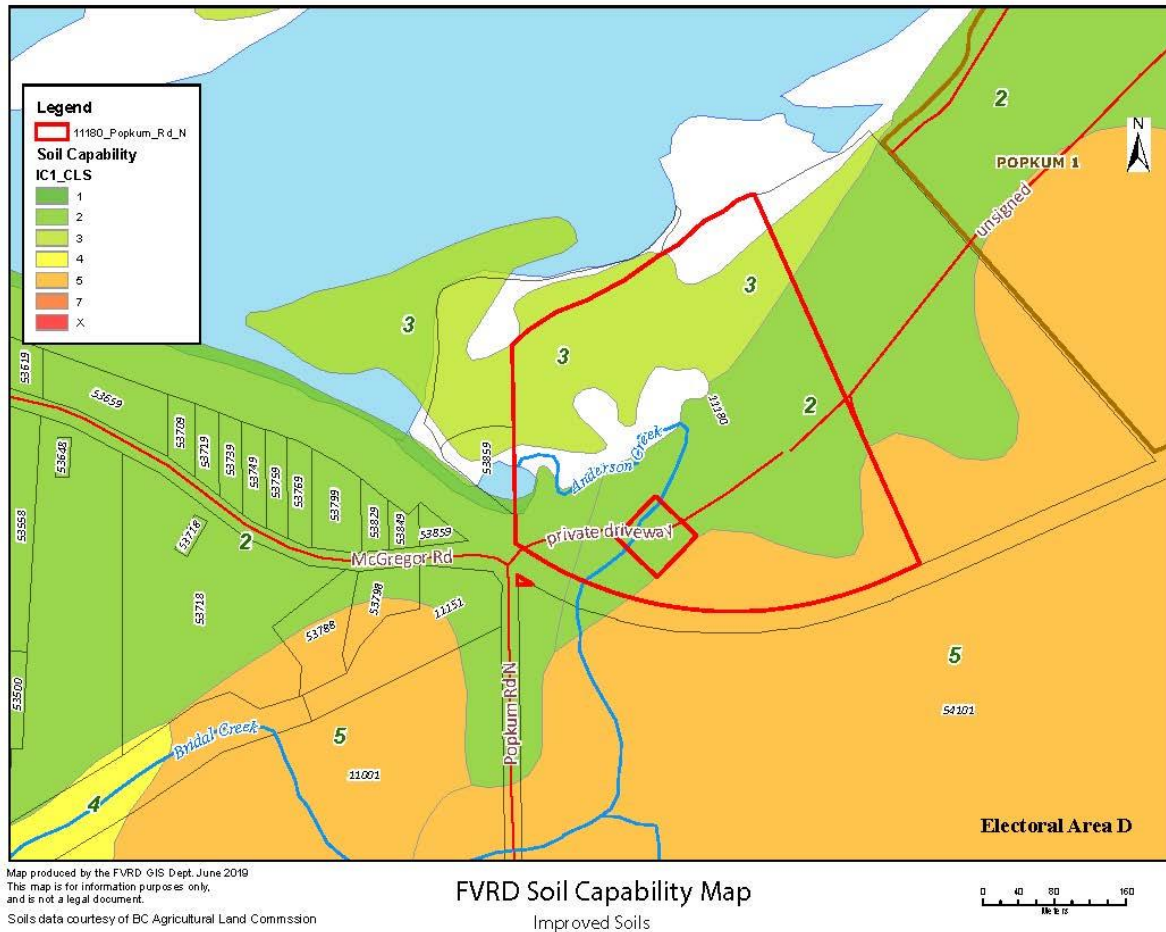


Image 3: Soil capability classification for the property located at 11180 Popkum Road North & PID: 024-762-091

FVRD Policies and Regulations

Zoning

The subject properties are split zoned Park Reserve (P-2) and Rural-Agricultural (R-Ag) as per *Zoning Bylaw No. 75 for Electoral Area "D", 1976 of the Regional District of Fraser-Cheam*. The proposed boundary adjustment qualifies for re-subdivision policies in Section 305.2 of the zoning bylaw, which supports the proposal and therefore does not require a zoning amendment application.

RESUBDIVISION

Notwithstanding the minimum parcel size requirements of this bylaw, existing parcels which are smaller than permitted in these regulations may be consolidated and resubdivided into new parcels, provided that:

- a. all parts of all new parcels are contiguous; and

- b. as many new parcels as the subdivision Approving Officer considers practicable shall meet the area requirements of this bylaw; and
- c. the degree of compliance with the area requirements of this bylaw is not lessened on any new parcel; and
- d. where a parcel is not served by an approved community sanitary sewer system, the Medical Health Officer states in writing that all on-site sewage disposal requirements pursuant to the Health Act are met.

Official Community Plan

While the Official Community Plan (OCP) policies do not specifically contemplate boundary adjustment scenarios for parcels designated Agricultural, the OCP does support the proposed lot sizes, as follows:

4.2.14 Where land is in AGRICUTLURAL LARGE HOLDING (AG-L) AREAS and in the Agricultural Land Reserve, the minimum parcel size of 8 hectares (20 acres) in the floodplain and 4 hectares (10 acres) outside the floodplain shall only apply where the land is:

- excluded from the Agricultural Land Reserve
- approved for subdivision within the Agricultural Land Reserve pursuant to the Agricultural Land Commission Act, Regulations thereto, or Orders of the Commission, or
- exempted by the Agricultural Land Commission Act, Regulations thereto, or Orders of the Commission.

Subdivision (Boundary Adjustment) Process

Should the applicant receive approval for the proposed subdivision from the Agricultural Land Commission, a subsequent subdivision application is required to the Ministry of Transportation and Infrastructure (MOTI). 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. No significant barriers to the subdivision approval are anticipated, however, technical challenges including the following will be addressed through the subdivision process:

- geohazards;
- riparian areas
- access to the relocated parcel; and,
- existing statutory rights of ways and easement amendments.

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 Ministry of Transportation and Infrastructures subdivision process and the FVRD's review process, the proposed subdivision may be approvable. It is recommended that the application be forwarded to the Agricultural Land Commission for considerations for the following reasons:

- The Agricultural Land Commission is the best position to decide on the agricultural impact of the subdivision.

OPTIONS

Option 1 Forward to the ALC with support

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

Option 2 Forward to the ALC

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

Option 3 Refuse

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

COMMENTS BY:

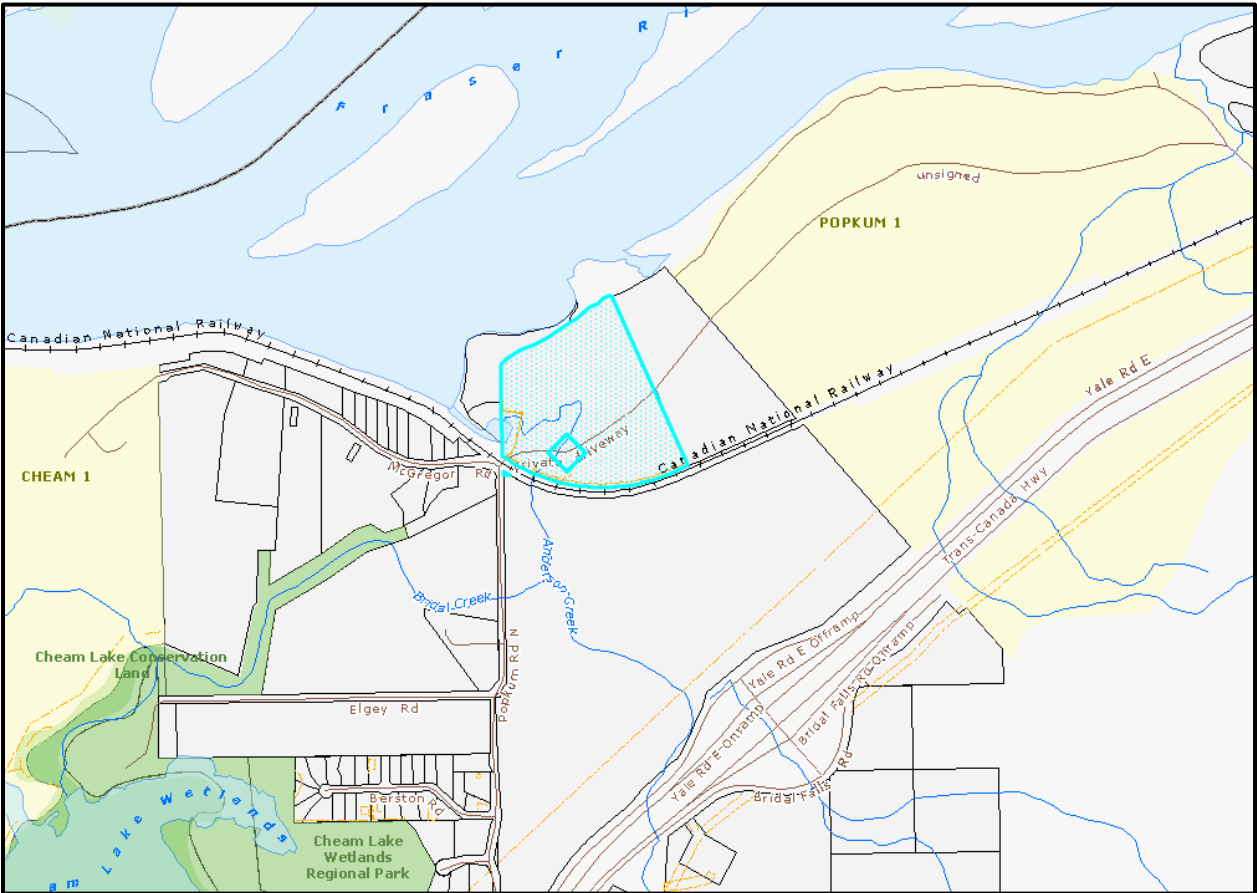
Graham Daneluz, Deputy Director of Planning & Development: Reviewed and supported.

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

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

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

Appendix "A"
Location Map



Appendix "B"
Proposed Subdivision Layout

