



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

December 16, 2005

Reply to the attention of Gordon Bednard

Willem & Dingena Neels
10800 McGrath Road
Rosedale, BC - V0X 1X0

Dear Sir/Madam:

Re: Application # MM-36366

PID: 025-506-544

Lot 2, District Lot 468, New Westminster District Group 2, Plan BCP1647

PID: 025-506-536

Lot 1, District Lot 468, New Westminster District Group 2, Plan BCP1647

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to adjust the boundaries between an existing 1 ha and 16 ha lot to create a 2 ha and 15 ha lot, all to be within the ALR. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank Toby De rover for taking the time to meet with its representatives on December 6, 2005 at the property. The Commission found the meeting and site visit informative.

The Commission writes to advise that it approved your application subject to:

- the subdivision / consolidation being in substantial compliance with the attached plan.
- compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the City of Chilliwack at your earliest convenience.

The decision noted above is recorded as Resolution # 665/2005.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Chilliwack - Attn: Karen Stanton (# 3370-2-ALR00135)

GB/lv/Encl./36366d1

Provincial Agricultural Land Commission

Application: MM-36366

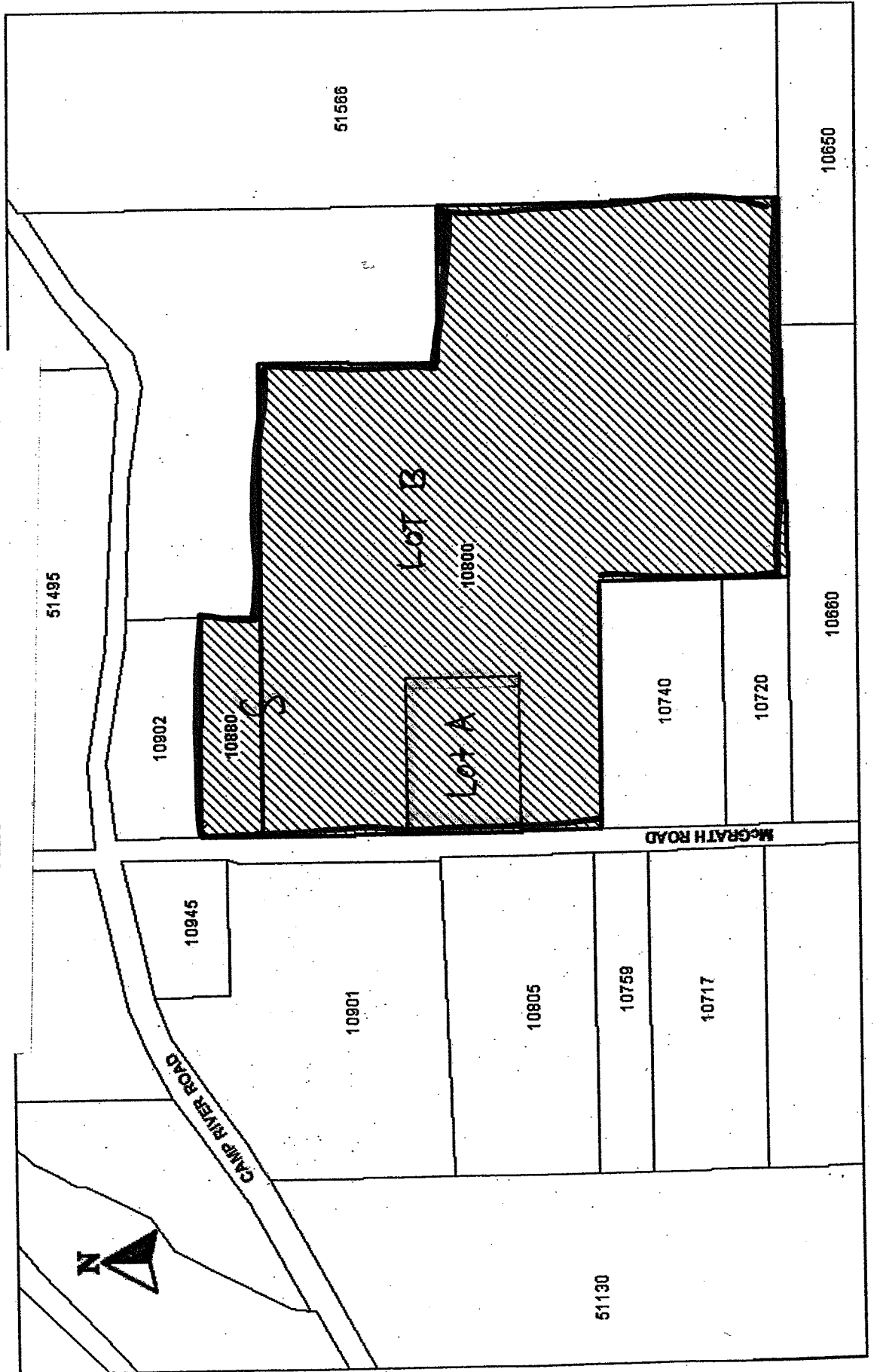
Resolution # 665/2005



Subject property.



Approved subdivision / consolidation within the ALR





Staff Report
Application # MM – 36366
Applicant: Willem & Dingena Neels

DATE PREPARED: November 29, 2005

TO: Chair and Commissioners – South Coast Panel

FROM: Gordon Bednard, Regional Research Officer

PROPOSAL: To adjust the boundaries between an existing 1 ha and 16 ha lot to create a 2 ha and 15 ha lot, all to be within the ALR. The applicants supplied no reasons for the boundary adjustment.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

There appear to be two dwellings on the subject property, in contrast to the Chilliwack staff report which only speaks of one.

There is very little information in the application as to why the applicant is requesting this boundary adjustment/subdivision. Notably lacking is any discussion or suggestion of how agriculture might benefit from this new lot alignment. In addition, the proposal places all the farm buildings (except the second dwelling) on the small lot leaving it potentially necessary for the construction of additional farm buildings covering additional good farmland on the larger remainder lot, and the possibility of a future request for subdivision of the farm buildings away from the owners residence.

Local Government:

City of Chilliwack

Legal Description of Property:

PID: 025-506-544

Lot 2, District Lot 468, New Westminster District Group 2, Plan BCP1647

PID: 025-506-536

Lot 1, District Lot 468, New Westminster District Group 2, Plan BCP1647

Purchase Date (m/d/y):

01/01/1995 to 01/01/2000

Location of Property:

10800 and 10880 McGrath Rd, Chilliwack

Size of Properties:

10800 – 1 ha

10880 – 16 ha

total of 17 ha (The properties are entirely within the ALR).

Present use of the Property:

10800 - dwelling, storage buildings, greenhouses

10880 - vacant lot (one house) created by boundary adjustment authorized by Chilliwack in 2002

Surrounding Land Uses:

WEST: Mixture of large and small ALR properties in farm use

SOUTH: Mixture of large and smaller ALR farm properties in production

EAST: Large ALR farm properties in production

NORTH: Ferry road, large and small farm properties in production, all in ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92H/4f

The majority of the property is identified as having Prime Dominant ratings (class 2).

Official Community Plan and Designation:

City of Chilliwack OCP

Zoning Bylaw and Designation:

Agricultural lowland

0.8 ha MLS

PREVIOUS APPLICATIONS:**Application #32492-0**

Applicant: Neels, Willem & Dingena

Decision Date: February 03, 1999

Proposal: Propose to locate a third dwelling on the 18.1 ha property for farm help.

Decision: Allowed as the Commission felt the level of agricultural activity on the property warranted the need for a third dwelling.

RELEVANT APPLICATIONS:**SOUTH****Application #32407-0**

Applicant: Cramer, William

Decision Date: March 10, 1999

Proposal: The proposal is to locate a Horse stable and riding arena for the purpose of boarding and training horses as well as a dog training facility to be located in the loft of the barn and on adjacent lawn areas.

Decision: Allow.

Application #34058-0**Applicant:** Chick Ridge Farms Ltd**Decision Date:** November 02, 2001**Proposal:** To permit a farm property in the ALR to retain two houses. As a result of a boundary lot adjustment, the two existing farm properties would be consolidated. The two residences would not be consistent with the City of Chilliwack's applicable bylaws.**Decision:** Allow as proposed on the grounds that the Commission believes the level of agricultural activity on the property warrants the need for a second dwelling.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Forwarded with support.

STAFF COMMENTS:

Staff has concerns regarding:

How it came to be that the lot at 10880 McGrath was created;

How the larger farm will operate effectively without farm buildings which have supported the farm in the past;

What the intentions of the owner are with regard to the proposed smaller lot (retirement? separate business?);

What is the status of the dwelling in the SW corner of the property;

Why the applicant requested (and was allowed) a third dwelling on the property 5 years ago to allow for additional farm (family) help, then separated that portion of the land in a boundary adjustment just 2 years later - was the third dwelling not needed, or will the owner of the larger proposed lot now be asking the Commission for more dwellings.

Once these questions are answered, staff will be in a position to offer a more informed recommendation. Until such time, staff recommends refusal of the proposal based on its lack of an identifiable benefit to agriculture.

END OF REPORT

Signature

Date