




Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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March 2, 2006

Reply to the attention of Gordon Bednard

Scott and Valerie Bate
50145 Prairie Central
Chilliwack, BC V2P 6H3

Dear Sir/Madam:

Re: **Application # MM-36439**

Lot 8, Section 25, Township 26, New Westminster District, Plan 38019

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to construct and occupy a second dwelling on the subject property. The Commission understands that your parents will live in the existing 1200 square foot home and you will occupy the new dwelling. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank Valerie Bate for taking the time to meet with its representatives on February 1, 2006 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 registration of a covenant restricting the occupancy of the older dwelling to your parents and compelling the removal of the older dwelling once your parents no longer are in residence. This covenant must be registered prior to final occupancy permits being issued for the new dwelling.
- 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 # **45/2006**.

Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Chilliwack - Attn: Hardev Gill (# 3370-20 (ALR 00141))

GB/lv
36439d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on February 2, 2006 at Langley, B.C.

PRESENT: Carol Paulson Commissioner
Walter Dyck Commissioner

ABSENT: Peter Dhillon Chair

STAFF: Gordon Bednard, Regional Research Officer
Tony Pellett, Planner

For Consideration

Gordon Bednard presented his staff report dated January 19, 2006 regarding application #MM- 36439. Mrs. Valerie Bate confirmed that they received the staff report and did not identify any errors.

Site Inspection

A site inspection was conducted on February 1, 2006. Those in attendance were:

- Commissioners Paulson & Dyck
- Agricultural Land Commission Staff: Gordon Bednard, Regional Research Officer and Tony Pellett, Planner
- Valerie Bate

The Commission noted that construction of the new dwelling is well under way. The applicant stated that they had agreed to remove the old house as a condition of obtaining the permit for the new house, and that the City had informed them that the only way the second dwelling could be retained on the property would be with the permission of the ALC. Hence the application.

The applicant also stated that it was the applicant's parents who would be occupying the older house if the application was approved.

Commission Discussion

The Commission felt that there was little agricultural justification for two dwellings on this property as it is unlikely that both families could be employed in farming this small lot. However, the Commission appreciated the particular circumstances of this application and would be prepared to allow the older dwelling to remain on the property for the exclusive use of the applicant's parents. Once the parents no longer reside in the older dwelling, that house must be removed from the property, and a covenant to that effect must be registered against the property prior to final occupancy being granted for the new dwelling.

IT WAS

MOVED BY: Commissioner Carol Paulson

SECONDED BY: Commissioner Walter Dyck

THAT the staff report be received and the application be approved subject to the registration of a covenant restricting the use of the older dwelling to the parents of the applicants. Once the parents no longer reside in the dwelling it must be removed from the property. This covenant must be registered against the property prior to final occupancy being granted for the new dwelling.

This conditional approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # MM – 36439
Applicant: Scott & Valerie Bate

DATE PREPARED: January 19, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Gordon Bednard, Regional Research Officer

PROPOSAL: To construct and occupy a second dwelling on the subject property. The applicants' parents will live in the existing 1200 square foot home and the applicants will build a new home on the lot.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

No previous applications.

Local Government:

City of Chilliwack

Legal Description of Property:

PID: 005-600-154
Lot 8, Section 25, Township 26, New Westminster District, Plan 38019

Purchase Date (m/d/y):

06/01/1993

Location of Property:

50145 Prairie Central Road, Chilliwack

Size of Property:

2.5 ha (The entire property is in the ALR).

Present use of the Property:

Residence and hobby farm

Surrounding Land Uses:

WEST: Active farms (chicken barns) in ALR
SOUTH: Prairie Central Road with active farming beyond
EAST: Active farms in ALR
NORTH: Active farm in ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92H/4f
The majority of the property is identified as having Prime Dominant ratings of class 3AP.

Official Community Plan and Designation:

City of Chilliwack OCP

Zoning Bylaw and Designation:

Agricultural Lowland
7.5 ha MLS

PREVIOUS APPLICATIONS:

NONE

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Forwarded with support.

STAFF COMMENTS:

Staff would support the second dwelling conditional on the registration of a covenant to ensure the removal of the smaller dwelling when the parents no longer reside there, and subject to the new dwelling being constructed adjacent to the road and not in the middle of the property as proposed as the proposed location would severely limit the agricultural utility of the property.

END OF REPORT

Signature

Date