

Agricultural Land Commission

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www.alc.gov.bc.ca

October 12, 2006

Reply to the attention of Gordon Bednard ALC File #MM - 36855

Lorne Stowell and Suzanne Ware 9414 Gibson Road Chilliwack, BC V2P 6H4

Dear Sir/Madam:

Re:

Application place a second permanent dwelling on a property within the

Agriculture Land Reserve ALC File #MM - 36855

Please find attached the Minutes of Resolution #487/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

CC:

City of Chilliwack - Attn: Hardev Gill (ALR00153)

GB/lv/Encl.: Minutes

36855d1

Resolution # 487/2006 Application # MM- 36855

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on August 30, 2006 at Chilliwack, B.C.

PRESENT:

Erik Karlsen

Chair

Sue Irvine

Commissioner

Lorne Seitz

Commissioner

John Tomlinson

Commissioner

STAFF:

Gordon Bednard, Regional Research Officer

Tony Pellett, Planner

For Consideration

Gordon Bednard presented his staff report dated August 15, 2006 regarding application #MM- 36855.

Site Inspection

A site inspection was conducted on August 30, 2006. Those in attendance were:

- Commissioners Karlsen, Irvine, Seitz and Tomlinson
- Agricultural Land Commission Staff: Gordon Bednard, Regional Research Officer and Tony Pellett, Planner
- Lorne Stowell and Suzanne Ware

The Commission viewed the area proposed for the secondary dwelling. It was brought to the Commission's attention that the new dwelling would be for the applicant's, and their parents would occupy the existing dwelling. The applicants indicated that a neighbouring property appeared to have been granted a similar allowance. Subsequent information from the City of Chilliwack indicated that the building permit for the new house on the neighbouring property was issued conditional on the existing dwelling being rendered uninhabitable or removed from the property.

Commission Discussion

The Commission considered that the request was for an additional permanent dwelling, for a family member, but that no case had been advanced by the applicants as to the necessity for additional farm help. The Commission recalled that allowance is made in the Regulations for the siting of a temporary dwelling (manufactured home) for a family member, without the necessity of an application to the Commission. In the case of this application, the Commission felt that two permanent dwellings on this small property were unnecessary for its agricultural development and that staff should remind the applicant regarding the allowance for a manufactured home under Sec 3(1)(b) of the Regulations.

IT WAS

MOVED BY:

Commissioner Lorne Seitz

SECONDED BY:

Commissioner Sue Irvine

THAT the staff report be received and the application be refused for the above reasons.



Staff Report Application # MM – 36855 Applicant: Lorne Stowell / Suzanne Ware

DATE PREPARED:

August 15, 2006

TO:

Chair and Commissioners - South Coast Panel

FROM:

Gordon Bednard, Regional Research Officer

PROPOSAL:

To establish a second dwelling to accommodate applicants parents. An existing house on the property would be used for the parents while the

applicants would construct a new dwelling.

This application is made pursuant to section 20(3) of the Agricultural Land

Commission Act.

BACKGROUND INFORMATION:

Local Government:

City of Chilliwack

Legal Description of Property:

PID: 007-085-605

Lot 11, District Lot 382, New Westminster District Group 2, Plan 34420

Purchase Date (m/d/y):

04/01/2003

Location of Property:

9414 Gibson Road, Chilliwack

Size of Property:

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

Present use of the Property:

Residence, Machine Shop, Barn and replanting of cedar trees

Surrounding Land Uses:

WEST: Residence, home base business

SOUTH: Residence, second dwelling currently under construction, was a dairy farm

EAST: Farm Land- planted in trees

NORTH: Residence, hay crop

Agricultural Capability:

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

The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

City of Chilliwack OCP - Agriculture

Zoning Bylaw and Designation:

Agricultural Lowland 0.2 ha MLS

PREVIOUS APPLICATIONS:

None

It should be noted that the subject property was created as the consequence of a boundary adjustment registered in 1968, and used to be part of a larger lot.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Allow as requested – complies with zoning bylaws

STAFF COMMENTS:

This is already a relatively small property, and the addition of a second dwelling would further alienate land from agricultural use. The applicants purchased the property in 2003 and must therefore have known it was located in the ALR and the implications of that designation. The proposed location of the second dwelling, largely set-back from the frontage road and in the area of presently active farming would take up more than the ¼ acre as stated in the application. The request for the second dwelling is not tied to agricultural development or use of the property and may lead to a request for subdivision in the future.

If the Commission is inclined to allow the proposal, staff would suggest the Commission consider allowance of a less intrusive location for the second (new) dwelling, and a covenant to be registered against the property restricting the use of the original dwelling to the parents of the applicants, and/or preventing sale of the property until such time as the older house is removed from the site.

END OF REPORT

ATTACHMENTS:

ALR Map

Airphoto showing proposed location of second dwelling

Signature

Date

