



Agricultural Land Commission
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January 10, 2007

Reply to the attention of Terra Kaethler
ALC File: # MM - 36957

Wilhelm & Lori Giesbrecht
6745 Sumas Prairie Road
Chilliwack, BC V2R 4K1

Dear Wilhelm & Lori Giesbrecht:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 658/2006 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 (#ALR00149)
Bonnita and Helen Kroeker, #21324 Coghlan Place, Abbotsford, BC V2T 5M8

TK/lv
36957d1.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The subject property has been identified as having prime ratings for agricultural capability. Prime ratings indicate that the land is capable of producing a wide range of crops with minor limitations of soil or climate that pose no major difficulties in management. The Commission considered that introducing a second dwelling onto a property of this size would significantly decrease the agricultural capability of the property.

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The property is in an area with considerable agricultural activities, therefore the Commission does not believe there are external factors that render the land unsuitable for agricultural use.

The Commission appreciates the interest and agricultural development ideas of the applicants. However, the Commission finds it difficult to approve additional dwellings when the current level of agricultural production on a farm property is somewhat low. This is not the usual situation when a second dwelling is requested. Normally such a request is received when the demands of the particular type of farming makes it necessary for on-farm full-time help to expand operations.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission considered that the creation of a second dwelling in this area would be undesirable from an agricultural perspective. Introducing a second dwelling on property of this size would decrease the agricultural capability of the property. Therefore, the Commission considered the proposal would negatively impact existing or potential agricultural use of the property and surrounding lands.

Assessment of Other Factors

While the Commission appreciated the family situation behind the application, this in itself was not a justification for the no-farm use.

The Commission suggested staff advise the applicants that under the *Agricultural Land Commission Act, Section 3 (b)(ii)*, a manufactured home, up to 9 m in width, is permitted for use by a family member of the owner's immediate family.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on December 19, 2006 in Langley, B.C.

| | | |
|-----------------|----------------|--------------|
| PRESENT: | Erik Karlsen | Chair |
| | Sylvia Pranger | Vice Chair |
| | Lorne Seitz | Commissioner |
| | John Tomlinson | Commissioner |
| | Mike Bose | Commissioner |
| | Tony Pellett | Staff |
| | Terra Kaethler | Staff |

For Consideration

Application: # MM - 36957
Applicant: Wilhelm & Lori Giesbrecht
Proposal: To construct a second dwelling for a family member on a 0.01 ha portion of the 4.4 ha subject property. The property was jointly purchased by two family members who intend to establish a nursery. Both parties would like to have a residence.
Legal: PID: 011-096-161
Lot B, New Westminster District Group 2, EXCEPT Firstly: Parcel "Two" (Explanatory Plan 9073), Secondly: Parcel "One" (Reference Plan 14570), District Lot 86, Plan 6963;
Location: 6745 Sumas Prairie Road

Site Inspection

A site inspection was conducted on December 19, 2006. Those in attendance were:

- Commissioners: Erik Karlsen, Sylvia Pranger, Lorne Seitz, John Tomlinson, Mike Bose
- Staff: Tony Pellet, Terra Kaethler
- Applicants: Willie and Lori Giesbrecht

The Commission noted that the applicants had already established a foundation for the second dwelling.

Mr. and Mrs. Giesbrecht confirmed that the staff report dated September 15, 2006.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Conclusions

1. That the land under application has high agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal will negatively impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Mike Bose
SECONDED BY: Commissioner John Tomlinson

THAT the application be refused.

CARRIED

Resolution # 658/2006



Staff Report
Application # MM – 36957
Applicant: Wilhelm & Lori Giesbrecht

DATE RECEIVED: September 15, 2006

DATE PREPARED: November 27, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To construct a second dwelling for a family member on a 100 square metre (1,100 square feet) portion of the 4.4 ha subject property. The property was jointly purchased by two family members who intend to establish a nursery. Both parties would like to have a residence.

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: 011-096-161

Lot B, New Westminster District Group 2, EXCEPT Firstly: Parcel "Two" (Explanatory Plan 9073), Secondly: Parcel "One" (Reference Plan 14570), District Lot 86, Plan 6963

Purchase Date:

April 2006

Location of Property:

6745 Sumas Prairie Road

Size of Property:

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

Present use of the Property:

A neighbour is leasing the land for hay.

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Hay Farm
SOUTH: Sheep Farm and Corn Crop Farm
EAST: Blueberry Farm
NORTH: Horse Breeding and Hay Farm, Dairy Farm (formerly)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/1a & h
The majority of the property is identified as having prime ratings.

Official Community Plan and Designation:

OCP: City of Chilliwack
Designation: Agricultural

Zoning Bylaw and Designation:

Zoning: Bylaw No. 2800 (2001)
Designation: AL (Agricultural Lowland)
Minimum Lot Size: 7.5 ha

The minimum parcel size required for a second permanent residence for a partner in a farming operation is 7.5 ha. The property and use do qualify for a second residence as a “temporary accessory dwelling.” The retention of an existing older dwelling, under a restrictive covenant to assure its eventual removal, meets the City of Chilliwack definition of a “residential conversion structure” (Temporary Accessory Dwelling).

RELEVANT APPLICATIONS:

Application #34662-0

Applicant: Leonard & Lydia Bartel
Decision Date: January 29, 2003
Proposal: To construct a single family dwelling for the applicant's daughter and son-in-law on the 1.92 ha property. This would constitute the second dwelling on the property as there is already an old farm house (which would then be declared a “Temporary Accessory Dwelling” by the City of Chilliwack).
Decision: Allowed subject to the condition that the old house be designated “Temporary Accessory Dwelling” for the express use of Mr. and Mrs. Bartel, to be removed from the site or rendered uninhabitable when no longer occupied by them.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Chilliwack Council: No Comments or Recommendations as per policy (applications involving a Temporary Accessory Dwelling, which in the opinion of staff clearly meet the requirements of Zoning Bylaw No. 400, are forwarded directly to the Commission).

City Planning Staff: A Temporary Accessory Dwelling in the form of a “residential conversion structure” is permitted on the property. A “residential conversion structure” is defined as including the retention of an existing dwelling.

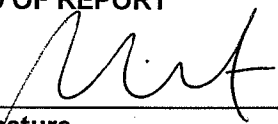
STAFF COMMENTS:

Although the second dwelling may not currently have a negative impact on agriculture, there is the possibility that subdivision be requested to divide the interest in the property in the future.

ATTACHMENTS:

- ALR Base Map #92G/1 (1:50,000)
- Ortho photo (supplied by City of Chilliwack)
- Current land uses sketch (supplied by applicants)
- Photos indicated on current land uses sketch (supplied by applicants)
- Proposed land use sketch (supplied by applicants)

END OF REPORT



Signature

Nov 28 06

Date