



Agricultural Land Commission
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April 16, 2007

Reply to the attention of Jennifer Carson
ALC File: MM-37020

H G Sanborn & Associates Inc
45974 Ivy Avenue
Chilliwack, BC V2R2C6

Dear Mr. Sanborn:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 58/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Chilliwack (3370-20(ALR00142))
Ruth Hall, Estate of, 43410 South Sumas Road, Chilliwack, BC V2R4L6

Enclosure: Minutes



A meeting was held by the Provincial Agricultural Land Commission on February 21, 2007 in Chilliwack.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Terra Kaethler	Staff
	Tony Pellett	Staff
	Jennifer Carson	Staff

For Consideration

Application: # MM- 37020
Applicant: Ruth Hall, Estate of
Agent: H G Sanborn & Associates Inc
Proposal: To subdivide the 5.2 ha property into one (1) 1.0 ha lot and one (1) 4.2 ha lot as part of an estate settlement.
Legal: PID: 009-134-654
Lot 9, District Lot 287, New Westminster District Group 2, Plan 29842
Location: 43410 South Sumas Road, Chilliwack

Site Inspection

A site inspection was conducted on Wednesday, February 21, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Terra Kaethler Staff
- Tony Pellett Staff
- Jennifer Carson Staff
- Grant Sanborn Agent
- Sue Hall Applicant
- Owen Husband of Sue Hall
- Isabella Hall Daughter of Sue Hall
- Matt Hall Applicant
- Jill Hall Wife of Matt Hall
- Sarah Hall Daughter of Matt Hall
- Luke Hall Son of Matt Hall

The Commissioners and staff walked the property with the agent, the applicants and their families. The property south of the subject property was being farmed with a history of cabbage and strawberry production. The 2.0 ha field in the southern portion of the property has been and will be leased out for farming purposes. The majority of the property was forested, except for the aforementioned field and small areas around the residences.

The applicants provided a booklet of their family's history on the property since the 1860s and demonstrated a strong tie to the community and agriculture. Their mother, Ruth Emily Hall passed away in 2004 and in her Will she requested the property be divided between her children Matthew Montague Hall and Montague Suzanne Hall.

Matt Hall mentioned that initially City staff recommended the application be forwarded to the ALC with a recommendation of support, followed by the Council voting to not pass on the application to the ALC. However, upon resubmitting the application to the City, the staff recommended that the application be forwarded to the ALC without comment. At this point, the applicants spoke with the City Council and decided to forward the application on to the ALC. A fax was received on February 23, 2007 which included the initial staff report and recommendation. Also in this fax was a letter to the Vice Chair Sylvia Pranger thanking the Commission for its visit and mentioned that they "could initiate clearing additional land for agriculture or horticultural crops providing that it is economically viable."

Sue Hall confirmed that the staff report dated November 24, 2007 was received and no errors were identified.

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.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Subclasses

A soil moisture deficiency

W excess water

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 Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Through subdividing potential agricultural land, the remaining parcels become less suitable for different types of agriculture. Also, smaller lot sizes in the area may increase the potential for land use conflicts arising from the proximity of residential uses to agricultural activity. The Commission believes the proposal would adversely impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will adversely impact agriculture.
4. The Commission does not feel that estate settlements are an appropriate argument to justify the subdivision of good agricultural land.
5. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Tomlinson

SECONDED BY: Commissioner Bose

THAT the application be refused.

CARRIED

Resolution # 58/2007



Staff Report
Application # MM – 37020
Applicant: Estate of Ruth Hall
Agent: H G Sanborn & Associates Inc.

DATE RECEIVED: October 23, 2006

DATE PREPARED: November 24, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To subdivide the 5.2 ha property into one (1) 1.0 ha lot and one (1) 4.2 ha lot as part of an estate settlement.

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

BACKGROUND INFORMATION:

Local Government:

City of Chilliwack

Legal Description of Property:

PID: 009-134-654
Lot 9, Except: Part Subdivided by Plan 33548; District Lot 287, Group 2, New Westminster District, Plan 29842

Purchase Date :

Estate Settlement – according to the proponents the property has been in the Hall Family since 1866.

Location of Property:

43410 South Sumas Road, Chilliwack

Size of Property:

5.2 ha (The entire property is in the ALR)

Present use of the Property:

Two mobile homes and ancillary out buildings.

Surrounding Land Uses:

WEST: New residential and crop use
SOUTH: Mix crop fields
EAST: Estate residential
NORTH: Residential and farm operations

Agricultural Capability:

Data Source: Agricultural Capability Map #92G/1(a)
The property is identified as having Prime agricultural capability ratings.

Official Community Plan and Designation:

City of Chilliwack OCP
Designation: AG (Agricultural)

Zoning Bylaw and Designation:

City of Chilliwack Zoning Bylaw No. 2800 (2001)
Designation: AL (Agriculture Lowland)
Minimum Lot Size: 0.2 ha

PREVIOUS APPLICATIONS:

Application #30699-0

Applicant: Ruth Hall
Decision Date: June 26, 1996
Proposal: To construct a second permanent dwelling on the property for the applicant's daughter. At the time the applicant was in poor health and wanted to have a family member living.
Decision: Allowed on the grounds that the City of Chilliwack's Temporary Accessory Dwelling Policy, required the applicant to submit a statutory declaration indicating that the new house is for her daughter and her family only, and if the daughter or mother (i.e. applicant) moved away, the existing double-wide mobile home was to be removed from the property. In addition, the City indicated it would review the situation on an annual basis to ensure that the approved residents are living on site.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The City of Chilliwack Council forwarded the application with a recommendation of support

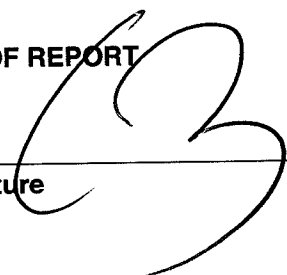
ATTACHMENTS:

1. ALR Constituent Map 18
2. City of Chilliwack Staff Report – September 26, 2006
3. Orthophoto - June 2003

END OF REPORT

Signature

Date



Nov 24/06