



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

April 19, 2007

Reply to the attention of Jennifer Carson
ALC File: MM-37071

John Charles Keefer
50040 Castleman Road
Chilliwack, BC
V2P 6H4

Dear Mr. Keefer:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 150/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name below.

Erik Karlsen, Chair

cc: City of Chilliwack (3370-20ALR00159)
Vedder Pacific Management Inc. 7018 Eden Drive, Chilliwack, BC V2R1E6

Enclosure: Minutes

JC/37071d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 12, 2007 in Chilliwack, B.C.

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

For Consideration

Application: # MM- 37071
Applicant: John Charles Keefer
Agent: Vedder Pacific Management Inc
Proposal: To subdivide the 23.9 ha subject property to create a 2.0 ha homesite for retirement purposes.
Legal: PID: 025-495-186
Lot 1, District Lot 466, Section 1, Township 27, New Westminster District, Plan BCP1328
Location: Located 50040 Castleman Road

Site Inspection

A site inspection was conducted on April 12, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Tony Pellett Staff
- Jennifer Carson Staff
- Mr. Keefer Applicant

Mr. Keefer confirmed that the Staff Report dated January 31, 2007 was received and no errors were identified.

The Commissioners and staff met Mr. Keefer, the applicant, on his property to discuss the application. Mr. Keefer had been running a dairy operation up until two months ago when he sold his cattle. The portion of the property that Mr. Keefer is proposing to subdivide off of his property originally came from a neighbouring farm in the form of a boundary adjustment. Mr. Keefer's daughter and her family are currently living on the property and would continue to do so once the farm has sold if the Commission approves the subdivision. The Commissioners observed that there were two permanent residences on the property and one mobile home (where the applicant's son lives). The subject property was surrounded by tree farms, however, Mr. Keefer indicated that he would prefer that the property remain in dairy as he has all of the necessary infrastructure in place.

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.

The proposal was also weighed against the Commission's *Homesite Severance Policy*, the purpose of which is to provide a consistent approach to situations where property under application *per* subsection 21(2) of the *Agricultural Land Commission Act* has been the principal residence of the applicant as owner-occupant since December 21, 1972 and the applicant wishes to dispose of the parcel but retain a homesite on the land. The policy contains a preamble stating that persons making use of the policy should understand clearly that:

- a. no one has an automatic right to a "homesite severance";
- b. the Commission shall be the final arbiter as to whether a particular "homesite severance" meets good land use criteria; (see #4 below)
- c. a prime concern of the Commission will always be to ensure that the "remainder" will constitute a suitable agricultural parcel. (see #5 below).

Without limiting the generality of the foregoing, the following are among the guidelines which apply to "homesite severance" applications:

4. There will be cases where the Commission considers that good land use criteria rule out any subdivision of the land because subdivision would compromise the agricultural integrity of the area, and the Commission must therefore exercise its discretion to refuse the "homesite severance".

Where the Commission decides to allow a "homesite severance", there are two options:

- a. the existing homesite may be created as a separate parcel where it is of a minimum size compatible with the character of the property (plus a reasonable area, where required, for legal access purposes); or
 - b. where the location of the existing homesite is such that the creation of a parcel encompassing the homesite would, in the Commission's opinion, create potential difficulty for the agricultural operation or management of the "remainder", the Commission may, as it deems appropriate, approve the creation of a parcel elsewhere on the subject property.
5. The remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commission's opinion, constitute a suitable agricultural parcel. Where, in the Commission's opinion, the "remainder" is of an unacceptable size or configuration from an agricultural perspective, there are three options:

- a. the Commission may deny the "homesite severance";
- b. the Commission may require that the "remainder" be consolidated with an adjacent parcel; or
- c. the Commission may require the registration of a covenant against the title of the "remainder" and such a covenant may prohibit the construction of dwellings.

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 improved ratings for the agricultural capability classifications of the soil on the subject property are:

- Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.
- 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

- T topography
- 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. The Commission felt that the proposed subdivision for 2 ha was too large an area to be considered a homesite severance. It was felt that the property could be used to the benefit of the farm instead. The Commission does believe that the proposal would adversely impact existing or potential agricultural use of surrounding lands. However, in light of the applicant's eligibility for consideration under the *Homesite Severance Policy*, the Commission may be prepared to entertain a smaller alternate homesite proposal in the vicinity of Castleman Road.

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 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 Tomlinson

SECONDED BY: Commissioner Bose

THAT the application be refused.

CARRIED

Resolution # 150/2007



Staff Report
Application # MM – 37071
Applicant: John Charles Keefer

Agent: Vedder Pacific Management Inc

DATE RECEIVED: November 16, 2006

DATE PREPARED: January 31, 2007

TO: Chair and Commissioners – South Coast Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide the 23.9 ha subject property to create a 2 ha homesite for retirement purposes in accordance with the *Homesite Severance Policy*. 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: 025-495-186
Lot 1, District Lot 466, Section 1, Township 27, New Westminster District, Plan BCP1328

Purchase Date:

March 1970

Location of Property:

Located 50040 Castleman Road

Size of Property:

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

Present use of the Property:

Dairy Farm

Surrounding Land Uses:

WEST: Dairy farm
SOUTH: Hobby farm
EAST: Nursery stock
NORTH: Hobby farm

Agricultural Capability:

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

Official Community Plan and Designation:

City of Chilliwack OCP (1998)
Designation: N/A

Zoning Bylaw and Designation:

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

RELEVANT APPLICATIONS:

Application #29995-0

Applicant: Bock, Arthur & Elsie
Decision Date: October 24, 1995
Proposal: To subdivide a 0.8 ha parcel of the property under the *Homesite Severance Policy*.
Decision: Refused as presented. However, the Commission was prepared to allow a smaller homesite severance of approximately 0.4 ha around the existing house.

Application #33966-0

Applicant: Van Maren, Dirk
Decision Date: November 02, 2001
Proposal: To subdivide a retirement homesite of approximately 0.4 ha from the property. The proposal fulfills all conditions of the *Homesite Severance Policy*, aside from the criteria of purchasing and living continuously.
Decision: Refused on the grounds that the proposed subdivision would create a residential intrusion into an important agricultural area. However, the Commission allowed the registration of a lifetime lease by explanatory plan for the homesite area.

Application #34457-0

Applicant: Vanden Brink, Elizabeth
Decision Date: September 09, 2002
Proposal: To construct a second dwelling on the 5.0 ha property. The applicant wanted to build a new home while retaining the existing home for her grandmother.
Decision: Allowed with conditions.

Application #35709-0

Applicant: Van den Brink, Steven & Geurtje
Decision Date: February 16, 2005
Proposal: Subdivide a 0.4 ha parcel from the 4 ha property to construct a retirement home.
Decision: Refused but would allow alternate alignment for Homesite Severance lot.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City Council:

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

STAFF COMMENTS:

It is recommended that the Commission consider the following:

- There have been numerous requests for subdivision under the *Homesite Severance Policy* in the area with mixed outcomes.
- An onsite visit will determine if the proposed lot for subdivision is appropriate or if there is an alternate possibility that can be presented.

ATTACHMENTS:

1. Agricultural Capability Map
2. Aerial Photograph
3. Sketch of Proposed Homesite
4. Staff Report from City of Chilliwack

END OF REPORT



Signature

2/2/07

Date