



## Agricultural Land Commission Staff Report

**DATE:** October 13, 2009  
**TO:** Vice Chair and Commissioners - South Coast Panel  
**FROM:** Ron Wallace

**RE:** Application # 50380

**PROPOSAL:** In 2004 the ALC approved the exclusion of the subject property from the ALR, on the condition that future development is restricted to airport related uses only. The applicant is requesting reconsideration of this condition to allow for a greater range of land uses. Porter Holdings Ltd is requesting the ALC to reconsider the terms of the Restrictive Covenant and amend it to allow for the proposed use. See attached proposal.

### PROPOSAL INFORMATION

**Background:** The subject property formed part of a block application submitted by the City of Chilliwack. After considering exclusion of land at the Chilliwack Municipal Airport, the Commission decided

**Received Date:**

**Applicant:**

**Agent:**

**Local Government:**

- to refuse exclusion of land south of the runway, where there is currently no taxiway,
- to refuse exclusion of most of the runway and taxiway, because the lands alongside the runway and taxiway are cropped,
- to allow the unconditional exclusion of one very small parcel at the west end of the runway, where there is no farming potential,
- to allow exclusion of the City-owned land north of the runway subject to covenants aimed at ensuring the long term use of the land for airport-related uses, and
- to allow exclusion of the some privately-owned lands (including the subject parcel and part of one other parcel) in the area north of the taxiway but separated from it by Semiault Creek, subject to covenants which would allow the land to be converted from farm use to aviation or airport-related uses as the need arises.

By Resolution #211/2004 the Commission allowed exclusion of those lands, with exclusion of the latter two groups subject to registration of suitably worded covenants. The other privately-owned parcel is now in aviation use to the full extent the Commission decided to allow.

The subject property had previously been in active agricultural use for kiwi production (2 ha) and nursery stock, with an existing building still used for equipment storage. The kiwi plantation failed. Resolution #211/2004 required that the land remain in the ALR until a covenant had been registered in favour of the Provincial Agricultural Land Commission stating, "The land shall be used only for farm use as designated by B.C. Reg. 171/2002 or for the operation of an airport to provide services to aircraft (including helicopters), pursuant to the terms and conditions of the Airport Certificate issued to the operator of the Chilliwack Airport by the Minister of Transport, and such use may contain offices, services and businesses which are specifically associated with an airport, or which rely on or are involved in the use of aircraft, or depend on close proximity and speedy access to air transportation facilities for the performance

of their services or the handling of their products or goods, or which supply services or goods to airline or aircraft companies or other authorized users of the airport, and which pose no threat to the environment or to the safe operation of the airport.” The owner registered the required covenant and the subject parcel was excluded from the ALR. The purpose of this application is to request Commission authorization to amend the covenant as outlined below.

The applicant is proposing a land development concept for the subject property under which a portion of the land equivalent to the amount of land now occupied by airport-related businesses at the Chilliwack Airport (between 1.5 and 2.0 ha) would be allocated for future aviation-related expansion on land directly across the creek from the taxiway, to be accessed by a bridge. Except for a small area on Airport Road (farthest from the runway) which would be allocated to commercial uses, the remaining portion of the 6.1 ha property would be allocated to warehouse use, with all structures designed to accommodate warehouses or aviation-related businesses.

In support of the request, the applicant has submitted a professionally prepared analysis of long term potential for aviation and other airport-related uses at the Chilliwack Airport. It shows that the 2 ha for aviation-related expansion would be required by 2018 only at the highest rate of land requirements and that the rest of the site would likely not be required until after 2028.

August 10, 2009  
Porter Holdings Ltd  
N/A  
City of Chilliwack

## DESCRIPTION OF LAND

**PID:** 012-268-097

**Legal Description:** Parcel "N" (Explanatory Plan 17357) Lots 17 and 20 Except: Part on Reference Plan 62312; District Lots 342 "A" and 343 Group 2 New Westminster District Plan 1652

**Civic Address:** 46520 Airport Road

**Area:** 6 ha

**ALR Area:** .1 ha

**Purchase Date:** March 13, 1983

**Owner:** Porter Holdings Ltd

**Total Land Area:** 6 ha

**Total ALR Area:** .1 ha

**Current Land Use:** Total acreage planted in strawberries (spring 2009) ; 2 buildings on property  
- 1 shop 24'x60' and pumphouse 10' x 16'

## PROPOSAL DETAILS

## Surrounding Land Uses:

North	Willowbrook Estates - condominium development / Beacondowns Townhouse Development
East	Western Aerial Applicators Ltd (helicopters)
South	Chilliwack Municipal Airport
West	Chilliwack Municipal Airport/BC Forest Service

## Official Community Plan

**Bylaw Name:** City of Chilliwack OCP  
**Designation:** Agriculture Commercial  
**OCP Compliance:** Yes

## Zoning

**Zoning Bylaw Name:** Bylaw 2001  
**Zoning Designation:** AC (3%), AL (62%), AP-1 (34%)  
**Minimum Lot Size:** 2.0 ha  
**Zoning Compliance:** Yes

## Committee Recommendations

Type	Recommendation	Description
Planning Staff	No Comment	That the application be forwarded to the ALC without comment.
Board/Council	Refuse	That the application for reconsideration of the condition associated with exclusion of 46520 Airport road from the ALR be forwarded to the ALC without support.

## STAFF COMMENTS

The original intention was to allow land to continue in farm use until required for aviation or airport-related uses. For example, on the privately owned parcel to the east, Western Aerial Applications operates a helicopter-based business on a portion of a property, the balance of which is farmed. The current proposal would not achieve that original intention.

Unlike the parcel to the east, the subject property is entirely excluded from the ALR and adjoins non-farm uses on its north and west borders, the runway on its south border, and an aviation business on part of its eastern border. The covenant currently in place provides for farm use until aviation or airport-related uses are required, but the applicant has raised a question as to the suitability of the land for farming, given its location.

Given the foregoing considerations and the fact that Council forwarded this application without support, staff suggest that options for Commission action could include:

1. Refusing the application to amend the covenant, so as to continue with the original intent,
2. Allowing amendment of the covenant so as to allow on the western part of the property all but the commercial uses currently proposed by the applicant, with the more farm-suitable eastern part (including the area proposed to be reserved for future aviation-related uses) to be actively farmed until demonstrably required for the intended aviation or airport-related uses,
3. Allowing amendment of the covenant so as to allow on the western part of the property all uses currently proposed by the applicant, with the more farm-suitable east part (including the area proposed to be reserved for future aviation-related uses) to be actively farmed until demonstrably required for the intended aviation or airport-related uses,
4. Allowing amendment of the covenant so as to allow all but the commercial uses currently proposed by the applicant, or
5. Allowing amendment of the covenant as currently proposed by the applicant.

## **ATTACHMENTS**

50380 - ContextMap50k.pdf  
50380 - AgCapMap.pdf  
50380 - AirPhotoMap20k.pdf  
50380prop.pdf

## **END OF REPORT**

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**Signature**

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**Date**