



**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

December 15, 2005

Reply to the attention of Gordon Bednard

Christel Seywerd  
10801 Bell Road, RR #3  
Chilliwack, BC - V2P 6H5

Dear Ms Seywerd:

Re: **Application # MM-36325**  
**PID: 009-525-360**  
**Parcel "C" (Reference Plan 2027) District Lot 442 Group 2 Except: Part**  
**Subdivided by Plan 30920, New Westminster District**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide one (1) lot of approximately 0.8 ha from the property in accordance with its *Homesite Severance Policy* (copy attached). The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank Franziska Seywerd for taking the time to meet with its representatives on December 6, 2005 at the property. The Commission found the meeting and site visit informative. In particular, the Commission noted that the area selected for the homesite could be made smaller without compromising the proposed use and doing so may facilitate the use of existing vegetation for screening and buffering between the new lot and the remainder.

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan. You will note that the approved homesite lot is smaller than the proposed lot and uses the existing tree line along the north side as the boundary.
- the construction of a fence to inhibit trespass between the new lot and neighbouring properties along the north, south and western boundaries of the homesite lot.
- the planting of vegetation for buffering along the north, south and western boundaries of the new lot – if existing trees are left along the northern and western boundaries, additional vegetative screening would not be necessary along those lot boundaries.
- that the homesite lot not be sold for five (5) years except in the case of estate settlements. The Commission requires your commitment in this regard which can be done by signing below and returning to our office a copy of the letter. The Commission requires your commitment prior to it approving deposit of the subdivision plan.
- that you obtain Commission approval for an increase in the size of the homesite lot or a change in its location deemed necessary by other approval agencies.
- compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the City of Chilliwack at your earliest convenience.

The decision noted above is recorded as Resolution # **657/2005**.

Christel Seywerd  
Page 2 - #36325

If you wish to proceed on this basis please undertake the following steps:

1. Commence approval procedures of other agencies that must approve the subdivision.
2. Have a surveyor prepare the subdivision plan.
3. Obtain recent State of Title Certificate for the property.
4. Prepare a "Transfer of an Estate in Fee Simple" document indicating the transfer of the remainder of the property from you to the purchaser.
5. Prior to approaching the Registrar of Land Titles to register the subdivision please submit the following to this office:
  - a) two (2) paper prints of the plan of subdivision
  - b) the State of Title Certificate
  - c) a copy of the "Transfer of an Estate in Fee Simple" document
  - d) your signed commitment that the homesite lot will not be sold for five (5) years except in the case of estate settlements.
  - e) proof of the installation of the fencing and vegetative screening.

When all the required documentation has been received the Commission will authorize the Registrar of Land Titles to accept the application for deposit of the subdivision plan.

Please quote your application number in any future correspondence.

Yours truly

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

EK

cc: City of Chilliwack Attn: Chad Hampson (#3370-20 - ALR00134)  
Franziska Seywerd, 47235 Swallow Place, Chilliwack, BC - V2P 7W9

GB/lv/Encl.

Sketch Plan  
Homesite Severance Policy

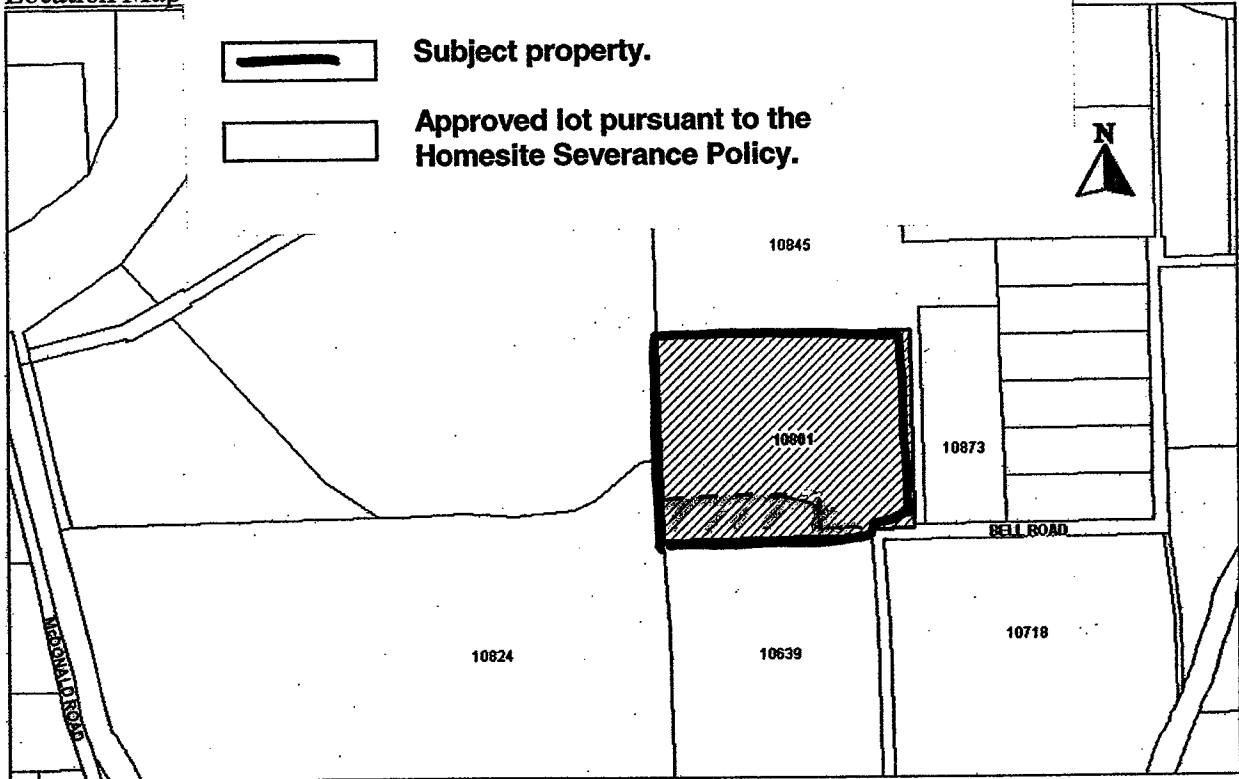
36325d1

# Agricultural Land Commission

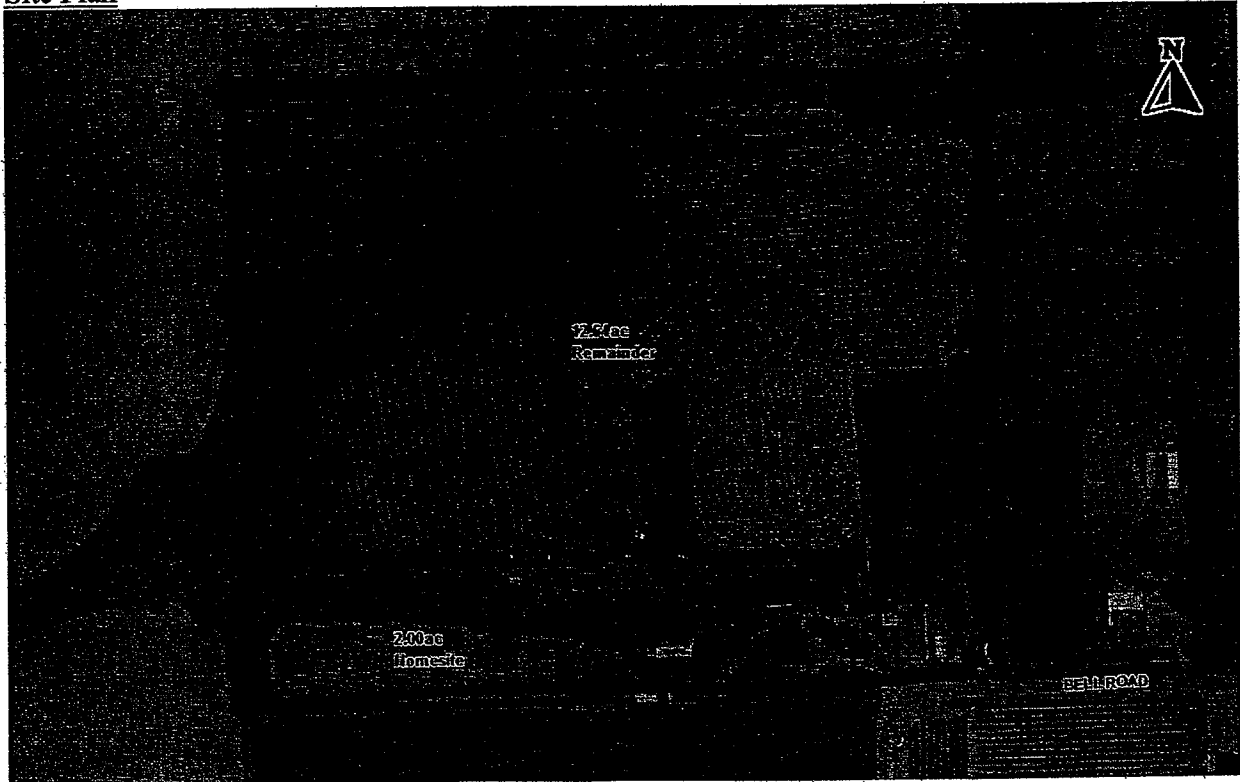
Application: MM-36325

Resolution # 657/2005

Location Map



Site Plan



North boundary of lot along treeline



Page 2

**IT WAS**

**MOVED BY:** Commissioner Walter Dyck  
**SECONDED BY:** Commissioner Carol Paulson

THAT the staff report be received and that a smaller lot be approved subject to all conditions of the Homesite Severance Policy, and subject to the installation of trespass inhibiting fencing and the planting or retention of vegetative screening along the northern, southern and western boundary.

This conditional approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



**Staff Report**  
**Application # MM – 36325**  
**Applicant: Christel Seywerd**  
**Agent: Franziska Seywerd**

**DATE PREPARED:** November 24, 2005

**TO:** Chair and Commissioners – South Coast Panel

**FROM:** Gordon Bednard, Regional Research Officer

**PROPOSAL:** To subdivide a 0.8 ha lot from the subject parcel as a homesite severance. The proposed lot does not encompass the present dwelling or farm buildings which are proposed to stay with the balance of the farm property.

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

**BACKGROUND INFORMATION:**

No previous applications.

If approved and a new house is constructed, the lowest level of the dwelling must be above the floodplain level which would mean adding one to three metres of fill for the home site.

**Local Government:**

City of Chilliwack

**Legal Description of Property:**

PID: 009-525-360

Parcel "C" (Reference Plan 2027) District Lot 442 Group 2 Except: Part Subdivided by Plan 30920, New Westminster District

**Purchase Date (m/d/y):**

04/13/1967

**Location of Property:**

10801 Bell Road, Chilliwack

**Size of Property:**

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

**Present use of the Property:**

Raspberry farm with livestock, one residence and equipment/shop buildings

**Surrounding Land Uses:**

- WEST:** Very large agricultural operations in ALR
- SOUTH:** Large active farm fields in ALR
- EAST:** Residence and active farming in ALR
- NORTH:** Large active farm property in ALR

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92H/4e  
The majority of the property is identified as having Prime Dominant ratings of class 1-3.

**Official Community Plan and Designation:**

Chilliwack OCP 1998

**Zoning Bylaw and Designation:**

Agricultural Lowland  
2000 square metres MLS

**ADJACENT APPLICATIONS:**

**Southeast**

**Application #22248-0**

- Applicant:** Fairfield Propagators Ltd
- Decision Date:** November 1988
- Proposal:** Subdivision of 10 ha property into 4 and 6 ha lots
- Decision:** Refused based on good agricultural capability of land

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

Forwarded with support

**STAFF COMMENTS:**

While the applicants have owned the property since before the Commission existed, and therefore qualify for consideration under the HS policy, they appear not to intend to remain in their present home, but construct a new home on a newly created lot. This is not consistent with the intent of the policy. The Commission will recall turning down a similar proposal recently in the area east of Chilliwack townsite.

If after meeting the applicants and viewing the property, the Commission is inclined to allow the proposal, consideration should be given to fencing, vegetative screening, and perhaps a covenant restricting who can own/occupy/construct on the new lot. As well, fill placement for any new dwelling must be kept to the minimum necessary for the dwelling. Finally, the lot configuration might be altered to follow the existing treeline along the north side of the proposed lot which could act as a natural buffer and could be retained by covenant.

**END OF REPORT**

Signature \_\_\_\_\_

Date \_\_\_\_\_