



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

Tamotsu & Isabella Yakashiro
28877 Haverman Road
Abbotsford, BC - V4X 2P3

Dear Sir/Madam:

Re: **Application # MM-36337**
PID: 007-482-141
Lot 3, North West 1/4, Section 3, Township 14, New Westminster District,
Plan 1930

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide one (1) lot of approximately 0.4 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 you for taking the time to meet with its representatives on December 7, 2005 at the property. The Commission found the meeting and site visit informative. In particular, the Commission noted that the configuration of the proposed small lot had been somewhat modified from the original proposal and would now contain more road frontage and less of the cultivated field behind the existing house. The Commission appreciates your desire to keep as much land as possible under agricultural production.

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

- the subdivision being in substantial compliance with the attached plan.
- 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 Abbotsford at your earliest convenience.

The decision noted above is recorded as Resolution # **658/2005**.

Tamotsu & Isabella Yakashiro

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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.

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:

Erik Karlsen, Chair

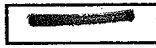
cc: City of Abbotsford - Attn: Melissa Price file # 3040-20/A05-005
Colin Yakashiro, 31422 Ponderosa Place, Abbotsford, BC - V2T 5G3

GB/lv/Encl.
36337d1

Agricultural Land Commission

Application: MM-36337

Resolution # 658/2005



Subject property.



Approved 0.4 ha lot pursuant to the
Homesite Severance Policy.



Photo ③

Photo ②

Photo ①

HAYVERMAN ROAD

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on December 7, 2005 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT: Peter Dhillon Chair
 Carol Paulson Commissioner
 Walter Dyck Commissioner

STAFF: Gordon Bednard, Regional Research Officer

For Consideration

Gordon Bednard presented his staff report dated November 24, 2005 regarding application #MM- 36337.

Site Inspection

A site inspection was conducted on December 7, 2005. Those in attendance were:

- Commissioners Dhillon & Dyck
- Agricultural Land Commission Staff: Gordon Bednard, Regional Research Officer
- Tamotsu and Colin Yakashiro

The Commission viewed the site of the proposed homesite lot and discussed the application with the applicant and his agent.

Commissioner Eligible to Vote

Commissioner Paulson was not present at the site inspection and confirms that she is eligible to vote on the application as she was given a summary of the site inspection.

Commission Discussion

The Commission considered that the applicant qualified for consideration under the Homesite Severance Policy and that the approval of a small lot off the southeast corner of the property, surrounding the existing dwelling, would not negatively affect the ability to farm the balance of the land.

IT WAS

MOVED BY: Commissioner Walter Dyck
SECONDED BY: Commissioner Peter Dhillon

THAT the staff report be received and the application be approved subject to the standard conditions of the Homesite Severance Policy, but without the necessity for fencing or vegetative screening. This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.



Staff Report
Application # MM – 36337
Applicant: Tamotsu & Isabella Yakashiro
Agent: Colin Yakashiro

DATE PREPARED: November 24, 2005

TO: Chair and Commissioners – South Coast Panel

FROM: Gordon Bednard, Regional Research Officer

PROPOSAL: To subdivide a 0.4 ha homesite from the subject property under the Commission's Homesite Severance policy. The homesite lot would include the present dwelling and the balance of the property would be sold to the applicant's son who intends to build a new home on the remainder lot and farm the 3.6 ha remainder.

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

BACKGROUND INFORMATION:

The applicants have provided a title which shows that they owned the property prior to the advent of the ALR, and as such, they qualify for consideration under the Homesite Severance policy.

Local Government:

City of Abbotsford

Legal Description of Property:

PID: 007-482-141

Lot 3, North West 1/4, Section 3, Township 14, New Westminster District, Plan 1930

Purchase Date (m/d/y):

11/11/1963

Location of Property:

28877 Haverman Road, Abbotsford

Size of Property:

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

Present use of the Property:

one dwelling, outbuildings, balance leased for forage production

Surrounding Land Uses:

WEST: Hobby farms, Bradner road beyond, all in ALR

SOUTH: Mixture of smaller and larger farms in production, all in ALR

EAST: Farms of similar size, in production, all in ALR

NORTH: Mixture of large and small lot farming, some rural residences, all in ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/1d

The majority of the property is identified as having Prime Dominant ratings of class 2.

Official Community Plan and Designation:

Agricultural

Zoning Bylaw and Designation:

Agricultural One Zone (A-1)

8 ha MLS

PREVIOUS APPLICATIONS:

NONE

RELEVANT APPLICATIONS:

North

Application #32068-0

Applicant: Lockhart, Darcy

Decision Date: September 22, 1998

Proposal: To legalize the existence of a double wide mobile home on the subject property as a second dwelling for a family member.

Decision: Allowed subject to remaining conditions of ALC General Order #1622/83 and subject to the registration of a restrictive covenant against the title of the property limiting the use of the residence to Shirley and Richard Lockhart and an agreement to remove the residence within 90 days of it being vacated by the approved users.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Forwarded with support.

Agricultural Advisory Committee: recommend denial of the application

STAFF COMMENTS:

It would appear that (subject to other agency requirements) the proposed lot could be made smaller and therefore a larger portion of the land could remain for agricultural use. Other options to the creation of a separate lot include 1) the allowance for a second dwelling on the same property within the ALR or 2) a lifetime lease for the present owners around the existing home, or 3) refusal of the application based on the already small parcel size, the excellent agricultural capability, and the desire of the Commission to limit residential intrusion into farming areas.

END OF REPORT

Signature

Date