



Agricultural Land Commission
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June 19, 2007

Reply to the attention of Jennifer Carson
ALC File: #MM - 37270

Karen and Robert Reid
5550 Webster Road
Chilliwack, B.C. V2R 4B7

Dear Mr. and Mrs. Reid:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 264/2007 outlining the Commission's decision as it relates to the above noted application.

The Commission will advise the Registrar of Land Titles that the property has been excluded from the ALR when it has received confirmation that the conditions of approval have been met.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a white background.

Erik Karlsen, Chair

cc: City of Chilliwack (#ALR00162)

Enclosure: Minutes/ Example of Covenant

JC/lv
37270d1

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 of Application #MM-37270

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 agricultural capability ratings of the soil of the subject property are

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Subclasses

W	excess water	A	soil moisture deficiency
T	topography		

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 Commissioners noted that by Resolution #263/2007, it had conditionally excluded the adjacent land which was subject to application #37271. Moreover, the land adjoins a recent subdivision of lands which were excepted under subsection 23(1) of the *Act*. The Commission concluded that these external factors together with the small size and difficult configuration render the land of very limited suitability 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 believes the proposal need not have an adverse impact existing or potential agricultural use of surrounding lands provided it is adequately buffered along Webster Road in order to protect existing and potential agricultural uses on the west side of the road.

Assessment of Other Factors

The Commission is aware that these subject properties are within the Urban Growth Boundary for Chilliwack *per* the FVRD regional growth strategy. The Commission is aware that standard safety measures will require any subdivision of the subject properties to be accessed from Webster Road by two separate streets.

Conclusions

1. That the land under application has very limited suitability for agricultural use.
2. The subject properties are within the urban growth boundary for Chilliwack.

IT WAS

MOVED BY: Commissioner Pranger
SECONDED BY: Commissioner Bose

THAT the application be allowed

AND THAT the approval is subject to the following conditions:

- That the City of Chilliwack confirm that it understands that the Commission is interested in reinforcing and retaining the urban growth boundary (Webster Road being its western boundary);
- That both subject properties of application #37270 and #37271 be developed together by one developer, albeit in phases;
- That the northerly subdivision road be located at the existing bare land strata access route if possible and that the second subdivision road be situated as far to the north (i.e. away from the existing poultry barn) as possible, and that there be no road to the south part of the overall development area from near the existing poultry barn;
- That all parties commit to ensure that housing density is maximized on the property (i.e. a greater overall density than would be provided by single family dwellings);
- That the overall design of development include effective measures to avoid adverse interactions between the farm west of Webster Road and residential development to the east of the road, those measures to include the planting of at least 10 m of vegetation adjoining Webster Road on the subject properties for buffering, avoiding direct access from Webster Road to subdivision lots and, if possible, location of any subdivision park adjacent to Webster Road (stretching north from the existing residential area to the south, across the Wotypka land and into the Reid land) with pedestrian access to the park being solely from the subdivision area;
- Registration of a covenant in favour of the Provincial Agricultural Land Commission which acknowledges that the land is adjacent to active farms, where some or all of the following agricultural practices may occur:
 - a) noise from farm operations at various times of the day, including bird or wildlife deterrent devices;
 - b) farm smells and chemical spray;
 - c) unæsthetic appearance (unkempt fields, storage of materials, etc.);
 - d) light from greenhouses.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

CARRIED

Resolution # 264/2007



Staff Report
Application # MM – 37270
Applicant: Karen and Robert Reid
Agent: Melvin Yap

DATE RECEIVED: March 5, 2007

DATE PREPARED: March 27, 2007

TO: Chair and Commissioners – South Coast Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To exclude the 0.8 ha parcel subject property for future urban development. This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

This property forms part of an area in the vicinity of Webster Road, located between the Vedder River and a pre-ALR residential area. It forms part of a very extensive area which Chilliwack Council has always seen as needed for the development of a compact city, especially since it is substantially out of the flood plain. The 1966 *Lower Mainland Official Regional Plan* proposed that most new growth in the Lower Mainland should be directed away from the flood plain, thus most new growth at Chilliwack was directed south toward Sardis and Vedder Crossing. In 1974, most of the previously proposed urban growth area was placed in the ALR, leaving Chilliwack with very limited areas for any growth. Since then, the Commission and the local government have never fully agreed on how to accommodate further urban growth, with the Commission pressing for utilization of hillside areas and advising it was prepared to discuss excluding lands from the ALR in the Promontory and Ryder Lake areas. The 274 ha Promontory area was excluded from the ALR in 1999 but Ryder Lake planning revealed a relatively high cost of servicing and strong public opposition. The City has not totally ruled out some future urban development at Ryder Lake, but views it as a very long term venture and not a substitute for lowland development. There has been some development of the “Eastern Hillside” area, but the Commission is advised by Chilliwack that parts of that area contain soils which are too unstable to allow the area to accommodate any substantial proportion of Chilliwack’s urban growth.

The subject parcel is directly across the road from the poultry farm, with the existing residence closest to the poultry barn. The previous exclusion allowed for roads crossing the buffer provided they were located away from the poultry barn. The current application does not show a specific subdivision layout, which could presumably be designed so as to afford access to the adjacent parcel (under application as #MM-37271) to the north of the existing residence, thus avoiding the need for a road entrance near the poultry barn.

Local Government:

City of Chilliwack

Legal Description of Property:

PID: 009-013-814
Lot 9, Section 2, Township 23, New Westminster District, Plan 29051

Purchase Date:

June 2002

Location of Property:

5550 Webster Road, Chilliwack

Size of Property:

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

Present use of the Property:

Single Family Dwelling - with a 3 car attached garage

Surrounding Land Uses:

WEST: Open field with part of a poultry farm (also owned by applicant)
SOUTH: New subdivisions called "Webster Landing"
EAST: Open field
NORTH: Cul-de-sac with seven (7) houses built along the road

Agricultural Capability:

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

Official Community Plan and Designation:

City of Chilliwack OCP: (1998)
Designation: None

Zoning Bylaw and Designation:

City of Chilliwack Zoning Bylaw No. 2800 Bylaw (2001)
Designation: AL (Agricultural Lowland) Zone
Minimum Lot Size: 0.809 ha

PREVIOUS APPLICATIONS:

Application #31789-0

Applicant: Smoker, Fred
Decision Date: March 26, 1998
Proposal: Non farm use: to retain a second dwelling for occupation by a family member.
Decision: Allowed.

RELEVANT APPLICATIONS:

Application #31767-0

Applicant: Dyck, Peter & Lorraine
Decision Date: October 22, 1998
Proposal: Subdivision development to include apartment units, adult and family townhouse units plus clubhouse, picnic and RV parking area. Retain south end in natural state for park type use and incorporate with the natural walkway along the existing dike.
Decision: Refused on the grounds of agricultural capability and impact.

Application #31767-1

Applicant: Dyck, Peter & Lorraine
Decision Date: March 23, 2004
Proposal: The original proposal was exclusion for the purpose of developing the 23.1 ha property. The proposed development to include apartment units, adult and family townhouse units plus clubhouse, picnic and RV parking area. It was also proposed to retain the south end in a natural state for park type use and incorporate this area with the District's natural walkway along the existing dike.
Decision: Allowed the exclusion of the subject property subject to:
1. the installation of a 10 m wide buffer along the western edge of the property as per schedule A.3(a) landscaped buffer or an alternative design prepared by a registered landscape architect that meets the Commission's buffering objectives, and;
2. the registration of a disclosure statement against the titles of the western most row of lots advising the owner that the lots are adjacent to the ALR lands and that farming operations located there may be sources of noise, dust, odor etc.

Application #31767-2

Applicant: Dyck, Peter & Lorraine
Decision Date: April 18, 2005
Proposal: Review of decision making procedures in connection with the reconsideration carried out by Resolution 117/2004.
Decision: Determined that the decision to exclude the land is insupportable in law.

Application #31767-3

Applicant: Dyck, Peter & Lorraine
Decision Date: May 11, 2005
Proposal: To review the buffer that was installed and the covenant to determine if the conditions of approval have been fulfilled, and if found satisfactory, to authorize final exclusion of the properties under application.
Decision: That the Commission receive the registered covenant and information regarding the buffer. That the Commission reconsider the application with the intent of finalizing exclusion. That the Commission believes there are no persons affected by the reconsideration as the intent of said reconsideration is to review whether or not the applicant has successfully completed the conditions of approval. That the Commission accept the covenant and buffer and authorize the exclusion.

Application #24562-0

Applicant: Highfields Farm Inc.
Decision Date: September 18, 1990
Proposal: Exclusion of a 1.2 ha portion of the 11.7 ha subject property.
Decision: Refused on the grounds that the 1.2 ha portion, and the property as a whole, has the capability for continued agricultural use.

Application #22648-0

Applicant: Cyrankiewicz, Bruno
Decision Date: June 01, 1989
Proposal: Exclusion of the 2.0 ha property from the ALR in order to subdivide the land into residential lots.
Decision: Refused on the grounds that the property has the potential for agricultural production purposes. Exclusion and eventual subdivision would have a detrimental impact on surrounding lands.

Application #24306-0

Applicant: Vandell, R. & N.
Decision Date: September 18, 1990
Proposal: Exclusion of the 5.3 ha property for urban residential development.
Decision: Refused as proposed on the grounds the land had good agricultural capability.

Application #24312-0

Applicant: Ghag, Gurdial
Decision Date: June 05, 1990
Proposal: Exclusion of 2.0 ha of the 11.7 ha parcel for residential development.
Decision: Allowed subject to design which avoids road access from the subdivision to the remainder parcel.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council for the City of Chilliwack:

Forwarded the application with a recommendation of support.

Local Government Staff:

Recommended that Council forward the application with a recommendation of support.

STAFF COMMENTS:

It is recommended that the Commission consider the following:

- The agricultural capability of the land has the improvable classifications of Class 3 and Class 4.
- There is a concurrent application for the neighbouring property at 5550 Webster Road (Application # 37271)

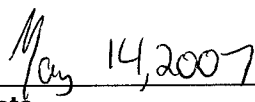
ATTACHMENTS:

1. Base Map
2. Agricultural Capability Map
3. Constituent Map
4. Aerial Photograph
5. Local Government Staff Report

END OF REPORT



Signature



Date