

March 28, 2008

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

Reply to the attention of Ron Wallace ALC File: MM-37826

Robert and Sherry Moseanko 5280 Solway Road Chilliwack, BC V4Z1G4

Dear Sir/Madam:

Application to Subdivide land in the Agricultural Land Reserve Re:

Please find attached the Minutes of Resolution #89/2008 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Erik Karlsen, Chair

cc: City of Chilliwack (ALR00172)

Enclosure: Minutes

A meeting was held by the Provincial Agricultural Land Commission on February 20, 2008 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:

Sylvia Pranger

Chair, South Coast Panel

Michael Bose John Tomlinson

Commissioner Commissioner

Ron Wallace

Staff

For Consideration

Application:

MM- 37826

Applicant:

Robert and Sherry Moseanko

Proposal:

To subdivide the 17.8 ha subject property into two approximately 8.9

ha lots which exceed the 7.5 minimum lot size of the zone. (Zoned

AU - Agriculture Upland).

Legal:

PID: 003-738-299

Lot 2, District Lot 818, New Westminster District, Plan 65973

Location:

5280 Solway Road, Chilliwack

Site Inspection

A site inspection was conducted on 20 February 2007. Those in attendance were:

Sylvia Pranger

Chair, South Coast Panel

Michael Bose

Commissioner

John Tomlinson

Commissioner

Ron Wallace

Staff

Robert Moseanko

Applicant

Sherry Moseanko

Applicant

The Commissioners and staff met with the applicants to discuss their subdivision proposal. The property is characterized by steep topography and rocky soil conditions. The property has very little agricultural potential.

The applicants also expressed a desire to build a second dwelling on one of properties for a family member to help with the farming of the property.

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
- 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

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 agricultural capability of the soil of the subject property is

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 7 - Land in this class has no capability for arable or sustained natural grazing

Subclasses

R shallow soil / bedrock outcroppings

T topography

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 has allowed previous applications for subdivision in this area based on the lower capabilities for agriculture due mostly to steep topography and based on the policy of supporting subdivision within the parameters of the existing zoning. In was noted that the proposed subdivision is consistent with the existing zoning as each parcel would exceed the 7.5 ha minimum lot size of the zone.

The Commission also considered the applicants' desire to construct a second dwelling on one of the proposed lots for a family member. While the Commission recognizes that a request for a second dwelling was not a part of this application, it would be prepared to allow a second dwelling subject to its support from the local government.

Conclusions

- 1. That the land under application has limited agricultural capability due to its steep topography and rocky soil conditions.
- 2. That the proposed subdivision is consistent with the existing zoning.
- 3. That the proposed subdivision will not have a significant impact on agriculture in the local area.
- 4. That the Commission is prepared to allow a second dwelling subject to its support from the local government.

IT WAS

MOVED BY: Commiss
SECONDED BY: Commiss

Commissioner Tomlinson

: Commissioner Bose

THAT the application be allowed as proposed subject to the following conditions:

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- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

AND THAT the request to construct a second dwelling on one of the proposed lots, as discussed at the site inspection be allowed.

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 # 89/2008