



Staff Report
Application # MM – 38613
Applicant: John and Margaret Bartel
Agent: H. G. Sanborn and Associates Inc.

DATE RECEIVED: November 4, 2008

DATE PREPARED: January 16, 2009

TO: Chair and Commissioners – South Coast Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide a 0.8 ha lot from the 8 ha property.

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

BACKGROUND INFORMATION:

The Local Government Report submitted with the application states that "*this is an application for a subdivision (boundary adjustment) within the ALR involving a parcel less than 1 ha. The proposal is to adjust the lot lines of the 3 parcels located at 10505, 10639 and 10650 Bustin Road in order to relocate a homesite lot from 10639 Bustin Road to the southeastern corner of 10505 Bustin Road - There are no new parcels being created*"

The application form as submitted to the Commission only mentions the subdivision of a 0.8 ha lot from the south-east corner of 10505 Bustin Road. No mention of other properties is made. The application does not indicate who owns 10650 Bustin Road or 10639 Bustin Road although the Local Government report states that 10639 is owned by the applicants and 10650 is owned by a third party. No titles are provided with the application to confirm this. No written authorization or indication that the presumed third party who owns 10650 is willing to purchase and consolidate 10639 with 10650 is included with application.

Local Government:

City of Chilliwack

Legal Description of Property:

PID: 013-586-271

Parcel "B", (Reference Plan 7577), North Half of the North East Quarter, Section 5 and of the South Half of the South West Quarter, Section 8, Township 30, New Westminster District

Purchase Date:

February 1994

Location of Property:

Bustin Road, Chilliwack

Size of Property:

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

Present use of the Property:

Chicken barn at the north end of the property. There is a watercourse (Hope Sough) that bisects the property. The remainder of the property is cleared and under cultivation. There is currently no residence on the property.

Surrounding Land Uses:

WEST: Agriculture
SOUTH: Hobby Farm
EAST: Agriculture
NORTH: Agriculture

Agricultural Capability:

Data Source: Agricultural Capability Map # 92H/04
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

City of Chilliwack Official Community Plan (1998)

Zoning Bylaw and Designation:

City of Chilliwack Zoning Bylaw No. 2800 (2001) designates the property as AL (Agricultural Lowland)
Minimum Parcel Size 7.5 ha

PREVIOUS APPLICATIONS:

Application #25450-0

Applicant: Bartel, John & Margaret

Decision Date: September 10, 1991

Proposal: To subdivide the 21.8 ha property into two lots of 4.8 ha and 17.0 ha for the purpose of establishing a poultry operation on the smaller lot.

Decision: Refused on the grounds that subdivision might hamper the efficient operation of the remaining dairy operation and set a precedent for subdivision.

Application #25450-1

Applicant: Bartel, John & Margaret

Decision Date: October 6, 1994

Proposal: To subdivide a 0.5 ha parcel from the south-east corner of the portion of the 21.8 ha subject property west of Bustin Road under the Homesite Severance Policy.

Decision: Allowed subject to all conditions of Homesite Severance Policy and fencing and vegetative screening along the west and north boundaries. Also the Homesite must be located in the south east corner of the property, west of Bustin Road and must be no larger than .5 ha in size.

Application #25450-2

Applicant: Bartel, John & Margaret

Decision March 29, 1995

Date:

Proposal: That the applicants post a bond, in the amount of \$5000 in lieu of building the required fence as the purchasers of the remainder of the property wish to continue to farm it until such time as they are ready to build on the property

Decision: That the request to post an Irrevocable Letter of Credit in the amount of \$5,000.00 with the Commission be allowed. This security will ensure that the required fencing and vegetative screening will be provided upon the construction of the applicants' new home on the homesite lot.

Note: *As this fence was never built, the Commission still holds this bond.*

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Chilliwack Council: The City forwarded the application without comment.

STAFF COMMENTS:

Staff notes the following:

- The Homesite Severance approved in 1994 was for a 0.2 ha lot. The newly requested lot is 0.8 ha. No information is provided as to why the newly proposed lot is 0.6 ha bigger than that initially approved.
- Should the Commission be willing to consider this proposal it will need to receive signed approval from all land owners involved to ensure that the owners of 10650 are aware of the proposal and that they are planning on consolidating 10639 with their other land.
- As neither legal descriptions nor titles for the properties at 10650 or 10639 are provided staff is unable to confirm who owns these properties.
- The homesite severance referred to in the Local Government Staff report was approved by the Commission in 1994. A condition of approval was that the applicants fence the property. However, as the property was to remain in agricultural use by the purchasers, the applicants submitted a bond instead. To date the property at 10639 Burstin Road is not fenced nor has it been built on. According to the airphoto it has remained in use as part of its original subject property. The Commission still holds the \$5000.
- The application states that the new proposed location is a better location for a residential lot as it is further from the chicken barns.
- Staff suggest a site visit to discuss the proposal with the applicants. Both the previously approved homesite and newly proposed lot should be viewed.

ATTACHMENTS:

- Airphoto and sketch showing the location of the proposed subdivision (submitted by the City of Chilliwack)
- Local Government Staff Report: Date October 10, 2008 (4 pages)
- ALC Context Map – 1:20,000 - 92H.012 (created by ALC Staff)
- Airphoto (1995) – 1:20,000 (created by ALC Staff)

END OF REPORT

Signature

Date