



Staff Report
Application # MM – 38504
Applicant: 0764279 BC Ltd

DATE RECEIVED: September 22, 2008

DATE PREPARED: November 3, 2008

TO: Chair and Commissioners – South Coast Panel

FROM: Ron Wallace, Land Use Planner

PROPOSAL: The owners wish to exclude the property from the ALR to accommodate development of the land. The proposal is to develop the 4 ha property into a mix of medium density housing along with a number of single residential units, clustered in development areas surrounded by linked green spaces, along with an area intended for commercial/professional uses.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

In 2006 the Commission received an application for exclusion of the subject property but it was cancelled due to missing information including lack of owner authorization.

The property is situated on the boundary of the ALR. The urban area of central Chilliwack lies immediately to the west. In the general area to the north, south and east are acreages used for a variety of farm purposes. Immediately to the east on Walden Street are 16 residential parcels and an elementary school. The subject land and surrounding ALR area is zoned Agriculture Lowland (with the exception of the school site) and the OCP designation is Agriculture.

The subject property is located within an extensive block of the ALR that has good potential for farm purposes. The soils in this area are capable of producing a range of crops, which could be enhanced further with drainage improvements and other management inputs within the capability of a prudent farm operator.

Local Government:

City of Chilliwack

Legal Description of Property:

PID: 004-623-568
Parcel One, District Lot 334 & 336, Reference Plan 99597, New Westminster District Group 2

Purchase Date:

2006-07-05

Location of Property:

47045 First Avenue, Chilliwack

Size of Property:

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

Present use of the Property:

The parcel is cleared and contains one dwelling unit and outbuildings. Access is currently provided from First Avenue. The land is not currently in production or otherwise in use for agriculture.

Surrounding Land Uses:

WEST: Single family residences, not in the ALR
SOUTH: CN Rail right-of-way to the south of First Avenue, agriculture beyond
EAST: Single family residences, within the ALR except for five lots created in 1986
NORTH: Walden Street Park, within the ALR (some unauthorized non-farm use, but most of the land adjoining the subject property is farmable wildlife habitat)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92H.011
The property is identified as having Prime ratings, the majority in organic soil.

Official Community Plan and Designation:

The subject property is designated Agricultural within the current OCP. However, the subject property is within the area designated by the Fraser Valley Regional Growth Strategy for negotiation with the Commission for possible expansion of the Chilliwack Urban Growth Boundary (UGB) into the ALR. No comprehensive negotiation has taken place to date.

Zoning Bylaw and Designation:

Agriculture Lowland (AL)
7.5 ha minimum lot size

PREVIOUS APPLICATIONS:

Application #24221-0

Applicant: Kosub, Alexander T.

Decision Date: June 05, 1990

Proposal: To exclude the 4.0 ha subject property for the purpose of rezoning and development into residential lots.

Decision: The application was refused as the Commission believed the property has good potential for agricultural uses.

Application #07650-0

Applicant: Eckert, A

Decision Date: March 6, 1979

Proposal: To subdivide the 4 ha property into two parcels of 2 ha. The property has one home which is located which is located in the southeast corner of the property. The applicant feels that the property is too small for an economical operation in terms of growing hay. The proposed subdivision conforms to the minimum zoning requirements for the area and local Council voted to support the application.

Decision: The application was refused. The subject property has good capability for agricultural use. Fencing and draining the property would enhance its suitability for a wider range of agricultural uses.

RELEVANT APPLICATIONS:

Application #16775-0 (located to the northeast of the subject property)

Applicant: HCL Holdings Ltd.

Decision Date: October 20, 1983

Proposal:

To exclude a portion of a 4.8 ha parcel. This portion totals 0.32 ha in size and is proposed for subdivision into five 0.06 ha lots. The property was used as grassland. According to the applicant, the proposed exclusion area cannot be farmed due to its size and shape. The District of Chilliwack did not support the application.

Decision: Application refused, but that permission be granted to subdivide the 0.32 ha portion proposed for exclusion into five 0.06 ha lots.

Application #19136-0

Applicant: HCL Holdings Ltd.

Decision Date: July 23, 1985

Proposal:

To exclude 0.32 ha from a 4.8 ha parcel in order to subdivide the site into five 0.06 ha lots. The applicant indicated that the District of Chilliwack will not rezone the site to allow for five 0.06 ha lots as allowed by the Commission in application #16775, while the land is in the ALR.

Decision: Application for exclusion approved and exclusion of the rest of the small parcels on the west side of Walden Street suggested to Chilliwack.

Application #20912-0

Applicant: Reeves, Pryor & Owen

Decision Date: April 23, 1987

Proposal:

The applicants are requesting exclusion of the subject 4.5 ha property for the purpose of subdividing into residential lots. The applicants allege that the "land is uneconomic for farming as it is poorly drained. No one wishes to lease it and it has been for sale for over a year."

Decision: Application was refused on the grounds that the land has good potential for agricultural purposes.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Local Council

That the application of the subject property for exclusion from the ALR, with respect to property located at 47045 First Avenue, be forwarded to the ALC without comment.

Local Government Staff

See attached staff report dated September 9, 2008

PLANNING COMMENT:

The subject property is within the area designated by the Fraser Valley Regional Growth Strategy for negotiation with the Commission for possible expansion of the Chilliwack Urban Growth Boundary (UGB) into the ALR. No comprehensive negotiation has taken place to date.

In the past, the City may have considered the Commission to have been "soft" on this area, because

- in 1985 the Commission allowed exclusion of an area at the north end of Walden Street and suggested exclusion of the rest of the small parcels on the west side of Walden Street, and

- in the early 2000s, the Commission failed to take enforcement action against the City for establishing a major recreation park within the ALR at the north end of Walden Street (on a parcel which adjoins the entire north side of the subject property) without having made an application for authorization to do so.

In general, the Commission has taken a strong stand against the eastward expansion of Chilliwick's urban area (with one exception near Vedder Crossing, where the most appropriate eastern boundary was seen to be an existing golf course, with three parcels of ALR land to the west of the golf course being agreed for exclusion on a parcel-by-parcel basis). In the area north of the Trans-Canada Highway, the City and Regional District had previously misunderstood that the land was Class 04 farmland—poorly suited to agriculture and thus appropriate for urban expansion. (That misunderstanding still persists in the Chilliwick staff report on this file.) The Commission pointed out that the natural boundary of the City is the organic soil unit mainly represented by the Gibson muck soil type — improvable from Class Ø4 (the Ø standing for organic – not a zero) to Class Ø3 with drainage improvement. (Those drainage improvements are assisted by the Ashwell-Ecker Ditch, which runs along the western boundary of the subject property, physically separating it from the urban area.) The *Soil Suitability Handbook for the Fraser Valley* states, "With adequate water table control, these soils are highly productive and are used mainly for intensive vegetable production." The Gibson muck soil type forms a wide band from the Highway to the CNR line, with a narrower tongue extending north through the subject property.

From a planning perspective, if the Commission ever agrees with some eastward expansion of the UGB in this area, it should be as a result of realistic, government to government negotiation toward a firm physical boundary, not as the result of an *ad hoc* individual application.

ATTACHMENTS:

1. Context Map
2. AgCap Map
3. AirphotoMap
4. Local government, Municipal Development reports, dated September 9, 2008
5. Letters from public

END OF REPORT



Signature

November 7/08

Date