



**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

June 12, 2012

Reply to the attention of Liz Sutton  
ALC File: #52520

Dave Batten  
Davlyn Enterprises Inc.  
35832 Treetop Drive  
Abbotsford, BC V3G 3C9

Dear Mr. Batten:

**Re: Application for Non-Farm Use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # **183/2011** outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Abbotsford

JC/  
52520d1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

### COMMISSION MEMBERS PRESENT:

|                 |              |
|-----------------|--------------|
| Richard Bullock | Chair        |
| Jennifer Dyson  | Vice-Chair   |
| Sylvia Pranger  | Vice-Chair   |
| Jim Johnson     | Commissioner |

### COMMISSION STAFF PRESENT:

|                 |                    |
|-----------------|--------------------|
| Jennifer Carson | Land Use Planner   |
| Roger Cheetham  | Land Use Planner   |
| Colin Fry       | Executive Director |

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### APPLICATION ID: #52520

**PROPOSAL:** To retain the existing dwelling on the 0.9 ha property once the new home currently under construction has been completed.  
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

### PROPERTY INFORMATION:

|                           |   |
|---------------------------|---|
| <b>Parcel ID:</b>         | 007-483-601   |
| <b>Legal Description:</b> | Lot 9, Except: Parcel "A" (Explanatory Plan 15849), South West Quarter Section 10, Township 14, New Westminster District, Plan 1930 |
| <b>Civic Address:</b>     | 28838 Buchanan Road, Abbotsford   |
| <b>Size:</b>              | 0.9 ha  |
| <b>Area in ALR:</b>       | 0.9 ha  |
| <b>Property Owners:</b>   | Doug and Andrea Froese  |

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### BACKGROUND:

On July 7, 2010 the Commission reviewed Application #51703 which proposed to construct a second residence on the subject property for the applicants' (Doug and Andrea Froese) son Matthew Froese, who was severely disabled, and his caregiver. On reviewing the file the proposal was recorded incorrectly. The proposal should have read:

The owners plan to build a new residence on the property and would like to retain the existing dwelling to accommodate their severely disabled son Matthew and his caregiver. Matthew Froese is afflicted with spastic quadriplegia and requires one on one care 24 hours a day. In support of the proposal the applicants are prepared to post a bond to ensure demolition of the dwelling upon Matthew's death.

By Resolution #2549/2010 dated July 7, 2010 the Commission concluded that the proposal will not impact agriculture and therefore approved the application subject to:

1. The registration of a covenant stipulating that the dwelling will not be occupied following the death of Matthew Froese;
2. The submission of a \$15,000 irrevocable letter of credit to ensure the demolishing or decommissioning of the dwelling following the death of Matthew Froese; and
3. The approval being granted for the sole benefit of the applicants and is non-transferable.

**Note: The above noted conditions of approval were never fulfilled as Matthew passed away in August 2010**

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**COMMISSION CONSIDERATION:**

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

The Commission noted that the application is supported by City Council, the City's Agricultural Advisory Committee and City staff. The Commission had no objections to the applicants retaining the existing house as a second dwelling as the property is already quite small and the agricultural potential of the property will not be significantly diminished. This said, the Commission believed a new application would be appropriate should the current or future owners of the property want to expand the footprint of, or entirely replace, the second dwelling.

**IT WAS**

**MOVED BY:** Commissioner Bullock  
**SECONDED BY:** Commissioner Johnson

THAT the application be allowed on the understanding that a new application will be required if the current or future owners of the property want to expand the footprint of, or entirely replace, the second dwelling.

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 # 183/2012**