

AGENDA ITEM NO: 7.17.

MEETING DATE: June 21, 2022

STAFF REPORT – COVER SHEET

SUBJECT: Benjamin Meeres
Agricultural Land Reserve
48200 Briteside Road DATE: June 8, 2022

DEPARTMENT: Planning & Strategic Initiatives
ALR00391 PREPARED BY: Stacy Thoreson / kk

1. SUMMARY OF ISSUE:

The applicant is seeking approval for a 'Non-Adhering Residential Use' in the Agricultural Land Reserve (ALR) to bring two existing cabins for tourist accommodation, one of which is currently being used for short term rental, into compliance and to construct an additional tree house.

2. RECOMMENDATION:

Recommendation that application ALR00391 for a 'Non-Adhering Residential Use' within the Agricultural Land Reserve (ALR), with respect to property located at 48200 Briteside Road, be forwarded to the Agricultural Land Commission "with support".



David Blain
Director of Planning & Engineering

**3. CHIEF ADMINISTRATIVE OFFICER'S
RECOMMENDATION/COMMENTS:**

Supports recommendation.



Peter Monteith
Chief Administrative Officer

STAFF REPORT ON AGRICULTURAL LAND RESERVE APPLICATION ALR00391

PREPARED BY: Stacy Thoreson DATE: June 8, 2022
POSITION: Planner III DEPARTMENT: Planning & Strategic Initiatives

1. SUMMARY OF ISSUE:

The applicant is seeking approval for a 'Non-Adhering Residential Use' in the Agricultural Land Reserve (ALR) to bring two existing cabins for tourist accommodation, one of which is currently being used for short term rental, into compliance and to construct an additional tree house.

2. BACKGROUND:

A Business Licence for *Choice Treehousing* was applied for and denied in 2020, as tourist accommodation in the form of a treehouse was not a permitted use on the property. At the time of application, City staff consulted with the Agricultural Land Commission (ALC) regarding whether or not a "non-adhering residential use" application was required to be submitted for the proposed use. At that time, there was no agri-tourism activity occurring on the property and the applicant was advised that an application would be required.

Since that time the applicant has constructed two treehouses, without the benefit of a Building Permit, and the City has received a bylaw complaint for the land use as well as construction without a Building Permit. The applicant has also added 4-10 beef cattle to the property. At the time the bylaw complaint regarding the land use was received, the ALC confirmed that an application for "non-adhering residential use" was still required though the applicant had started raising cattle as an "agri-tourism activity".

3. PROPOSAL:

The applicant requests to retain two existing cabins for tourist accommodation and to construct a third cabin in the future.

The property is approximately 3.9ha (9.6ac) and contains a principle dwelling (approx. 315m²), an agricultural storage building and two cabins (approx. 15m² & 27m²) with associated underground septic tanks/fields and water cistern, gravel driveway access and parking for each cabin and fire pit areas. The central cabin ("Cabin 2") is currently unoccupied and is not in use. The southern cabin ("Cabin 1") is currently occupied 85% of the time with short-term rental guests. The applicant indicates that approximately 85% of the land is used to raise and graze 4-10 beef cattle, mostly Scottish Highland. A copy of the proposed site plan, as provided by the applicant, is attached for information.

The Agricultural Land Commission (ALC) permits Agri-Tourism Accommodation if the accommodation is in relation to an “agri-tourism activity”, as outlined in Section 12 of the ALR Use Regulation and Policy L-04 Activities Designated as Farm Use: Agri-Tourism Activities in the ALR, including such activities that promote or market livestock raised or kept on the agricultural land, including shows, cattle driving and petting zoos. As outlined in Information Bulletin 06 – Accommodation for Tourists in the ALR, the accommodation must be secondary to, incidental to and compatible with the agricultural production activities. An application is required to be submitted to the ALC for “non-adhering residential use” as the cabins are not considered to be incidental to the “agri-tourism activity” occurring within the property.

The proposal is considered to meet the remaining ALC requirements to operate Agri-Tourism Accommodation: the property is classified as a farm under the Assessment Act, the total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel, the accommodation is limited to 10 sleeping units in total and the accommodation is provided on a seasonal or short-term basis only.

For information, the ALC also permits Tourist Accommodation (B&B), which is not required to be provided in association with an approved “agri-tourism activity”; though, it is required to be provided within the principle residence, among other requirements. As the accommodation is not provided within the principle dwelling and is not considered to meet the criteria of Agri-Tourism Accommodation, a “non-adhering residential use” application is required.

The ALC permits the local government to prohibit or limit agri-tourism and tourist accommodation within its jurisdiction. As the use is not permitted within the current AU (Agriculture Upland) Zone, the cabins would require City approval to legalize the use prior to any further use or expansion, should the ALC approve the “non-adhering residential use” application, which would be subject to public input and Council consideration.

In addition, a Building Permit application would be required for the buildings and a City of Chilliwack Business Licence would be required. Council recently adopted Short-Term Rental Bylaw 2021, No. 5141, which regulates short-term rentals operating as Accessory Home Occupation (AHO). Though the applicant intends to operate the cabins as short-term rentals, the scale of the current proposal exceeds what would be permitted as an (AHO) and does not meet the definition of *short-term rental*. Should the ALC approve the request, an application process will be necessary, using the short-term rental bylaw as a guide, that would be subject to public input and Council consideration (ie: Temporary Use Permit application).

For information, a copy of the applicant’s ALC application and information package is attached along with a copy of the proposed site plan and photos of the existing cabins.

4. FACTORS:

4.1 Zoning/2040 Official Community Plan (OCP) Designation/Land Use

Current Zone: AU (Agricultural Upland) Zone

- OCP Designation:** “Agriculture” as designated within the 2040 OCP
- Existing Land Uses:** A principle dwelling (approx. 315m²), an agricultural storage building and two cabins (approx. 15m² & 27m²) with associated underground septic tanks/fields and water cistern, gravel driveway access and parking for each cabin and fire pit areas.
- 85% of the land is used to raise and graze 4-10 beef cattle, mostly Scottish Highland.

4.2 Neighbourhood Character

The subject property is located at the southern boundary of the Ryder Lake neighbourhood and the City of Chilliwack boundary. The surrounding properties (within the City of Chilliwack) are between 9ac (3.6ha) and 15 ac (6.07ha), located in the ALR and are zoned AU and AS (Agricultural Small Lot).

4.3 Technical Issues

- Floodplain:** The subject property is located outside of the floodplain.
- Watercourses:** The City’s online mapping identified a watercourse on the property; though, the applicant suggested there was no water on the property. The applicant provided a watercourse assessment, prepared by Redcedar Environmental Consulting Inc. on April 28, 2022, that concluded there are no streams or evidence of streams on the property. The watercourse has since been removed from the City’s online mapping. As such, the property is not affected by any known watercourses.
- Geotechnical Issues:** The property is located in an area mapped as having significant and potential geohazard areas. As such, an exception letter hazard assessment for “Cabin 2” has been provided by Cornerstone Geo-Structural Engineering Ltd, dated April 16, 2022, which confirm that the site is safe for the intended use.
- Should the “non-adhering residential use” application be approved, the applicant will also be required to provide a letter for “Cabin 1”.
- Soil Classification:** According to the ALC’s soil capability mapping, the affected portions of the property are composed an area of Class 4 soils with topographic issues and an area of 70% Class 5 with topographic issues and 30% Class 7 with both topographic issues and bedrock near the surface with no identified potential for improvement for either area. For reference, the ALC’s Soil Classes are outlined below:

- Class 4 lands have limitations that require special management practices or severely restrict crop selection, or both.
- Class 5 lands have limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 7 lands have no capability for arable culture or sustained natural grazing.

5. DISCUSSION:

Based on the information provided, the request is not supported by the City of Chilliwack Agricultural Area Plan, whose objective is to maximize agricultural use on agricultural land, with policy to encourage existing non-permitted uses to be transitioned to acceptable agricultural uses. However, determination by the ALC as to whether the activities meet Policy L-04 as promoting or marketing livestock as an “agri-tourism activity” is necessary. The ALC does not provide detail as to the scale to which this activity is required. Further, though the property is assessed as a farm, the farm activity is comparatively minimal. As such, the ALC will need to determine if the current “agri-tourism activity” meets the ALC Regulation and meets the remaining criteria for “agri-tourism accommodation”. The applicant suggests that the unique design of the treehouse-style cabins and the particular breed of cattle he raises attracts people seeking a secluded and intimate experience with the land and the animals.

Given the increased demand for unique, rural short-term rental accommodation locations it is expected that similar proposals will be requested in the future. Should Council wish to consider permitting expanded “agri-tourism accommodation” within properties in the ALR, it is recommended that additional regulatory measures be considered with regards to servicing and safety. Given that the anticipated locations are rural in nature, either in the Agricultural Lowland or Upland, access to City water and sanitary sewer connection is limited and further review of how this additional infrastructure could impact the surrounding area should be considered. In this case, the applicant has indicated that water is brought onto the property and stored in a cistern for the cabins, which is anticipated to alleviate any anticipated strain on the private well on the property. The applicant has also received approval from Fraser Health for the two existing septic fields on the property.

The applicant suggests that the impact of the cabins on the land used for the grazing cattle is minimal, as they are raised above the ground, and, through their stay, visitors leave with a greater appreciation of agricultural land and nature and experience and learn about cattle farming.

6. AGRICULTURAL AND RURAL ADVISORY COMMITTEE:

The Agricultural and Rural Advisory Committee (ARAC) reviewed this proposal on June 6, 2022 and made the following recommendation:

That the Agricultural and Rural Advisory Committee supports the proposed non-adhering residential use application within the Agricultural Land Reserve for property located at 48200 Briteside Road and recommends Council forward the application to the Agricultural Land Commission “with support”.

As part of the Committee’s rationale, it was noted the proposal represents an innovative and modern use of marginalized agricultural land within the Ryder Lake neighbourhood.

7. RECOMMENDATION AND SUBSTANTIATION:**Recommendation**

Recommendation that application ALR00391 for a “Non-Adhering Residential Use” within the Agricultural Land Reserve, with respect to property located at 48200 Briteside Road, be forwarded to the Agricultural Land Commission with support.

Substantiation

In addition to the recommendation and rationale provided by the ARAC for this proposal, the property demonstrates how unique, rural short-term rental accommodation could be provided on all properties in the ALR in Chilliwack, should Council wish to permit and regulate the use using the ALC’s policies as a framework. Should the ALC consider the scale of the current agri-tourism activity occurring within the property to meet their policy, an application process will be necessary that would be subject to public input and Council consideration.

8. SOURCES OF INFORMATION:

- ALC Applicant Submission (ID64735) – February 8, 2022
- ALR Application (ALR00931) – February 10, 2022
- Development Application Review Team (DART) Minutes – March 10, 2022
- ALC Policy L-04 Activities Designated as Farm Use: Agri-Tourism Activities in the ALR
- ALC Information Bulletin 06 – Accommodation for Tourists in the ALR
- Agricultural Land Reserve Use Regulation
- Exception Letter Hazard Assessment prepared by Cornerstone Geo-Structural Engineering Ltd. - April 16, 2022
- Watercourse Assessment, prepared by Redcedar Environmental Consulting Inc. - April 28, 2022

Attachments:

- “Non-Adhering Residential Use” Applicant Submission – May 19, 2022

Location Map

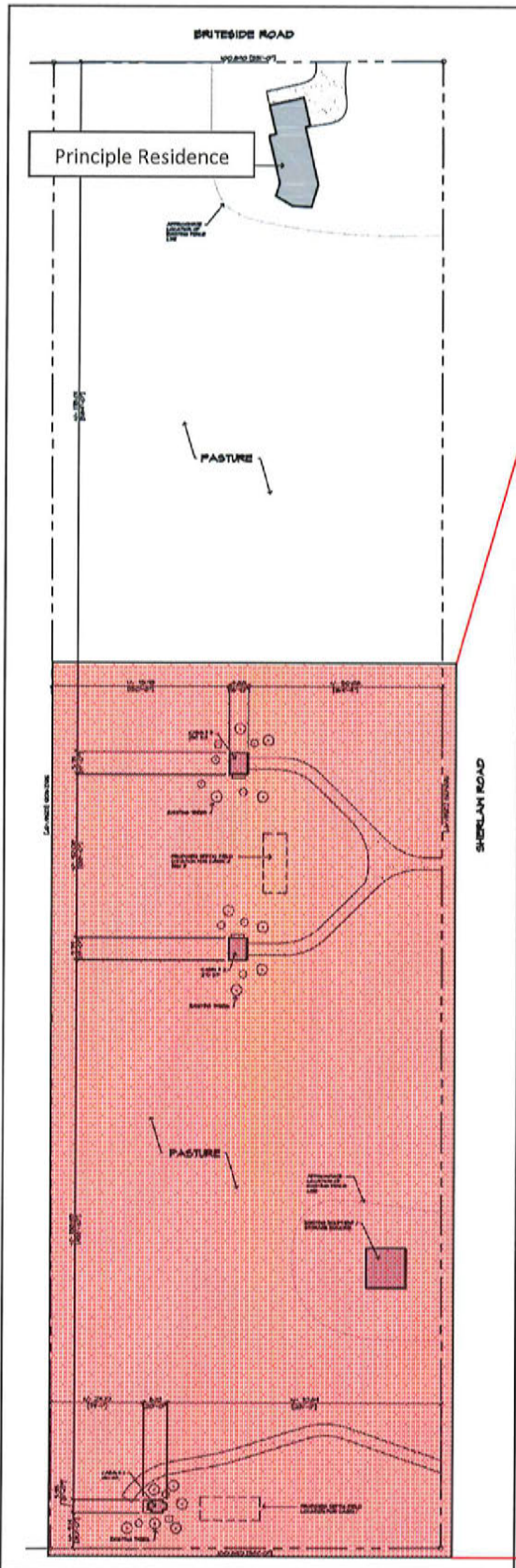


Ortho Map

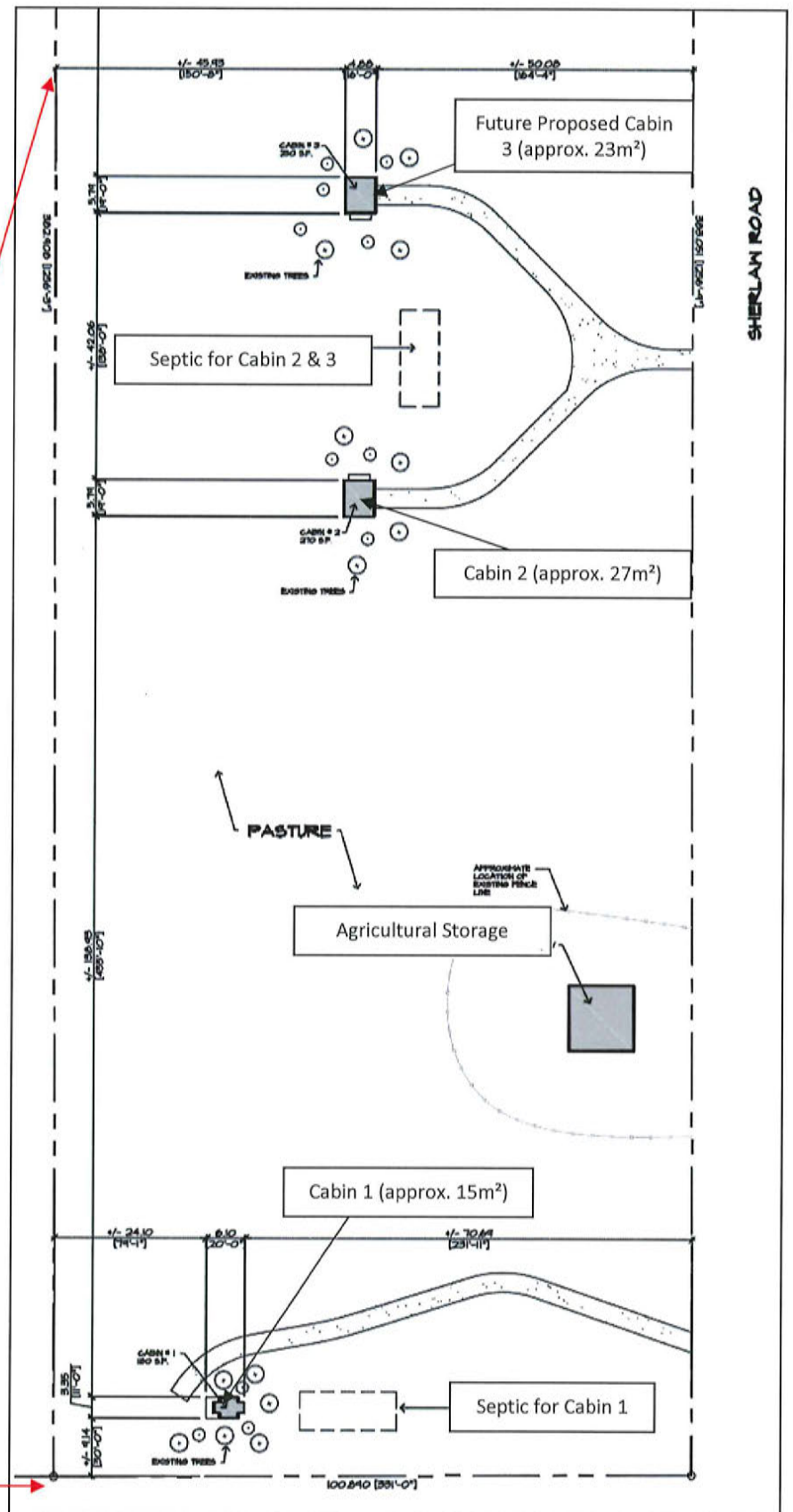


Proposed Site Plan (as submitted by the applicant)

Overall Site Plan

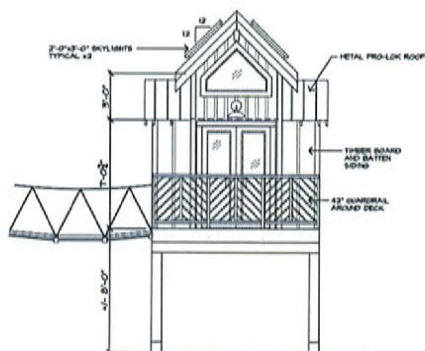


Southern Portion of Property

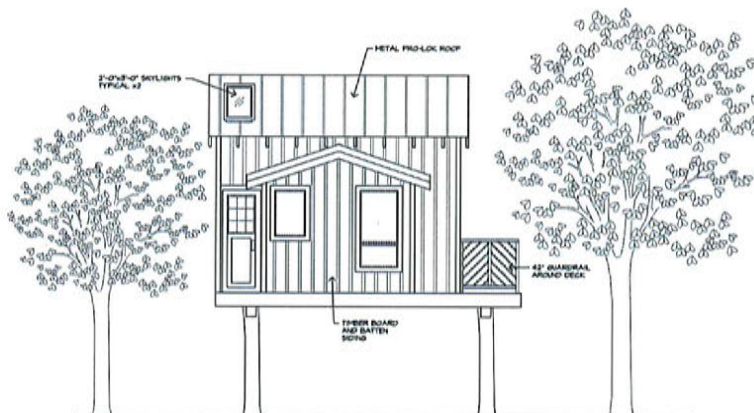


Elevations & Site Photos

Cabin 1



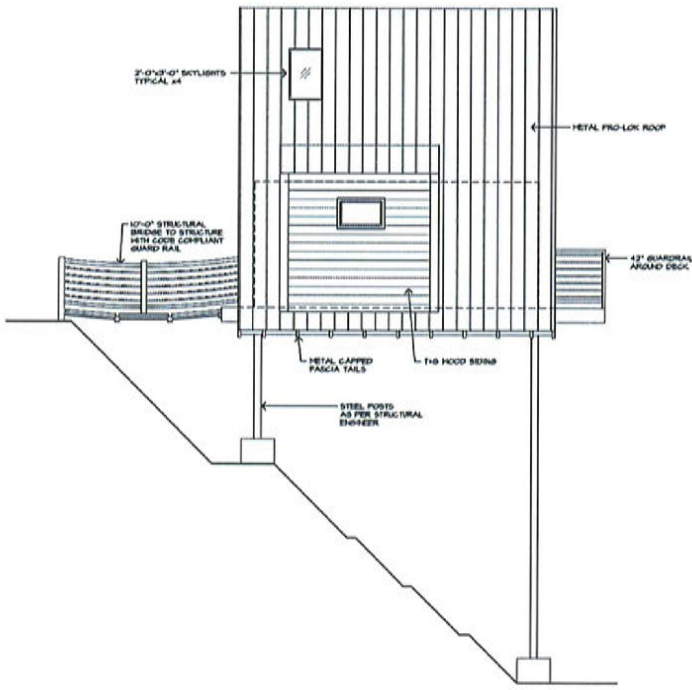
REAR ELEVATION
SCALE: 1/4"=1'-0"



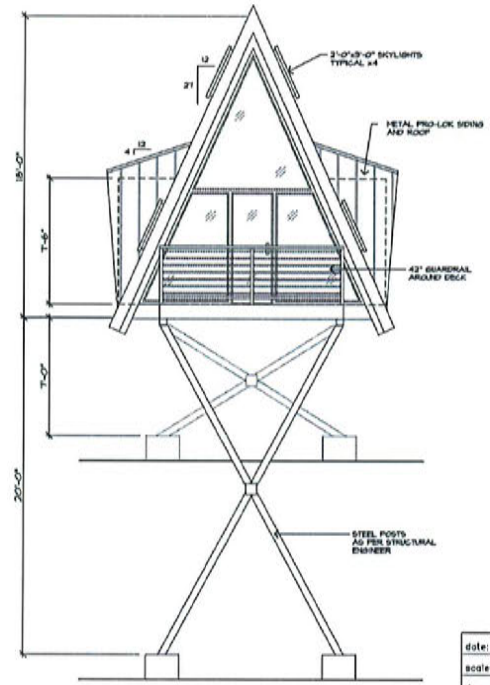
SIDE ELEVATION
SCALE: 1/4"=1'-0"



Cabin 2



SIDE ELEVATION
SCALE: 1/4"=1'-0"



REAR ELEVATION
SCALE: 1/4"=1'-0"

date:
scale:
drawn:
check:
project:
sheet:





Provincial Agricultural Land Commission - Applicant Submission

Application ID: 64735

Application Status: Under LG Review

Applicant: Benjamin Meeres , Joseph Meeres , Lynn Meeres

Agent: Benjamin Meeres

Local Government: City of Chilliwack

Local Government Date of Receipt: 02/08/2022

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Adhering Residential Use - Non-Adhering Tourism Accommodation

Proposal: The purpose of the proposal is to legitimize the piloted agri-tourist accommodation at 48200 Briteside Rd. Chilliwack, and to permit a total of 3 small, elevated, non-permanent, treehouse-styled cabins. The cabins would be part of an environment where guests come to observe and enjoy the cattle farm, on a short term basis, while having a comfortable space to stay that doesn't affect or restrict the use of the land. The unique design of the treehouses and the particular breed of cattle I raise attracts people seeking a secluded and intimate experience with the land and the animals. My aim is to provide a unique, hospitable setting that encourages folks (local and foreign) to experience, and learn about, farmland and nature.

I do not wish to remove or subdivide any land from the ALR.

Please see the attached write up explaining all aspects and benefits, in greater detail.

Agent Information

Agent: Benjamin Meeres

Mailing Address:

48200 Briteside Rd.

Chilliwack, BC

V4Z 1H2

Canada

Primary Phone:

Email:

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 003-217-931

Legal Description: LOT 4 DISTRICT LOT 738 GROUP 2 NEW WESTMINSTER DISTRICT PLAN 62985

Parcel Area: 3.88 ha

Civic Address: 48200 BRITESIDE RD Chilliwack V4Z-1H2

Date of Purchase: 05/28/2021

Farm Classification: Yes

Owners

1. **Name:** Benjamin Meeres

Address:

Applicant: Benjamin Meeres , Joseph Meeres , Lynn Meeres

48200 Brideside Rd.
Chilliwack, BC
V4Z 1H2
Canada

Phone:

Email:

2. **Name:**

Address:

48162 Brideside Rd.
Chilliwack, BC
V4Z 1H2
Canada

Phone:

Email:

3. **Name:** Lynn Meeres

Address:

48162 Brideside Rd.
Chilliwack, BC
V4Z 1H2
Canada

Phone:

Email:

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

The entire property's perimeter is fenced with barb wire for the purpose of containing cattle. I raise and graze beef cattle throughout approximately 85% of the land. I typically have about 4-10 head, depending on the time of year. For about half of the year I have traditional beef cattle such as Hereford, Simmental, and Angus but most consistently I keep Scottish Highland cows. I find them to be the most suitable to this land and the best quality animal for a lot of reasons. (Please review the attached write-up elaborating on "Why Scottish Highland Cattle"). Occasionally I raise feeder calves, but most often it is mature steers and cows. There are blackberries along the road that the neighbours collect, and wild flowers in the field that we give to guests, but those 2 items are admittedly incidental.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

My father and I purchased the land together in 2009. I personally built a fence around the entire perimeter of the property, for the purpose of raising beef cattle. There were no fences separating the adjoining properties prior. The previous owner had not done any farming that I'm aware of, and they did not hold farm status. Every year since purchasing I have raised and grazed beef cows on the land and they have helped in improving the useable land. Every year, I work towards taking back the land from the brush, by hand. I clean up the dead-fall, weed-eat the brush, and till and over-seed with fall rye. In 2009, when purchased, the 10 acre property had approximately 1 acre of useable pasture. Over the last 12 years I would estimate I have improved that to approximately 7 acres of useable pasture. Because of the improved useable pasture, the land can now properly and healthily sustain about 5x the amount of cattle as it could when purchased. I plan on continuing these improvements, as well as starting a small orchard of apples and pears. (Please review the attached write-up elaborating on "Why this Property")

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

At the north-east corner of the property, is the house and a large lawn. The yard is delineated by a round rail fence and on the other side the field/pasture begins. In the very middle of the property is the "treehouse" that I build most recently as part of my passion project. It is within the pasture and the cows graze right up to, and underneath it. It is not in use at all. Near the south-east corner is the shop for all

Applicant: Benjamin Meeres , Joseph Meeres , Lynn Meeres

our construction tools, farm equipment, utility trailers, etc. It has a small yard and a fence separating it from pasture as well. In the south-west corner is the treehouse that I first built and have been renting out as a short-term rental on Airbnb. I would like to note that it is, and always has been, fully insured as a short term rental for liability as well as the building. I truly believe that the treehouses do encourage farming and that they do not impact current or future agriculture, but I understand they are best listed here. (Please review the write-up elaborating on "Why Agri-Tourism x Treehousing")

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm
Specify Activity: Marijuana Grow

East

Land Use Type: Agricultural/Farm
Specify Activity: Chickens / Some Beef

South

Land Use Type: Agricultural/Farm
Specify Activity: None

West

Land Use Type: Agricultural/Farm
Specify Activity: Occasional Beef

Proposal

1. What is the purpose of the proposal?

The purpose of the proposal is to legitimize the piloted agri-tourist accommodation at 48200 Brideside Rd. Chilliwack, and to permit a total of 3 small, elevated, non-permanent, treehouse-styled cabins. The cabins would be part of an environment where guests come to observe and enjoy the cattle farm, on a short term basis, while having a comfortable space to stay that doesnt affect or restrict the use of the land. The unique design of the treehouses and the particular breed of cattle I raise attracts people seeking a secluded and intimate experience with the land and the animals. My aim is to provide a unique, hospitable setting that encourages folks (local and foreign) to experience, and learn about, farmland and nature.

I do not wish to remove or subdivide any land from the ALR.

Please see the attached write up explaining all aspects and benefits, in greater detail.

2. Describe any agri-tourism that is currently taking place on the property.

Currently, there is one treehouse-style cabin, situated at the south end of the property, that is being rented out as a short-term rental. Guests (maximum 2 + a child) come to stay for a minimum of 2, and maximum 7 nights. The treehouse is equipped with safe, modern amenities that allow even the less-farm-savvy folk, to be comfortable and intrigued to come for the experience. There are no laundry facilities and there is only an induction hot plate for cooking simple meals. This keeps the buildings tiny, reduces liability and discourages stays longer than a few days, which in turn allows more people the ability to experience it. Along with all the basics, we supply each guest with a welcome basket. Inside we give suggestions for where to find local eggs, meat, produce and we also supply them with treats for the guests to feed the cows. In the book nook we provide ample reading material on our cattle (Scottish Highlanders), treehouses, and birds. The visitors enjoy campfires, the outdoor shower, the cows, and the serenity that this land provides. All water is produced, on site, from the well. All guests liability, the cabin, and its

contents are fully insured through The Cooperators insurance, and again through Airbnb. Please see the attached write-up and the listing (linked) to get an even more comprehensive understanding of the space.

3. What is the total floor area of the proposed accommodation in square metres?

15 m²

4. How many "sleeping units" in total are proposed?

1

5. Describe the rationale for the proposed location of the accommodation.

Please see the attached write-up on [Why this Property](#)

6. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.

There is one principal dwelling (house) on the north end of the property. It is approximately 3400 square feet total (315 square meters), on a 2000 square foot footprint. There are 4 occupants living in the house. There are two treehouse cabins on the property, one at the south end, and one in the very middle of the parcel. The south cabin has a footprint of 15 square meters, and is currently occupied 85% of the time with short-term-rental guests. The central cabin has a footprint of 27 square meters and is unoccupied and not in use.

7. Describe any agri-tourism accommodation or tourist accommodation currently located on the property.

Same as in [Describe any Agri-tourism that is currently taking place on the property](#)

8. Does the proposal support agriculture in the short or long term? Please explain.

Yes. In the short term, guests and visitors observe, experience and learn about cattle farming. They see the benefits and perks of this type of land and leave with a greater appreciation of agricultural land and nature. In the long term, this project will promote farm-life to thousands and will establish a space in the Chilliwack community where visitors are exposed to farm activity for days at a time, as opposed to a couple hours.

Please see the attached write-up on [Why Agri-Tourism x Treehousing](#)

9. What is the total area of infrastructure necessary to support the proposed accommodation?

The total area of infrastructure is minimal and limited to essentially just the driveway to each cabin. The water for all buildings and all animals on the property is produced and ran off the well at the north end. The septic tanks / fields are underground and managed without the need for a raised-bed system, so are not impeding any pasture use. Electricity is underground and also does not obstruct any farming or require any aerial obstruction. The cabins are elevated and have pasture underneath, so even they do not obstruct useable farmland. There are no detached washrooms, outhouses or laundry facilities required. There are no barns or stables required. The buildings and amenities are self-contained and compact. The campfire area and parking spot for each, will be the only spaces that are restricted from cattle and wildlife grazing. They require about 200 square meters each just enough to park 2 vehicles and have a safe campfire space.

10. Do you need to import any fill be required to construct the accommodation?

No

Applicant Attachments

- Agent Agreement-Benjamin Meeres
- Other correspondence or file information-Letter of Authorization
- Other correspondence or file information-Write-ups, references and photos

Applicant: Benjamin Meeres , Joseph Meeres , Lynn Meeres

- Proposal Sketch-64735
- Certificate of Title-003-217-931

ALC Attachments

None.

Decisions

None.