

AGENDA ITEM NO: 7.18.

MEETING DATE: June 21, 2022

STAFF REPORT – COVER SHEET

SUBJECT: Harvey Kenneth Haan
Agricultural Land Reserve
9674 Gillanders Road DATE: June 13, 2022

DEPARTMENT: Planning & Strategic Initiatives
ALR00392 PREPARED BY:  Seamus McConville / kk

1. SUMMARY OF ISSUE:

The applicant is seeking approval for a 'Non-Adhering Residential Use' within the Agricultural Land Reserve (ALR) to allow for a secondary residence with a gross floor area of 350m², in excess of Agricultural Land Commission (ALC) regulations.

2. RECOMMENDATION:

Recommendation that application ALR00392 for a 'Non-Adhering Residential Use' within the Agricultural Land Reserve (ALR), with respect to property located at 9674 Gillanders 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 ALR00392

PREPARED BY: Seamus McConville DATE: June 13, 2022

POSITION: Planner I DEPARTMENT: Planning & Strategic Initiatives

1. SUMMARY OF ISSUE:

The applicant is seeking approval for a 'Non-Adhering Residential Use' within the Agricultural Land Reserve (ALR) to allow for a secondary residence with a gross floor area of 350m², in excess of Agricultural Land Commission (ALC) regulations.

2. PROPOSAL:

The applicant is proposing to construct a 350m² additional residence for one of the dairy farm's owners within the subject property, replacing an existing secondary residence constructed in the early 1900s. The proposed additional residence conforms to lot coverage and Farm Home Plate requirements of the Zoning Bylaw, as shown per the attached site plan.

The subject property is approximately 32.8ha (81.06ac) and operates as a dairy farm owned and operated by two families currently residing in the existing residences. A mobile home was previously sited on the main property close to the primary residence, however has since been removed.

According to the applicant, the larger size is requested in order to house the family of one of the owners. The principal residence currently houses one of the owner-operator families, with the additional residence to house the other. As the existing additional residence has multiple deficiencies that are cost-prohibitive to resolve, retrofitting the residence is not feasible.

3. FACTORS:

3.1 Zoning/2040 OCP Designation/Land Use

Current Zone: AL (Agricultural Lowland) Zone

OCP Designation: "Agricultural"

Existing Land Uses: The primary single detached dwelling is located to the southern portion of the property, surrounded by rural ancillary uses and agricultural buildings (dairy barns.)

The subject secondary dwelling is approximately 185m to the north of the main dwelling. A small ancillary garage is present next to this

home. This secondary dwelling and garage are to be demolished and replaced.

Otherwise, the remainder of the property is comprised of a large pasture and agricultural lands.

3.2 Technical Issues:

Floodplain: The property is within the protected floodplain and is subject to the Floodplain Regulation Bylaw.

Watercourses: While Hope Slough is located across Gillanders Road, the development is outside of the 30m setback required for “Class A” Watercourses.

Geotechnical Issues: The property is not subject to any known geotechnical hazards or earthquake related risks.

Soil Classification: According to the ALC’s soil capability mapping, the affected portion of the property is composed of Class 2 soils having the potential to be Class 1 soils with some improvement.

For reference, the ALC’s Soil Classes are outlined below:

- Class 1 lands are capable of producing the very widest range of crops, resulting in easy management.
- Class 2 lands have minor limitations that require ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 lands require moderately intensive management practices or restrictions in the range of crops.
- Class 4 lands require special management practices or severely restricted crop selection.

3.3 Neighbourhood Character

The subject property is located in an agricultural area within Rosedale. In all directions, the subject property adjoins large scale agricultural operations within the ALR and AL (Agricultural Lowland) Zone. Surrounding properties contain single detached dwellings, rural ancillary uses and a variety of agricultural buildings.

4. DISCUSSION:

The *ALR Use Regulation* permits a secondary residence, so long as the total floor area does not exceed 90m². However, the applicant is requesting an area of 350m² for the secondary residence, as the 90m² permitted by the ALC is not sufficient for a growing family of five to have a livable space while residing on the farm.

While requesting 350m² in total floor area for the secondary residence, the applicant states that the designed home will be closer to 250m² in floor area, with more space requested to allow for flexibility during the design process. Should the design abide by the 250m², then the total of gross floor area between the existing primary residence (300m²) and proposed secondary residence would be 550m², below the 590m² permitted for a new primary and secondary residence in the ALR. As the new secondary residence is to be located within the existing disturbed area, no further encroachment into active agricultural land is expected.

The applicant advises that the larger home will allow for the younger owner and family to continue with its active role in farming operations on the property. This larger home will ensure their families presence on the farm long term, fulfilling succession planning aims for both families as they age.

5. 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 9674 Gillanders 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 agricultural use of the property as an active dairy farm with approximately 600 head of cattle justified the need for additional housing to support the farming operation.

6. RECOMMENDATION AND SUBSTANTIATION:

Recommendation

Recommendation that application ALR00392 for a 'Non-Adhering Residential Use' within the Agricultural Land Reserve (ALR), with respect to property located at 9674 Gillanders Road, be forwarded to the Agricultural Land Commission “with support”.

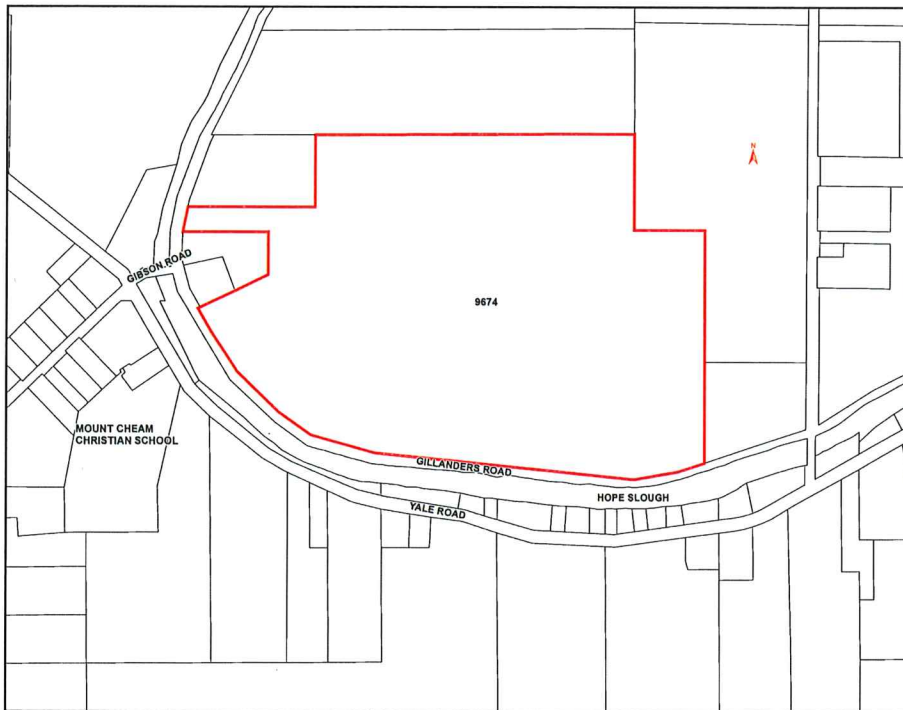
Substantiation

The request is supportable, as it offers further living space on the property without disturbing productive agricultural land. As the property is host to a major dairy farm, a larger home will ensure that the families who currently operate the farm will be able to do so in the future.

7. SOURCES OF INFORMATION:

- ALC Applicant Submission (ID64749) – February 3, 2022
- ALR Application (ALR00392) – February 10, 2022
- Development Application Review Team (DART) Minutes – March 31, 2022

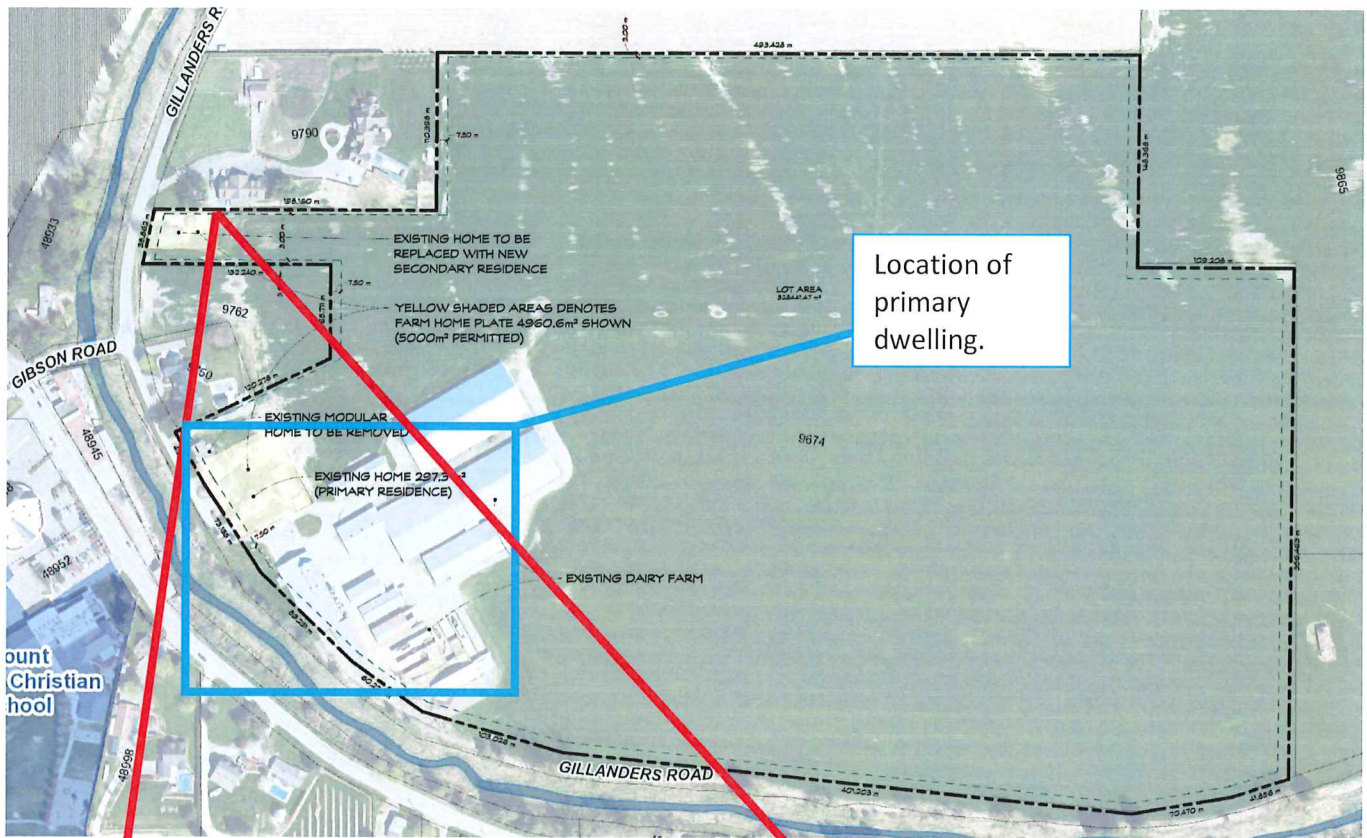
Location Map



Ortho Map



Proposed Site Plan (as submitted by the applicant)



Location of secondary dwelling (see insert.)

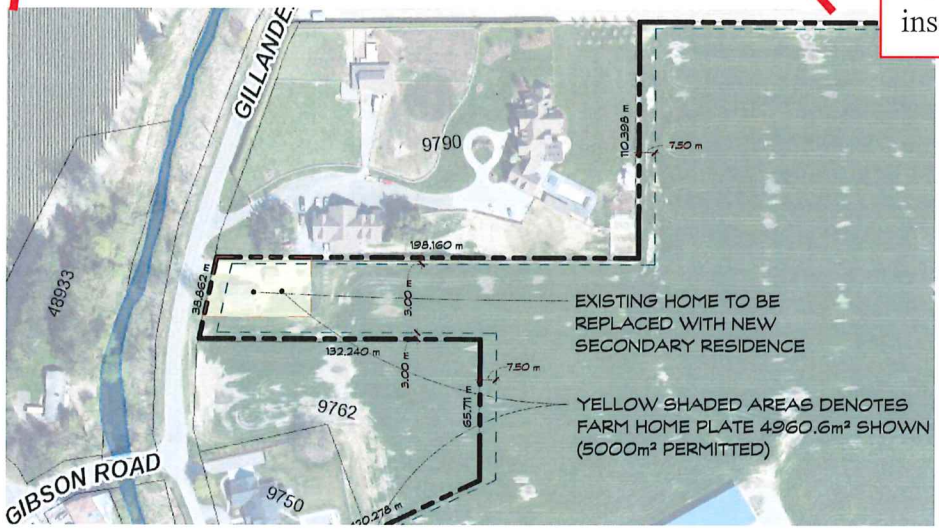


Photo of Home to Be Replaced.





Provincial Agricultural Land Commission - Applicant Submission

Application ID: 64749

Application Status: Under LG Review

Applicant: Tekoa Dairy Inc. , Harvey Haan

Agent: Precision Building Design

Local Government: City of Chilliwack

Local Government Date of Receipt: 02/03/2022

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

Proposal Type: Non-Adhering Residential Use - Additional Residence for Farm Use

Proposal: There is an original home to the far west of the property built before 1930. The owner would like to replace the home with a new house on the same site. The proposed secondary home would exceed the 90m² permitted for a secondary residence on a property less than 40ha. The property is a significant size at 32.8ha. The new home is not yet designed and would be between 300-350m² including garage space. The primary home to the south west of the property has a gross floor area of 297.3m². If the total gross floor area for property in the ALR is 500m² primary residence + 90m² secondary residence the total is 590m². The proposed gross area for the home existing and proposed would total 600 - 650m². The new home would be constructed on the site of the existing home to be removed as shown on the site plan. The plan as proposed would not impact the farming operation in any way or take any farmable land from the farming operation.

Agent Information

Agent: Precision Building Design

Mailing Address:

#3 - 45953 Airport Road

Chilliwack, BC

V2P 1A3

Canada

Primary Phone:

Email:

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 027-831-256

Legal Description: LOT 2 DISTRICT LOT 391 & 392 GROUP 2 NEW WESTMINSTER DISTRICT PLAN EPP1519

Parcel Area: 32.8 ha

Civic Address: 9674 Gillander Road

Date of Purchase: 02/13/2009

Farm Classification: Yes

Owners

1. **Name:** Tekoa Dairy Inc.

Address:

Applicant: Tekoa Dairy Inc. , Harvey Haan

9674 Gillanders Road
Chilliwack, BC
V2P 6H7
Canada

Phone:

Email:

2. **Name:** Harvey Haan

Address:

9674 Gillander Road
Chilliwack, BC
V2P 6H7
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).**

dairy farming, hay/grass and corn feed production for the cattle.

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

The farm has been operating as a dairy used best farming practices for over 70 years. The owner is continually seeking new ways to improve the farming operation and implement the improvements as the opportunity arises.

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

There is a primary residence to the south west of the property. the gross floor area of the home is 297.3m² there is also an ancillary building used for a work shop. in the same are is a modular home that is being removed.

to the west there is an existing secondary residence that will be replaced with a new secondary residence.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: hay/grass feed production

East

Land Use Type: Agricultural/Farm

Specify Activity: hay/grass feed production

South

Land Use Type: Agricultural/Farm

Specify Activity: dairy farm

West

Land Use Type: Residential

Specify Activity: primary / secondary residence

Applicant: Tekoa Dairy Inc. , Harvey Haan

Proposal

1. What is the purpose of the proposal?

There is an original home to the far west of the property built before 1930. The owner would like to replace the home with a new house on the same site. The proposed secondary home would exceed the 90m² permitted for a secondary residence on a property less than 40ha. The property is a significant size at 32.8ha. The new home is not yet designed and would be between 300-350m² including garage space. The primary home to the south west of the property has a gross floor area of 297.3m². If the total gross floor area for property in the ALR is 500m² primary residence + 90m² secondary residence the total is 590m². The proposed gross area for the home existing and proposed would total 600 - 650m². The new home would be constructed on the site of the existing home to be removed as shown on the site plan. The plan as proposed would not impact the farming operation in any way or take any farmable land from the farming operation.

2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.

The home is to replace an existing house on the same location. There would be no negative impact to the current farming operation.

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

The modular home shown on the site image is being removed, if it has not already been removed. The existing primary home, single detached home built in 1990, (closest to the farm operation) is approximately 2700ft² with a 500ft² garage (297.3m²)

4. What is the total floor area of the proposed additional residence in square metres?

350 m²

5. Describe the rationale for the proposed location of the additional residence.

The proposed location is where an existing home is located currently. The new residence replaces the existing. An accurate floor area for the proposed residence cannot be provided as the home has yet to be designed. An estimation of 350m² would provide ample floor area to achieve the replacement residence.

6. What is the total area of infrastructure necessary to support the additional residence?

no additional infrastructure. All existing driveway, septic, water service, accessory building, and yard space will be retained where possible.

See site plan attached

7. Do you need to import any fill to construct the additional residence or infrastructure?

No

Applicant Attachments

- Agent Agreement-Precision Building Design
- Proposal Sketch-64749
- Certificate of Title-027-831-256

ALC Attachments

None.

Decisions

None.