

AGENDA ITEM NO: 7.8

MEETING DATE: April 4, 2023

**STAFF REPORT – COVER SHEET**

SUBJECT: Tony Neels  
Agricultural Land Reserve  
10650 Bustin Road DATE: March 27, 2023

DEPARTMENT: Planning Department  
ALR00398 PREPARED BY: Seamus McConville/sw


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**1. SUMMARY OF ISSUE:**

The applicant is seeking approval for a “Non-Adhering Residential Use” within the Agricultural Land Reserve (ALR) to allow for an addition to an existing secondary residence with a requested total floor area of 261m<sup>2</sup>, in excess of Agricultural Land Commission (ALC) regulations.


**2. RECOMMENDATION:**

Recommendation that application ALR00398 for a 'Non-Adhering Residential Use' within the Agricultural Land Reserve (ALR), with respect to property located at 10650 Bustin Road, be forwarded to the Agricultural Land Commission “with support”.

  
\_\_\_\_\_  
Gillian Villeneuve  
Director of Planning

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

Supports recommendation.

  
\_\_\_\_\_  
Chris Crosman  
Chief Administrative Officer

## STAFF REPORT ON AGRICULTURAL LAND RESERVE APPLICATION ALR00398

PREPARED BY: Seamus McConville DATE: March 27, 2023

POSITION: Planner I DEPARTMENT: Planning Department

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### 1. SUMMARY OF ISSUE:

The applicant is seeking approval for a “Non-Adhering Residential Use” within the Agricultural Land Reserve (ALR) to allow for an addition to an existing secondary residence with a requested total floor area of 261m<sup>2</sup>, in excess of Agricultural Land Commission (ALC) regulations.

### 2. PROPOSAL:

The applicant wishes to construct a 47m<sup>2</sup> 2-storey addition to an existing, 214m<sup>2</sup> secondary dwelling located along the western property line. The secondary dwelling was constructed in the 1970s, prior to ALC regulations limiting additional residences to 90m<sup>2</sup>. The requested increase in floor area is to facilitate the construction of a larger garage on the south side of the existing dwelling, and an expansion to the living area for both the ground and second storey on the north side of the dwelling, resulting in a gross floor area of 261m<sup>2</sup>, should the proposal be approved. As the total floor area exceeds the 90m<sup>2</sup> limitation for a secondary residence, approval is required from the ALC to undertake the requested alteration. The request is in keeping with the City’s farm home plate requirements within the Zoning Bylaw, as shown on the attached site plan.

The subject property is an approximately 26.3ha (65ac) dairy farm owned and operated by two generations of the same family. The applicant is requesting this additional space in order to upgrade the home to ensure it meets their needs to age in place as the applicant / owner intends on living in the secondary residence and continue farming with the son, fulfilling the family’s succession planning goals. The applicant has also indicated that the proposed renovations will improve the livability of the home as it was originally constructed in the 1970s and in need of upgrades. Should the addition be approved, and once construction is complete, the applicant’s adult son intends to reside in the 437m<sup>2</sup> primary residence with their family and children.

An expansion to the existing driveway area is also proposed, which is to serve as a shared access to an agricultural building (storage barn) to be constructed behind the secondary dwelling. A Building Permit (BP033981) for the storage barn has been issued though no timeline of completion of construction has been provided.

Should the ALC approve the requested addition, a Development Variance Permit (DVP) application will be required to be submitted for Council’s consideration to request a reduction to the minimum front lot line setback from 7.5m to 4.5m for the existing portion of the secondary dwelling and from 7.5m to 6.3m for the proposed additions. Approval by Council for the DVP application will be required prior to issuance of a Building Permit.

### 3. FACTORS:

#### 3.1 Zoning/2040 OCP Designation/Land Use

Current Zone: AL (Agricultural Lowland) Zone

OCP Designation: "Agriculture"

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

The subject secondary residence is approximately 162m to the north of the main dwelling.

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. A 25% addition to the current floor area of a single detached dwelling is permitted at the current, non-conforming floodplain elevation as per the City's Floodplain Regulation Bylaw. The proposed addition is anticipated to be in keeping with this size.

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

Watercourses: *Bustin Ditch*, a "Class C" watercourse, is located across Bustin Road to the west of the property. The proposed development is located outside of the minimum required 15m setback.

Soil Classification: According to the ALC's soil capability mapping, the affected portion of the property is composed of 90% Class 2 soils and 10% Class 3 soils.

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

- 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.

### 3.3 Neighbourhood Character

The subject property is located in an agricultural area within Rosedale with large scale agricultural operations located to the north, south and west of the subject property within both the ALR and AL (Agricultural Lowland) Zone. Surrounding properties contain single detached dwellings, rural ancillary uses and a variety of agricultural buildings. Cheam First Nation is located to the east of the subject property.

## 4. AGRICULTURAL AND RURAL ADVISORY COMMITTEE:

The Agricultural and Rural Advisory Committee (ARAC) reviewed this proposal on March 8, 2023 and made the following recommendation:

*That the Agricultural and Rural Advisory Committee supports the Non-Adhering Residential Use within the Agricultural Land Reserve for property located at 10650 Bustin Road and recommends Council forward the application to the Agricultural Land Commission “with support”.*

*As part of the Committee’s rationale, it was noted that, as the secondary dwelling has been on the property since the 1970s and the addition is minor in nature, the proposal is considered to have no impact on the agricultural production on site and will assist in succession planning for the property owners.*

## 5. RECOMMENDATION AND SUBSTANTIATION:

### Recommendation

Recommendation that application ALR00398 for a 'Non-Adhering Residential Use' within the Agricultural Land Reserve (ALR), with respect to property located at 10650 Bustin Road, be forwarded to the Agricultural Land Commission “with support”.

### Substantiation

The addition is minor in scope, allowing for the retrofit of an existing dwelling to meet the needs of a farming family. As the development is utilizing a long existing footprint and constrained by floodplain construction requirements, there is no anticipated detrimental impact to agricultural operations on the property.

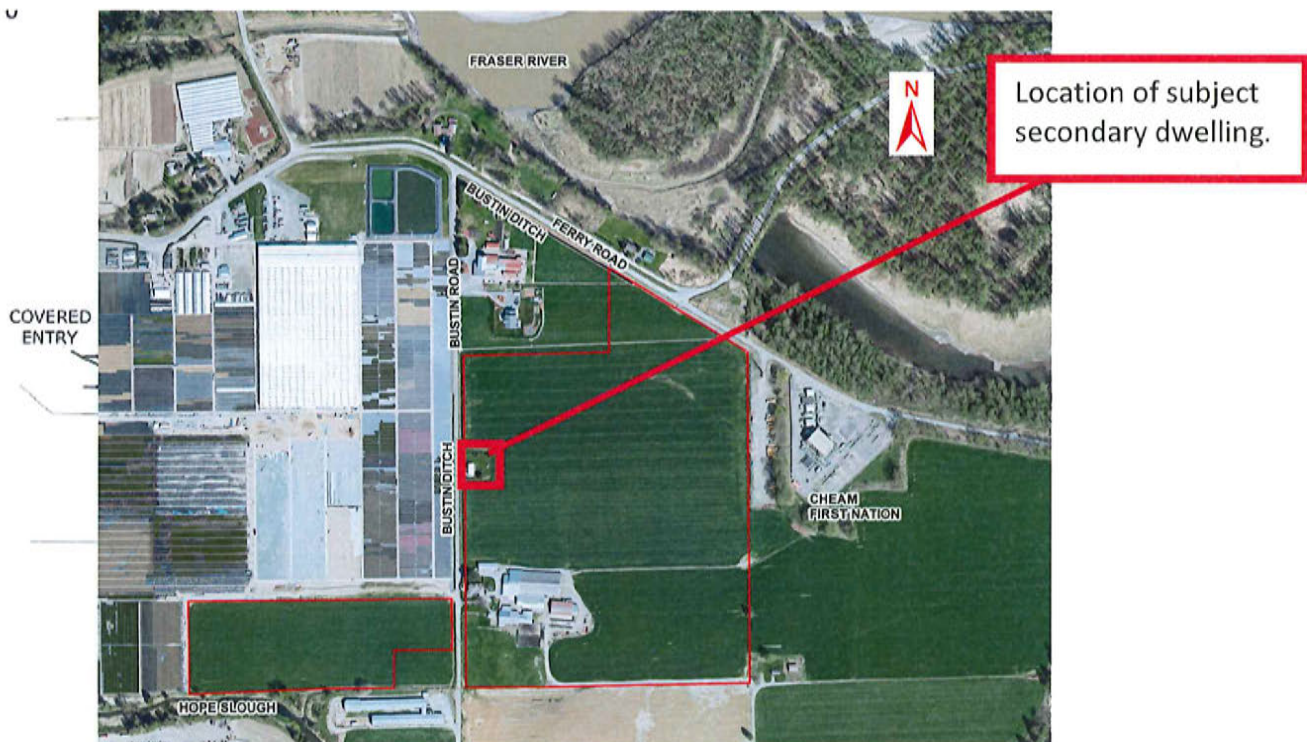
## 6. SOURCES OF INFORMATION:

- ALC Applicant Submission (ID65692) – June 9, 2022
- ALR Application (ALR00398) – June 21, 2022
- Building Permit Application (BP033981) – June 21, 2022
- Development Application Review Team (DART) Minutes – September 15, 2022

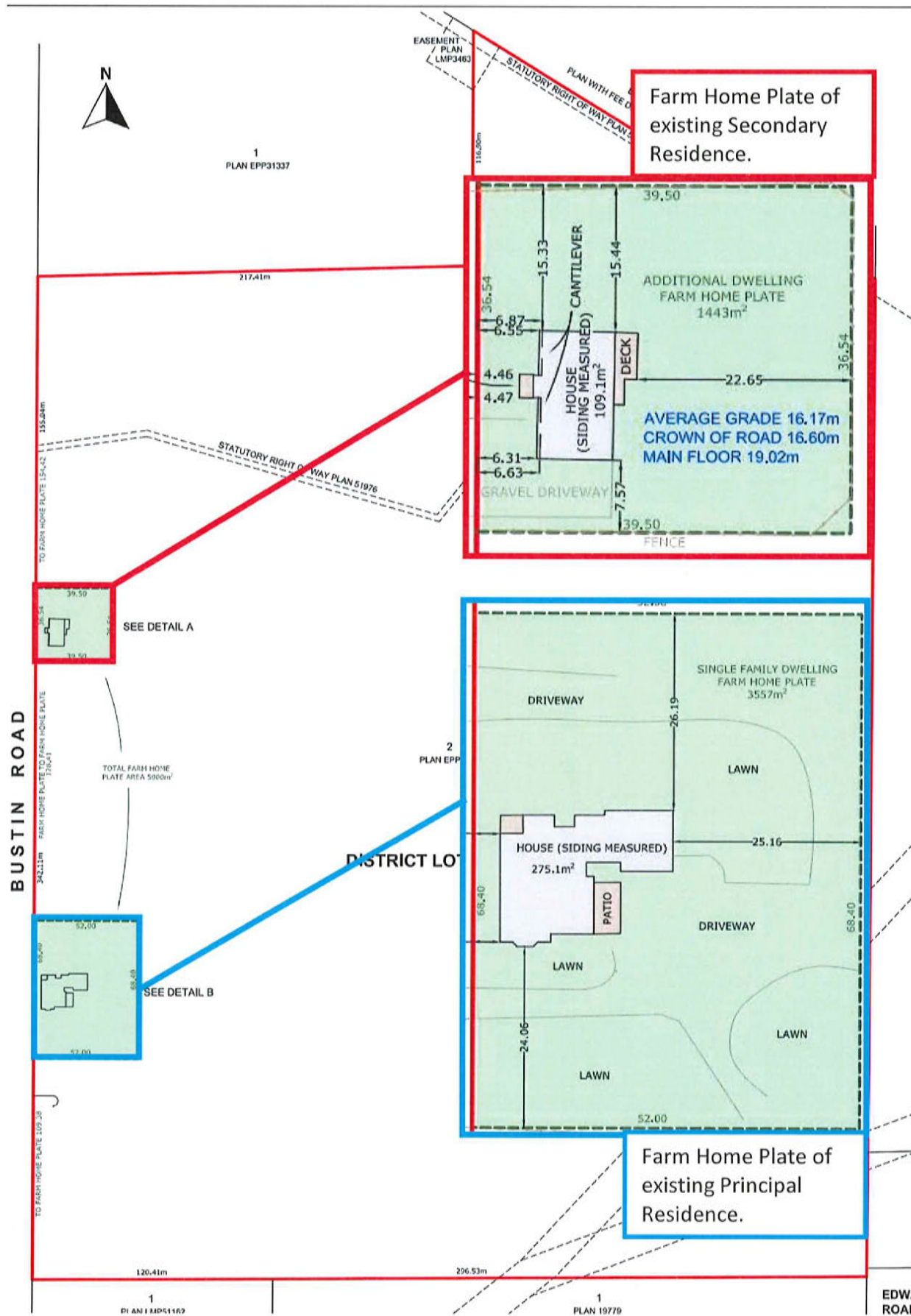
### Location Map



### Ortho Map

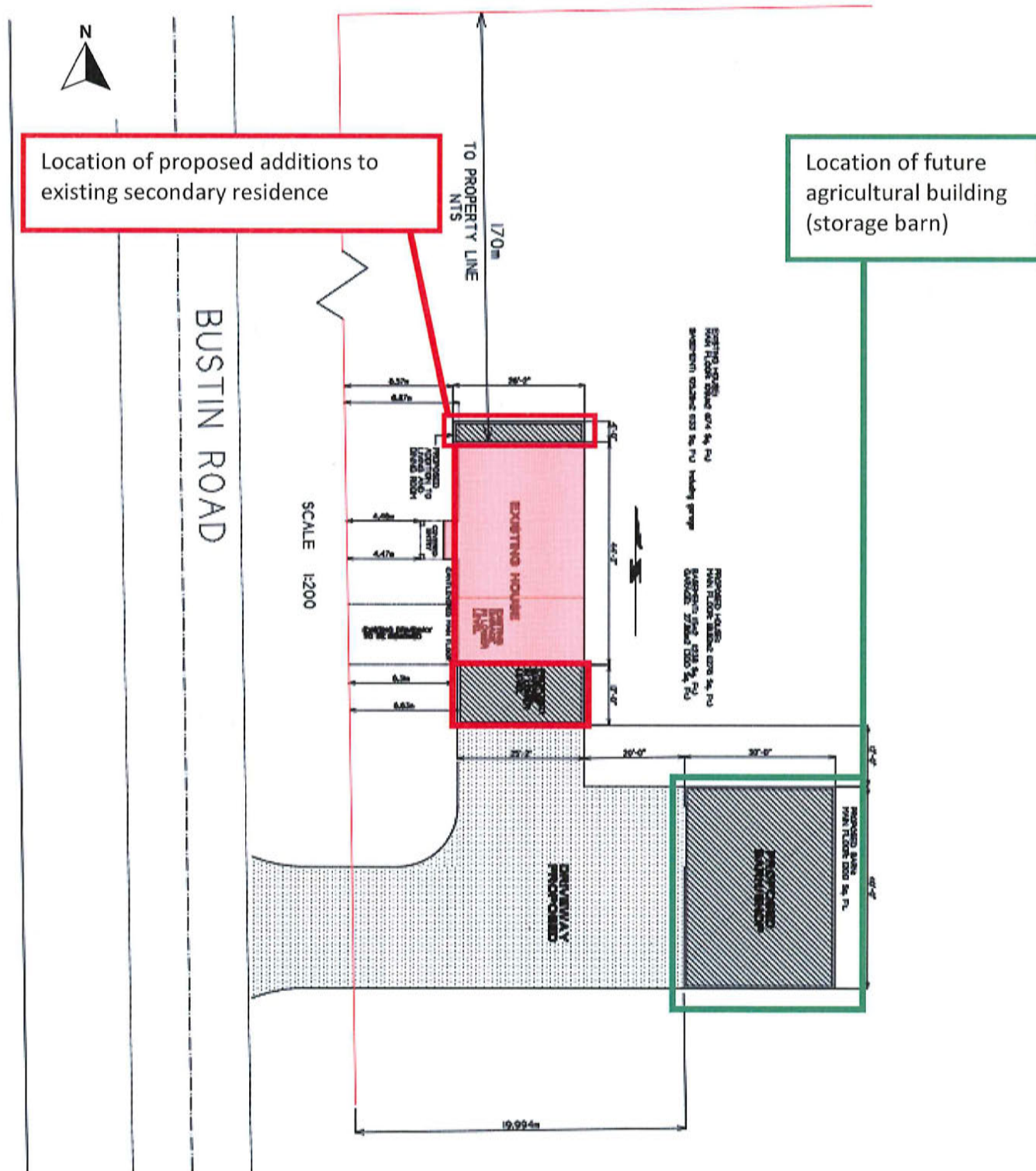


**Proposed Site Plan (as submitted by the applicant)**





Detailed Site Plan Demonstrating Additions onto Secondary Residence



**Photo of Existing Secondary Residence (to be expanded upon)**







# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 65692

**Application Status:** Under LG Review

**Applicant:** Tony Neels

**Local Government:** City of Chilliwack

**Local Government Date of Receipt:** 03/24/2023

**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:** The primary purpose of the proposal is in connection with the succession of our family farm. The farm currently has 2 residential structures. We are father and son partnership. The aging parents currently occupy the principle residence. My son Jason and his wife and 2 children occupy the smaller secondary home, which was originally built to house farm help.

The plan is for us to swap homes, as the larger primary residence is on the site of the dairy operation.

I, the father am 63 yrs. old and still in good health. It is my wish and desire to continue to play a significant role in the dairy operation as long as my health allows. Financially this is a critical element in the viability of our family farm. It would be difficult for this farm to be able to support both me, my son, and another full time position.

Therefore this proposal that we are presenting is vital to the interest of continuing to function as a family farm that can financially carry itself, while supporting me and my wife into our retirement years.

The farm is an intense operation that requires 24hr a day, 7 days a week care and attention. This involves milking cows, feeding and housing both cows and calves. In addition, we grow crops on our land to feed to our cattle. We also rent an additional 70 acres of land to also produce feed for our herd.

We are proposing to add 47m<sup>2</sup> to an existing home of 214m<sup>2</sup>, for a total of 261m<sup>2</sup>.

The secondary home we are proposing to renovate is poorly insulated, and the renovation will correct this to a certain degree.

## **Mailing Address :**

10650 Bustin Road

Rosedale , BC

V0X 1X2

Canada

**Primary Phone :**

**Email :**

## **Parcel Information**

### **Parcel(s) Under Application**

1. **Ownership Type :** Fee Simple

**Parcel Identifier :** 011-183-748

**Legal Description :** LOT 2 SECTION 32 TOWNSHIP 26 NEW WESTMINSTER DISTRICT PLAN 5991

**Applicant:** Tony Neels

**Parcel Area :** 28 ha  
**Civic Address :** 10650 Bustin Rd.  
**Date of Purchase :** 11/01/1993  
**Farm Classification :** Yes  
**Owners**

1. **Name :** Tony Neels  
**Address :**  
10650 Bustin Road  
Rosedale , BC  
V0X 1X2  
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 land use is for dairy production. 150 mature cows are milked in 3 robotic milkers.*

*In addition, 100 heifers are raised for dairy replacements.*

*The land is used for growing corn and grass to feed the animals*

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

*Dairy barn 180ft. x110ft.*

*Dry cow barn 120ft x60ft.*

*Heifer barn 140ft.x 60ft.*

*Manure storage 100ft x 100ft.*

*Bunker silo 100ft. x60ft.*

*bunker silo 120ft. x 58ft.*

*Shop 100ft. x 30ft.*

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

*Primary residence, total floor area approx. 437 m<sup>2</sup>*

*Secondary residence, upper and lower floor area. total floor area, approx. 214m<sup>2</sup>*

### **Adjacent Land Uses**

#### **North**

**Land Use Type:** Agricultural/Farm

**Specify Activity :** small acreage

#### **East**

**Land Use Type:** Agricultural/Farm

**Specify Activity :** native first nations reserve

#### **South**

**Applicant:** Tony Neels

**Land Use Type:** Agricultural/Farm  
**Specify Activity :** cash crop

## **West**

**Land Use Type:** Agricultural/Farm  
**Specify Activity :** nursery production

## **Proposal**

### **1. What is the purpose of the proposal?**

*The primary purpose of the proposal is in connection with the succession of our family farm. The farm currently has 2 residential structures. We are father and son partnership. The aging parents currently occupy the principle residence. My son Jason and his wife and 2 children occupy the smaller secondary home, which was originally built to house farm help.*

*The plan is for us to swap homes, as the larger primary residence is on the site of the dairy operation. I, the father am 63 yrs. old and still in good health. It is my wish and desire to continue to play a significant role in the dairy operation as long as my health allows. Financially this is a critical element in the viability of our family farm. It would be difficult for this farm to be able to support both me, my son, and another full time position.*

*Therefore this proposal that we are presenting is vital to the interest of continuing to function as a family farm that can financially carry itself, while supporting me and my wife into our retirement years.*

*The farm is an intense operation that requires 24hr a day, 7 days a week care and attention. This involves milking cows, feeding and housing both cows and calves. In addition, we grow crops on our land to feed to our cattle. We also rent an additional 70 acres of land to also produce feed for our herd.*

*We are proposing to add 47m<sup>2</sup> to an existing home of 214m<sup>2</sup>, for a total of 261m<sup>2</sup>.*

*The secondary home we are proposing to renovate is poorly insulated, and the renovation will correct this to a certain degree.*

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

*The proposal is not for an additional, but rather to renovate an existing home.*

*This is necessary to support the farm succession with our son, and to secure the long term viability of our family farm.*

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

*The principle residence is a two story home, 275m<sup>2</sup> on the main floor and approx. 162m<sup>2</sup> on the upper floor, for a total of 437 sq. mtrs. This home is currently occupied by 2 people, my wife and I.*

*The second home is a two story home with a basement and main floor*

*This home is currently occupied by 2 adults with 2 young children.*

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

*261 m<sup>2</sup>*

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

*The location has already been determined as this is an existing home*

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

*The existing home has about 222m<sup>2</sup> parking area.*

*The proposed addition will add an additional 233 m<sup>2</sup> of parking area, for a total infrastructure area of 455*

**Applicant:** Tony Neels

*m2*

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

*Yes*

**Proposal dimensions**

**Total fill placement area (0.01 ha is 100 m<sup>2</sup>)** *0.023 ha*

**Maximum depth of material to be placed as fill** *0.2 m*

**Volume of material to be placed as fill** *47 m<sup>3</sup>*

**Estimated duration of the project.** *3 Months*

**Describe the type and amount of fill proposed to be placed.**

*3 inch minus crushed rock*

**Briefly describe the origin and quality of fill.**

*3 inch minus road base Supplied by local supplier*

**Applicant Attachments**

- Proposal Sketch - 65692
- Other correspondence or file information - revised floor plans
- Site Photo - aerial map
- Certificate of Title - 011-183-748

**ALC Attachments**

None.

**Decisions**

None.