



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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Fax: 604-660-7033
www.alc.gov.bc.ca

September 28, 2005

Reply to the attention of Simone Magwood

Ian and Lorna Currie
PO Box 38
McLeese Lake, BC – V0L 1P0

Dear Mr. and Mrs. Currie:

Re: **Application #D-36097-0**
District Lot 60, Cariboo District, Except Plans H403, 18551, 23686 and
PGP45691

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude 13.5 ha of the above mentioned 50 ha property from the ALR. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on September 13, 2005.

The Commission writes to advise that it approved your application subject to the following conditions:

- the preparation of a subdivision plan to delineate the area to be excluded as shown on the attached drawing.
- The submission of an inclusion application for 1.1 ha of hayfield lying east of Highway #97
- compliance 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. The Commission suggests you contact Cariboo Regional District at your earliest convenience.

The decision noted above is recorded as Resolution #496/2005.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable, and confirms that an inclusion application has been submitted, it will authorize the Registrar of Land Titles to accept the application for deposit of the plan and confirm the exclusion of the 13.5 ha area from the Agricultural Land Reserve Plan of the Cariboo Regional District.

Ian and Lorna Currie
Page 2 - #36097

Please quote your application number in any future correspondence.

Yours truly,

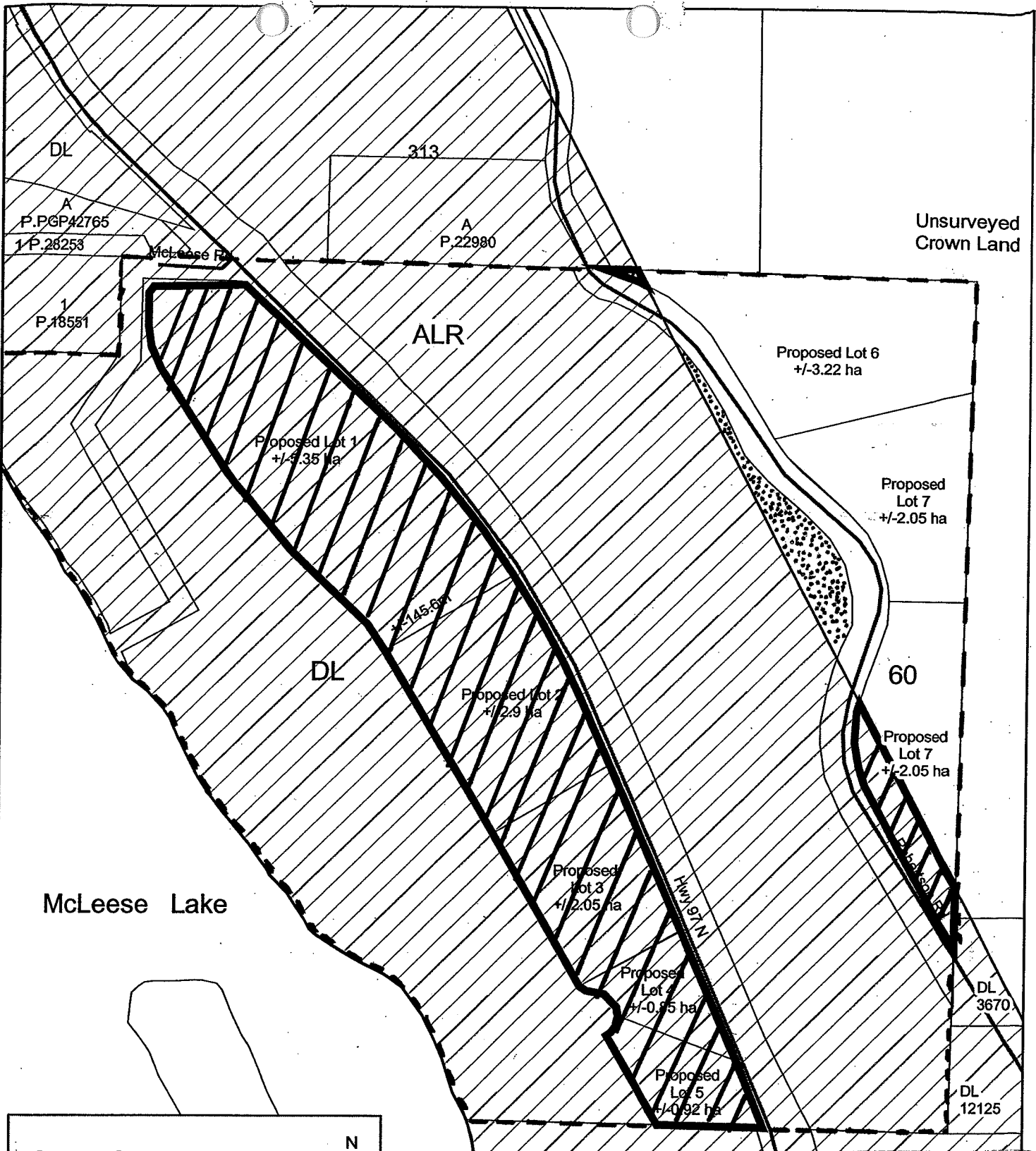
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:







Erik Karlsen, Chair

cc: Cariboo Regional District (File # 4035-20-D083)
Cariboo Geographic Systems, Nigel Hemingway, Box 1270,
100 Mile House, BC V0K 2E0

SM/lv/Encl./36097



Legend




-  Proposed Exclusion from ALR
-  Proposed Lots
-  ROADS
-  CRD Lots
-  ALR



Provincial Agricultural Land Commission

Application: D-36097-0

Resolution # 496/2005

-  Subject property.
-  ± 13.5 ha total area approved for exclusion from the ALR.
-  ± 1.1 ha area to be included into the ALR as a condition of approval.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on September 13, 2005 at the Quesnel Airport, 410 Kinchant Street, Quesnel, BC.

PRESENT: Grant Huffman Chair
 Holly Campbell Commissioner
 Frank Read Commissioner

STAFF: Simone Magwood, Regional Research Officer
 Martin Collins, Planner

For Consideration

Simone Magwood presented the staff report dated August 26, 2005 regarding application #D- 36097-0. Mr. and Mrs. Currie confirmed that they received the staff report and did not identify any errors.

Site Inspection

A site inspection was conducted on September 13, 2005. Those in attendance were:

- Commissioners Huffman, Read, Campbell
- Agricultural Land Commission Staff: Simone Magwood, Regional Research Officer and Martin Collins, Planner
- Applicants: Ian and Lorna Currie

The site inspection lasted from 10:45 a.m. to 11:15 a.m.

The Curries showed the Commission the plans for future subdivision should the land be excluded. Mr. Currie walked the site with the Commission and pointed out the low lying swampy areas. The Commission noted that much of the property had already been excluded by previous applications.

Commission Discussion

The Commission had no objection to the proposed exclusion because the land had significant limitations to agricultural development, most significantly excessive swampiness over a large area, and unfavorable topography.

The Commission concurred with the proposed inclusion areas, as they added existing field areas lying west of the Old Cariboo Highway.

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IT WAS

MOVED BY: Commissioner Huffman

SECONDED BY: Commissioner Campbell

THAT the staff report be received and the application to exclude 13.5 ha from the ALR, be approved, on the grounds the land had limited agricultural capability. Exclusion is subject to the inclusion into the ALR, of 1.1 ha of existing hayfields, lying east of Highway #97.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # D – 36097 – 0
Applicant: Ian & Lorna Currie
Agent: Nigel Hemingway: Cariboo Geographic Systems

DATE PREPARED: August 26, 2005

TO: Chair and Commissioners – Interior Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To exclude 13.5 ha and include 1.1 ha in order to facilitate the creation of a rural residential subdivision.

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

BACKGROUND INFORMATION:

The proposal is to exclude the land in order to create five additional lots on the lakeside portion, as well as alter the ALR boundary of the easterly parcel to follow the right-of-way of Robertson Road in order to facilitate the creation of 3 more lots outside the ALR on the right side of Robertson Road.

In 1998 an application (# 31952) was made to the Commission requesting exclusion of all waterfront lands within DL 60. The proposal was to create twelve waterfront properties with a minimum size of 0.8 ha. The Commission approved 8 of the 12 lots with the condition that lands on the eastern side of Highway 97 be placed into the ALR. In 2003 a second application (#35013) was made requesting permission to exclude the four lots previously not allowed. This application was allowed and the Commission also rescinded the previous inclusion requirement of the previous decision because of the limited agricultural potential of that part of the property. The previous approvals by the Commission and the zoning for the proposed development has created a long linear piece of property between Highway 97 and the extension of McLeese Lake Road which will service the development approved. This land is 12.1 ha in size and on average about 140 m wide. It contains two large wetland areas and has only one small area that was historically used for agriculture. The majority of the agricultural land within DL 60 is on the east side of the highway and is a large productive hayfield. The applicants state that on the west side of the highway the agricultural potential is limited and it is not beneficial to keep this land in the ALR. They feel the best use of this land is to allow it to be subdivided into rural residential properties with access off the new road being built to access the previously accepted 12 new lots.

Exclusion of this land will allow for the creation of five additional lots. Two of these are 0.8 ha and similar in size and shape to the waterfront properties. The other three proposed lots are larger to accommodate the two wetland areas. The design has taken these areas and is proposing to split them over these lots so that each property has a large buildable area while ensuring that the wetland areas are adequately buffered. Environmental buffering and protection of these important wetland areas will be done by covenant.

The second part of the application is asking for the boundary of the ALR to be adjusted so that it follows Richardson Road. At present the ALR boundary is a straight line which roughly follows

this road. The applicants are asking to include that area west of the road that is already used for agriculture and exclude that area east of the road where most of the land is not currently within the ALR. This would result in approximately 1.4 ha of land excluded and 1.1 ha included. This realignment of the boundary will create a single property between Highway 97 and Richardson Road of approximately 18.2 ha in size. This land contains all of the productive hayfield. This realignment of the boundary would allow for the creation of three rural residential lots on the east side of Richardson Road, the majority of this area is not in the ALR and with the removal of 1.4 ha none of it would be.

This application is asking for this land to be excluded from the reserve to allow for a higher density of residential land use within DL 60. The applicants feel that the land has very limited agricultural capability. They feel that the application does not impact the agricultural community of the central Cariboo because it preserved the only part of the property which has agricultural potential by expanding the ALR to include the entire hayfield.

One resident wrote to object to the proposed densities of lots on McLeese Lake. He was concerned about the impact of 12 more septic systems and 12 more homes using groundwater. This resident would prefer to see a 1.8 ha minimum lot size in this area. The resident also asks about the impact of Highway 97 twinning, which has recently been announced and asks, *"Will the approval of the highway frontage lots now result in removal of cultivated land in the ALR at a later date?"*

Local Government:

Cariboo Regional District

Legal Description of Property:

PID: 013-429-523
District Lot 60, Cariboo District, EXCEPT Plans H403, 18551, 23686 and PGP45691

Purchase Date:

May 1991

Location of Property:

McLeese Lake

Size of Property:

50.2 ha

ALR Area Proposed for Exclusion:

13.5 ha

Present use of the Property:

Hay production and treed.

Surrounding Land Uses:

WEST: McLeese Lake (non-ALR)
SOUTH: Large acreage residential property (ALR)
EAST: Vacant Crown land (non-ALR)
NORTH: Residential lots and McLeese Lake School (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 93B/8
The majority of the property is identified as having mixed ratings.

Official Community Plan and Designation:

Central Cariboo Area Rural Land Use Bylaw no. 3503, 1999 designates the land as Resource/Agricultural (R/A). Minimum parcel size 32 ha.

PREVIOUS APPLICATIONS:

Application #31952-0

Applicant: Currie, Ian & Lorna
Decision Date: July 23, 1998
Proposal: Propose to exclude approximately 16.6 ha of the 55.5 ha property of which approximately 48 ha are in the ALR.
Decision: Allow the subdivision and exclusion of lots 1 - 7 inclusive subject to the remainder of the property remaining in one parcel and the non ALR land located in the vicinity of Robertson Road being included into the ALR.

Application #31952-1

Applicant: Currie, Ian & Lorna
Decision Date: October 19, 1998
Proposal: Request to amend the Commission decision issued under Resolution #529/98 which allowed the exclusion of 7 lots for residential purposes to add an 8th lot to the excluded lots which contains the Currie's home which is operated as a Bed and Breakfast.
Decision: Allowed.

Application #33233-0

Applicant: Ministry of Transportation & Highways
Decision Date: August 9, 2000
Proposal: To subdivide land for the purpose of widening Highway 97 to extend a southbound passing lane in the vicinity of McLeese Lake.
Decision: Allowed

Application #35013-0

Applicant: Currie, Ian & Lorna
Decision Date: October 30, 2003
Proposal: To exclude 4.9 ha of the 55.2 ha property to construct an extension to the eight lot residential development which was already approved. The applicants plan to extend the proposed public road and create an additional four waterfront properties.
Decision: The Commission allowed the exclusion of 4.9 ha from the ALR on the grounds the land has poor capability for agriculture due to rock outcroppings. In addition the Commission rescinded the requirement, by resolution # 529/98, that the non ALR area lying east of Highway #97 be included within the ALR.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Advisory Planning Commission: We recommend acceptance of this application for exclusion from the ALR.

Planning Department: Planning staff recommended that this application for exclusion be forwarded to the ALC with a recommendation for approval.

Planning staff note that the landowners have received previous exclusion approvals in 1998 and 2003 for the creation of residential lots in the McLeese Lake area. The subject property is bisected by Highway 97 with residential applications taking place on the parcel between the highway and the lake.

STAFF COMMENTS:

Staff note that although the condition of approval of the first exclusion to include the land east of Robertson Road was later rescinded by the Commission another condition of this approval was "*subject to the remainder of the property remaining in one parcel*". Although the Commission's decision to exclude the remainder of the land along the lake, allowing four further lots seems to have also rescinded this condition the minutes of the subsequent decision (Resolution # 231/2003) do not explicitly state that this condition has been rescinded. Staff note that the current application is not in the spirit of this original condition.

Staff recommend a site visit to determine the agricultural capability of the area to be excluded west of Highway 97 and to assess the impacts on the remaining agricultural parcel of the creation of 8 addition rural residential lots surrounding it on two sides.

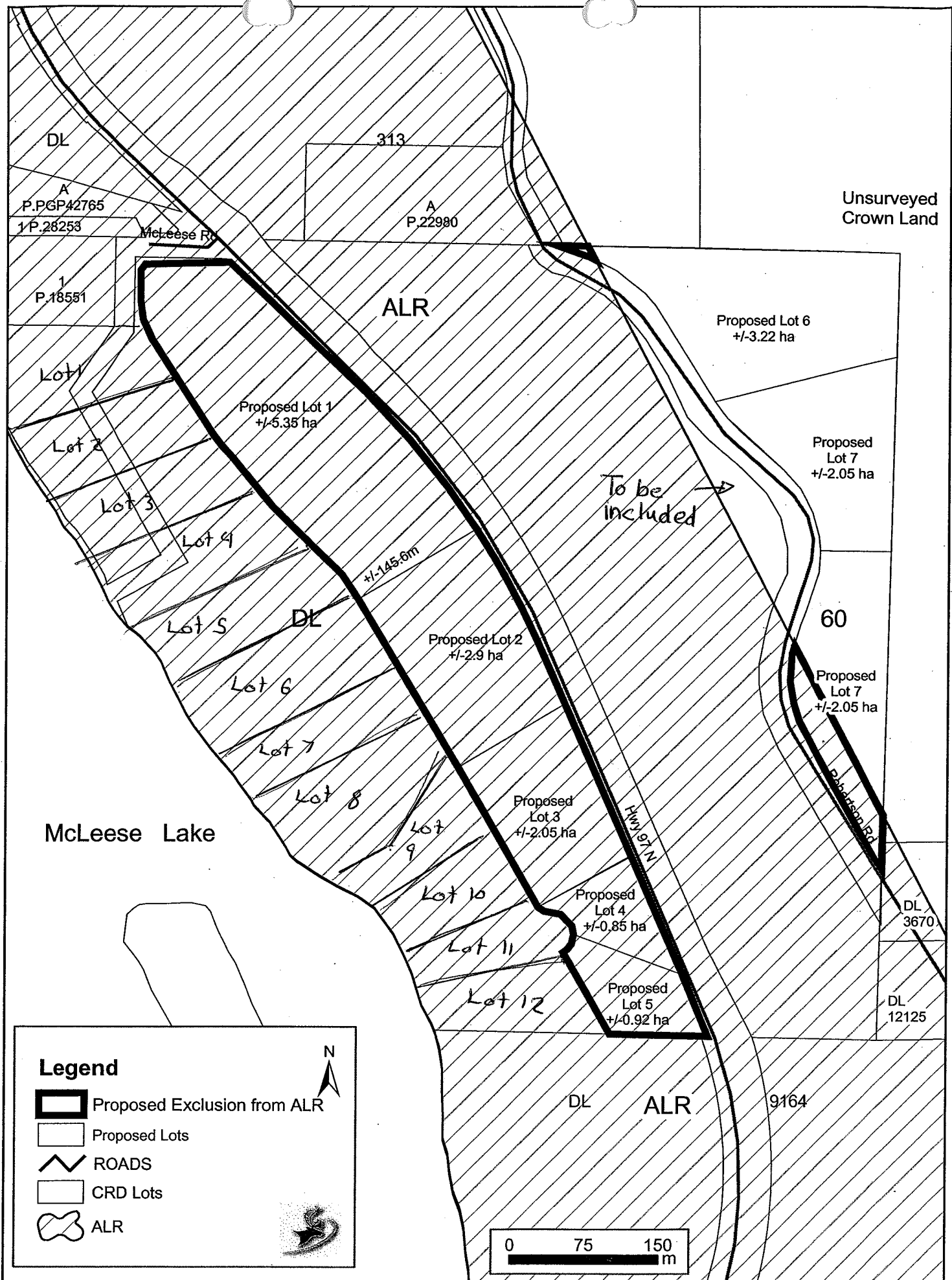
END OF REPORT

Signature



Date

August 26/05



DL

313

Unsurveyed
Crown Land

A
P.PGP42765
1 P.28253

A
P.22980

1
P.18551

ALR

Proposed Lot 6
+/-3.22 ha

Lot 1

Proposed Lot 1
+/-5.35 ha

Proposed
Lot 7
+/-2.05 ha

Lot 2

Lot 3

Lot 4

To be
included →

+/-145.6m

Lot 5

DL

Proposed Lot 2
+/-2.9 ha

60

Lot 6

Proposed
Lot 7
+/-2.05 ha

Lot 7

Lot 8

Proposed
Lot 3
+/-2.05 ha

McLeese Lake

Lot 9

Hwy 97 N

Lot 10

Proposed
Lot 4
+/-0.85 ha

DL
3670

Lot 11

Proposed
Lot 5
+/-0.92 ha

DL
12125

Lot 12

DL

ALR

9164

Legend

Proposed Exclusion from ALR

Proposed Lots

ROADS

CRD Lots

ALR

N

