



Agricultural Land Commission
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September 28, 2005

Reply to the attention of Simone Magwood

Brant and Elizabeth Billings
PO Box 146
Charlie Lake, BC – V0C 1H0

Dear Mr. and Mrs. Billings:

Re: Application # W-36200-0
**North West ¼, Section 7, Township 84, Range 19, Peace River District, Except
Plan 20943.**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to locate a second dwelling on the above mentioned property and to subdivide a 6 ha lot as divided by Tea Creek. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on September 14, 2005. The Commission found the site visit to be valuable in understanding your rationale and the implications of your requests.

Although the Commission appreciates that the 6 ha area proposed for subdivision is undeveloped for agriculture, and divided from the larger portion of the property by Tea Creek, it does not support additional rural residential subdivision in the agricultural areas lying to the south of 244 Rd. It is the Commission's experience that small lot subdivision fosters conflict with adjoining farm parcels (and can limit agricultural development) through trespass and complaints about typical farm noise and smells.

Furthermore, the Commission believes there are sufficient lands designated for rural residential purposes in existing area planning documents (i.e. North Peace OCP, Charlie Lake OCP, Fort St John Comprehensive Development Plan).

For these reasons, the Commission refused your subdivision request as proposed.

However, the Commission advises that it has no objection to the construction of a second dwelling on the property.

The decision noted above is recorded as Resolution #499/2005.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: Peace River Regional District (File # 70/2005)

SM/lv/36200d1

IT WAS

MOVED BY: Commissioner Kerr
SECONDED BY: Commissioner Read

THAT the staff report be received and the request to build a second dwelling on the property be allowed.

And THAT the request to subdivide 6 ha from the property as divided by Tea Creek be refused on the grounds that the Commission did not support the subdivision of additional rural residential parcels south of 244 Rd.

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

CARRIED

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Staff Report
Application # W – 36200 – 0
Applicant: Brant & Elizabeth Billings

DATE PREPARED: August 25, 2005

TO: Chair and Commissioners – North Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To build a second dwelling on the 56.4 ha property and to subdivide 6 ha from the property west of Tea Creek

This application is made pursuant to sections 20(3) and 21(2) of the
Agricultural Land Commission Act.

BACKGROUND INFORMATION:

The subject property is currently developed with a small residence used to house seasonal staff, and a shop with office space housing the applicants' helicopter business which is used for storage and maintenance of business related equipment and recreational vehicles.

The applicants wish to build a house on the property to serve as their primary residence (they currently live in Fort St. John). There is currently a small house on the corner of the property that houses seasonal staff who work both on the farm and for the helicopter business. The house is only occupied for up to four months each year. These employees are working and staying in remote locations for half of the time and spend the rest of the time living on the site and working on the farm. The house is not in excellent condition and will be unusable in the future, at which time it will be torn down. At such time as the house is no longer habitable, the applicants wish to replace this house with accommodations that are acceptable to the ALC to continue housing their staff on a seasonal basis. They do not, however, wish to replace the house in the short term, preferring to wait until replacement is necessary. The applicants bought the property in 2003 and plan on enhancing the farming of the property when they move onto the land.

The applicants also wish to subdivide 6.1 ha from the west of Tea Creek for resale.

Local Government:

Peace River Regional District

Legal Description of Property:

North West 1/4, Section 7, Township 84, Range 19, W6M, Peace River District, Except Plan 20943

Purchase Date:

December, 2003.

Location of Property:

South-west of Charlie Lake

Size of Property:

56.4 ha (The entire property is in the ALR).

Present use of the Property:

One residence, shop and office, remainder in pasture.

Surrounding Land Uses:

WEST: Acreage, private residences, some agriculture (ALR)

SOUTH: Crops, cultivated fields (ALR)

EAST: Agriculture (ALR)

NORTH: Acreage - private residences on the far side of Old Hope Road (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 94A/6

The majority of the property is identified as having mixed ratings.

Official Community Plan and Designation:

North Peace OCP By-law No. 820, 1993 designates the area as "Rural Resource - Agriculture"

Zoning Bylaw and Designation:

Regional Zoning By-law no. 1343, 2001 designates the property as A-2 "Large Holding Zone"
Minimum Parcel Size 63 ha.

PREVIOUS APPLICATIONS:

Application #28890-0

Applicant: Ian Gibson

Decision Date: June 3, 1994

Proposal: To subdivide two 8.1 ha lots from the 56.7 ha parcel.

Decision: Refused.

Application #10246-0

Applicant: Ian Gibson

Decision Date: May 5, 1980

Proposal: To subdivide the 56.7 ha parcel into six 4 ha, three 5.3 ha and one 16 ha parcels.

Decision: Refused.

Application #08896-0

Applicant: Ian Gibson

Decision Date: August 27, 1979

Proposal: To subdivide four 4 ha lots from the 56.7 ha property.

Decision: Refused.



RELEVANT APPLICATIONS:

Application #28181-0

Applicant: Eugene and Victoria Barton
Decision Date: July 16, 1993
Proposal: To subdivide a 1.8 ha lot from the 5.4 ha property.
Decision: The Commission allowed the request based on its previous planning decision in this area that concurred with the OCP designation for rural residential development.

Application #31938-0

Applicant: Barry and Lynne Holland
Decision Date: April 24, 1998
Proposal: To subdivide the 8.1 ha property into two lots of 2 ha and one lot of 4.1 ha.
Decision: Refused on the grounds that the proposal would further reduce the agricultural potential of the property and increase residential pressures and influences on the larger agricultural properties to the south and in the area.

Application #31938-1

Applicant: Holland, Barry & Lynne
Decision Date: October 23, 1998
Proposal: To subdivide the 8.1 ha property into one lot of approximately 4.1 ha and two lots of approximately 2 ha.
Decision: Refused the revised request to subdivide on the grounds that the property is suitable for agricultural development and the proposed subdivision would constitute a residential intrusion in this agricultural area.

Application #14271-0

Applicant: Green Valley Trucking Ltd.
Decision Date: June 20, 1982
Proposal: To subdivide the subject property into four 1.8 ha and one 4 ha lot
Decision: Approved because the application is within a committed rural residential development area.

Application #25241-0

Applicant: Gladysz Farms Ltd.
Decision Date: March 12, 1993
Proposal: To subdivide a 1.8 ha lot from the 65 ha parcel.
Decision: Conditional approval subject to extending the south boundary of the subdivision by 25 m.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board: The Regional Board support and authorize the proposed non-farm use (second dwelling) and subdivision application for 6.1 ha parcel on the basis that the proposed subdivision is severed by Tea Creek and the request for a second dwelling conforms to both the North Peace Rural Area Official Community Plan and present zoning regulations.

Local Planning Staff: Planning Staff note that Policy 3 (f) of OCP by-law No. 820, 1993 states that: *"subdivision of land to parcels less than 63 ha are allowed in situations where... a portion of a parcel not less than 1.8 ha is isolated from the remainder of the original parcel by...major topographical constraint."* A similar policy exists in the zoning by-law, which also allows for subdivision of small parcels when the parcels are divided by roads, railways and other

subdivision of small parcels when the parcels are divided by roads, railways and other topographical constraints and the remainder is not less than 50 ha. In this case the remainder would be 50.9 ha.

Planning staff also note that construction of a second dwelling near the original home-site would have minimal negative impacts on both the surrounding agricultural uses and agricultural productivity of the proposed subdivision lot.

STAFF COMMENTS:

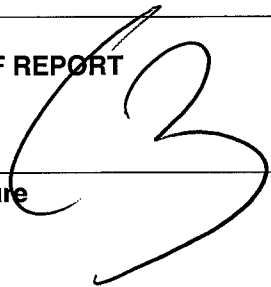
Staff recommend that the Commission consider the following:

- Three previous applications for subdivision of this property have been refused
- This property has not received a designation under the Fort St. John and Area Comprehensive Development Plan (CDP). Therefore, although there are smaller lots to the north of the subject property, the applicants' property has not been endorsed for rural residential development or any other non-farm designation.
- Most recent decisions in the Fort St. John area have been consistent with CDP designations.

Staff assume that the applicants wish to build their new house on the portion of the property where the old house and shop are located. The location of the proposed second dwelling was not explicitly shown in the application.

END OF REPORT

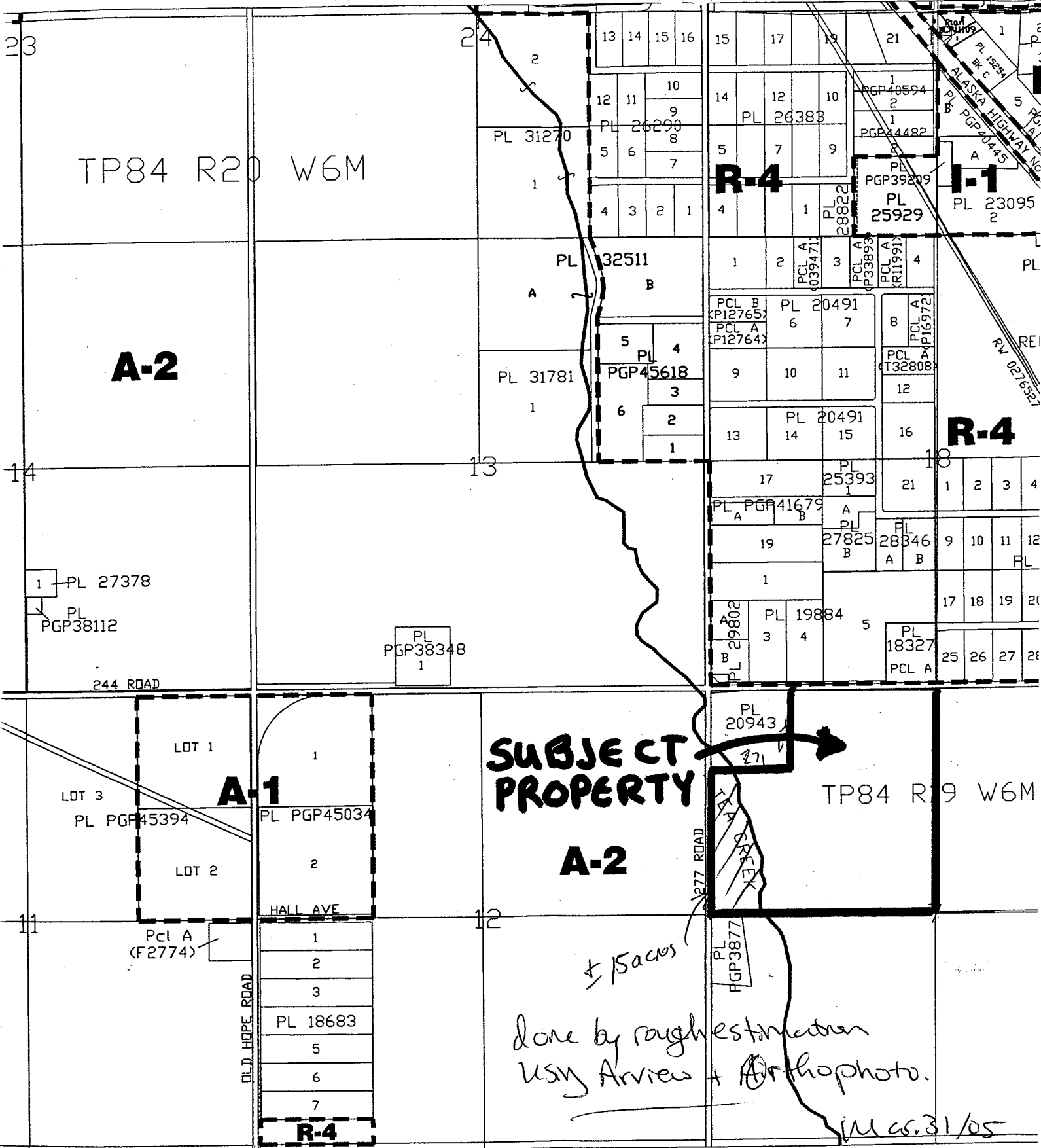
Signature



Date

August 26/05

Mar 30/05 Liz Billings 187-2669



Sileo

94026

Mar 31/05

OL HOPE ROAD

- trees



shop house

fence

fence

fence

comrals

green ho

chic' cor

lage

tack shed

barn

fence

horse pasture

fence

fence

sm dug on cree

ROAD 277

proposed subdivision

fence

fence

SMALL CREEK

small dugout on creek

crops

fence

fence

TEA CREEK

