



Agricultural Land Commission
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November 17, 2005

Reply to the attention of Simone Rivers

Cheryl Kirschner
8915-77 Street
Fort St. John, BC – V1J 3A5

Dear Ms. Kirschnr:

**Re: Application #W-36218-0
Lot 4, Section 35, Township 83, Range 19, W6M, Peace River District, Plan PGP
41357**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your client's application to subdivide the 7.4 ha parcel into one 2.4 ha lot and two 1.8 ha lots. 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 November 3, 2005.

As discussed at the site visit, the subject property has been designated as industrial in the recently adopted Fort St. John and Area Comprehensive Development Plan (CDP). Additionally, the property is located in an area considered for industrial development in phase II of the plan, after lands closer to Fort St. John are already developed.

Although the Regional District was of the opinion that the Industrial designation of this parcel was a "mistake" the Commission noted that the development of the CDP was a multi-year process which involved Commission endorsement for non-farm designation of many hectares of farmland in the Agricultural Land Reserve. As such, the Commission is not willing to alter its position on these designations in an ad hoc manner as the purpose of the CDP was to ensure that development in the Fort St. John area occurs in an orderly fashion.

For these reasons, the Commission refused your application as proposed.

The decision noted above is recorded as Resolution #599/2005.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'per:' label.

Erik Karlsen, Chair

cc: Peace River Regional District – File # 98/2005

SR/eg/i/36218d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on November 3, 2005 at the Fort St. John Airport, Fort St. John, BC

PRESENT: Frank Read Chair
Harold Kerr Commissioner

ABSENT: Grant Huffman Commissioner

STAFF: Simone Rivers, Regional Research Officer
Roger Cheetham, Planner

For Consideration

Simone Rivers presented the staff report dated October 7, 2005 regarding application #W-36218-0. Ms. Kirschner confirmed that she received the staff report and did not identify any errors.

Site Inspection

A site inspection was conducted on November 3, 2005. Those in attendance were:

- Commissioners Read, Kerr,
- Agricultural Land Commission Staff: Simone Rivers, Regional Research Officer and Roger Cheetham, Planner
- Land Use Agrologist, Ministry of Agriculture and Lands: Jim Forbes
- Agent for the applicant: Cheryl Kirschner

The Commission viewed the property with Ms. Kirsctner and saw that the land was near current rural residential development.

The site inspection lasted from 10:00 a.m. to 10:30 a.m.

Commission Discussion

The Commission discussed the proposal within the context of the Fort St. John and Area Comprehensive Development Plan (CDP). Recent Commission decisions in the Fort St. John area have been based on the Commission's endorsement of the CDP.

Although the Regional District was of the opinion that the Industrial designation of this parcel was a "mistake" the Commission noted that the development of the CDP was a multi-year process which involved Commission approval for non-farm designation of many hectares of productive farmland. As such, the Commission is not willing to change these designations in an ad hoc manner as the purpose of the CDP was to ensure that development occurs in an orderly fashion. The subject parcel is designated industrial by the CDP and the proposed subdivision is for residential purposes furthermore, the subject parcel is not slated for industrial development until phase two of the CDP. For these reasons the Commission refused the applicant's request for subdivision.

IT WAS

MOVED BY: Commissioner Read

SECONDED BY: Commissioner Kerr

THAT the staff report be received and the application to subdivide the 7.4 ha parcel described as Lot 4, S35, T83, R19, W6M, Peace River District, Plan PGP41357 into one 2.4 ha lot and two 1.8 ha lots be refused on the grounds that rural residential development is not consistent with the industrial designation given this parcel in the recently adopted Fort St. John and Area Comprehensive Development Plan (CDP).

CARRIED



Staff Report
Application # W – 36218 – 0
Applicant: Jason Todd Stanley
Agent: Cheryl Kirsctner

DATE RECEIVED: August 22, 2005

DATE PREPARED: October 7, 2005

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 7.4 ha parcel into one 2.4 ha lot and two 1.8 ha lots.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The subject property is located in Groundhaven, southwest of Fort St. John. It is located in the middle of a quarter-section between a row of 1.5 ha lots to the north and a 24 ha parcel to the south. It is accessed by 240B Road. There is no constructed road access to the proposed lots. The applicant states that he wished to subdivide the property into three lots. He will continue to live on one of them and has a buyer lined up to buy the other two.

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 023-809-795
Lot 4, Section 35, Township 83, Range 19, W6M, Peace River District, Plan PGP41357

Purchase Date:

August 2004

Location of Property:

Groundhaven, southwest of Fort St. John

Size of Property:

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

Present use of the Property:

The far west of the property has an equipment shed and the owner currently does custom haying and some fencing. Most of the land is vacant.

Surrounding Land Uses:

WEST: Residential (ALR)
SOUTH: Telecommunications towers (ALR)
EAST: Ranch (ALR)
NORTH: Residential (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 94A/2
The majority of the property is identified as having prime ratings.

Official Community Plan and Designation:

North Peace OCP Bylaw no. 820, 1993 - designates this parcel as "Rural Residential".

Zoning Bylaw and Designation:

Peace River Regional District Bylaw No. 1343, 2001 designates this parcel as R-3 (Residential 3 Zone).
Minimum parcel size 1.8 ha.

PREVIOUS APPLICATIONS:

Application #10492-0

Applicant: Raymond Sangret
Decision Date: May 15, 1980
Proposal: To exclude approximately 7 hectares of the 14.1 hectare property for rural residential purposes.
Decision: Refused on the grounds that the property had excellent capability for agriculture and that the proposed development would have had a detrimental impact on surrounding agricultural lands.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Local Government Planning Staff: The subdivision proposal is consistent with the OCP with respect to the minimum parcel size with exception of the existing road access.

Planning staff also made the following comments, *within the Fort St. John and Area Comprehensive Development Plan, the subject property is recommended for "Industrial" development. However, due to the small scale mapping of this project it would appear that this area was incorrectly designated. Since the adjoining lots, located on the same quarter-section, are recommended for 'Residential' it is believed that the intended designation was either Area 8a 'Residential' or Area 8b 'Rural Residential'. The proposal would be consistent with the Area 8B 'Rural Residential' designation. Within the CDP this area is designated for Phase II development.*

Staff further note that the "Industrial" designation in the CDP would have industrial traffic going through a residential subdivision due to road access requirements. Therefore, the designation as either 'Residential' or 'Rural Residential' would be more consistent with the intent of the plan. The proposed three lot subdivision conforms to current OCP and zoning.

STAFF COMMENTS:

Since endorsing it earlier this year, recent Commission decisions in the Fort St. John area have been made based on the Fort St. John and Area Comprehensive Development Plan (CDP). If a proposal is consistent with the CDP the Commission has approved it and if it is not consistent with the plan the Commission has refused the proposal. In this case, the proposal is not consistent with the designation given the property in the CDP. The Commission will need to decide whether the argument by the local planning staff that this area was incorrectly designated as "Light Industrial" is a good reason to approve the application. Planning staff note that the subject property abuts a light industrial area as well as a residential area. The applicant's proposal does not meet either of these criteria.

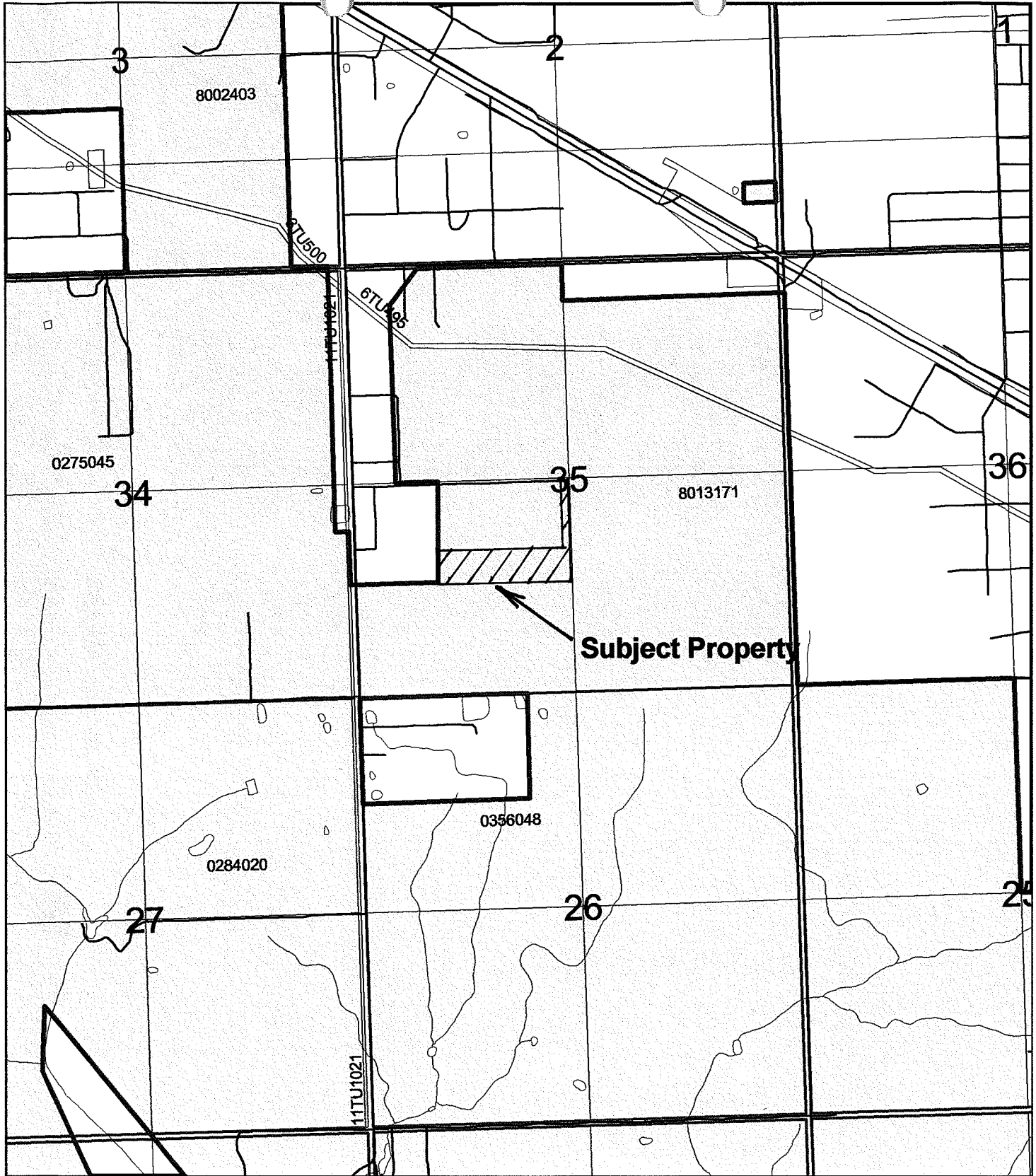
Staff note that throughout the development of the CDP, the subject parcel was consistently given a light industrial designation on the planning maps. Originally most of the area to the north was designated as industrial however some of this land was changed to residential as the plan was developed.

The Fort St. John and Area Comprehensive Development Plan was developed with the intention of identifying the long-term needs for land for different uses within the Fort St. John Area. The Commission endorsed different non-farm uses on ALR land in these areas with the understanding that they would be sufficient to meet the needs of the community in the long-term. The Commission will need to decide whether or not an ad hoc change to the designations endorsed by the Commission are justified in this case. The Commission should also consider whether allowing a rural residential subdivision in an area designated light industrial will lead to a request for additional ALR land for light industrial use in the future.

END OF REPORT


Signature

Oct 12, 2005
Date



ALC CONTEXT MAP
Application # 36218

Map Scale: 1: 20000

ALC File #: 21-05-36218

BCGS Map Sheet #: 94A.026

Regional District: Peace River