



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

March 10, 2006

Reply to the attention of Simone Rivers

Ivan Malinosky  
205 St. Laurent Avenue  
Quesnel, BC V2J 2C8

Dear Mr. Malinosky:

Re: Application #D-36330  
**Lot A, District Lot 715 and 7253, Cariboo District, Plan 25339, Except Plans 31571, 31660 and 32217**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your client's application to subdivide the 6.9 ha parcel into six lots ranging in size from 1.0 ha to 1.2 ha. 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 February 21, 2006. The Commission found the meeting and site visit informative

The Commission noted that the property appeared to have good agricultural capability and was in a farm area. The Commission appreciated that lands to the north had been divided into smaller, rural residential lots. However, the Commission did not perceive how this precluded the use of the property for farming. In addition subdivision into the lot sizes that you have proposed would effectively eliminate the land's agricultural potential and could result in further pressures to subdivide lands to the south into rural residential parcels. The Commission's mandate is to preserve agricultural land and encourage farming and the Commission did not believe that your proposal was consistent with that mandate.

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

The decision noted above is recorded as Resolution # **48/2006**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karsen, Chair

cc: Cariboo Regional District: (# 4035-20-A143)

SBR/lv/3633d1

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on February 21, 2006 at the Red Coach Inn, Highway 97, 100 Mile House, BC.

**PRESENT:** Grant Huffman Chair  
Holly Campbell Commissioner

**ABSENT:** Frank Read Commissioner

**STAFF:** Martin Collins, Planner

**For Consideration**

Martin Collins presented Simone Rivers' staff report dated January 25, 2006 regarding application #D- 36330-0. Mr. Malinosky, agent for the applicant, confirmed that he received the staff report and did not identify any errors.

**Site Inspection**

A site inspection was conducted on February 21, 2006. Those in attendance were:

- Commissioners Huffman, & Campbell
- Agricultural Land Commission Staff: Martin Collins, Planner
- Ivan Malinosky, Agent

The Commission viewed the property, noting that lands to the south were larger in size and in agricultural (pasture and hayland) production.

The site inspection lasted from 9:30 a.m. to 10 a.m.

**Commission Discussion**

The Commission noted that the property appeared to have very good agricultural capability, in that the soil conditions appeared to be able to support pasture and hay production, and the parcel was large enough to be used for farming purposes. In addition the Commission believed the parcel to be a suitable transition between smaller parcels to the north and larger farm parcels to the south. Subdivision into smaller lots, would in the Commission's mind, result in a loss in agricultural potential and place adjoining farmland lying to the south at risk.

**IT WAS**

**MOVED BY:** Commissioner Campbell

**SECONDED BY:** Commissioner Huffman

THAT the staff report be received and the application be refused on the grounds that the property had good agricultural capability.

CARRIED



**Staff Report**  
**Application # D – 36330-0**  
**Applicant: Joe and Marinka Novak**  
**Agent: Ivan Malinosky**

**DATE RECEIVED:** October 26, 2005

**DATE PREPARED:** January 25, 2006

**TO:** Chair and Commissioners – Interior Panel

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To subdivide the 6.9 ha parcel into six lots ranging in size from 1.0 ha to 1.22 ha. An additional 0.2 ha would be dedicated as road in order to access the proposed lots.

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

**BACKGROUND INFORMATION:**

The following background information was submitted as part of the local government report. There are two covenants registered on Title referring to the proximity of the property to both Dragon Lake and Dragon Creek. One covenant prohibits construction within 7.6 m of the lake and marsh area and within 15 m of the creek. The other covenant includes a minimum elevation of 598 m G.S.C. datum for buildings located on the property.

District Lot 2560 on the southern boundary of the subject property is classed as farm by BC Assessment. Should the application be approved, the zoning amendment would seek covenants pertaining to "awareness" of agricultural activity and "edge planning" respecting the interface between residential and agricultural uses.

**Local Government:**

Cariboo Regional District

**Legal Description of Property:**

PID: 004-356-756

Lot A, District Lot 715 and 7253, Cariboo District, Plan 25339, Except Plans 31571, 31660 and 32217

**Location of Property:**

Estate Road on Dragon Lake, near Quesnel.

**Size of Property:**

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

**Present use of the Property:**

Hayfield and natural state, no buildings

**Surrounding Land Uses:**

**WEST:** Dragon Lake (non-ALR)

**SOUTH:** Hobby farm (ALR)

**EAST:** Residential (ALR)

**NORTH:** Residential (ALR)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 93B/16

The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

Quesnel Fringe Area Official Community Plan (OCP) Bylaw No. 1366 designates the property as Resource Area (RA)

**Zoning Bylaw and Designation:**

Quesnel Fringe Area Zoning Bylaw No. 3504, (1999) designates the property as Rural 1 (RR1).  
Minimum parcel size 4 ha.

**RELEVANT APPLICATIONS:**

**Application #18799-0**

**Applicant:** Edward L Marshall

**Decision Date:** December 18, 1985

**Proposal:** To exclude the 23 ha property from the ALR in order to subdivide into rural residential lots. The applicant indicated he was under pressure from the Dragon Lake Improvement District to cease raising cattle on the property because of deleterious effects upon the water quality of Dragon Lake

**Decision:** Refused exclusion as proposed, but allowed the subdivision of six lots no smaller than 2 ha in size.

**Note:** This application allowed the creation of the subject property.

---

**Application #20023-0**

**Applicant:** James & Pauline Dyck

**Decision Date:** June 18, 1986

**Proposal:** To subdivide the 32 ha parcel into 11 lots

**Decision:** Refused on the grounds that the area has good agricultural capability and that further subdivision of the area would have a negative impact on agriculture.

**Note:** This property is located directly south of the subject property.

**Application #35666-0**

**Applicant:** Theresa D. Williams

**Decision Date:** December 14, 2004

**Proposal:** To subdivide the 2 ha property into two lots of roughly equal size.

**Decision:** The Commission allowed the subdivision of the 2 ha lot into two 1 ha lots on the grounds the property was too small for agricultural development.

**Note:** Application # 18799 allowed the creation this property which is located directly north of the subject property.

---

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Advisory Planning Commission:** *"Recommend approval and recommend removal from the ALR"*

**Planning Department:** Should the application be successful, it will be required to amend both the zoning bylaw and the OCP.

There are two covenants registered on Title referring to the proximity of the property to both Dragon Lake and Dragon Creek. One covenant prohibits a construction within 25 feet of the land and marsh area and 50 feet of the creek. The other covenant includes a minimum elevation of 598 m G.S.C. datum for buildings located on the property.

Planning staff support approval of the current application as lands to the east are not in the ALR and previous approvals have created lots of a similar size to this proposal.

**Cariboo Regional District Board:** The Regional Board forwarded the application with a recommendation for approval.

**STAFF COMMENTS:**

**Agricultural Capability:** The property spans three different capability polygons. In general, the property has good agricultural capability and the airphoto shows that the property has been improved for agricultural use.

The three polygons are as follows:

100% Class 6 (O)IW

80% Class 3M - 20% Class 6 (O)WI improveable to 80% Class 2M - 20% Class 6 (O)WI

80% Class 2D - 20% Class 1

**Class 1** – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

**Class 2** - Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

**Class 3** - Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

**Organic Soils** - Organic soils are grouped into seven classes, designated as 01 to 07. The organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.

**Class 6** - Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

**Subclasses**

M soil moisture deficiency

D undesirable soil structure

I inundation (flooding by streams, etc.)

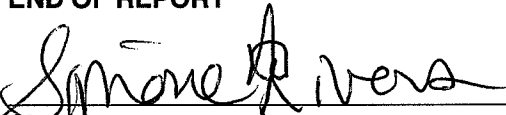
W excess water

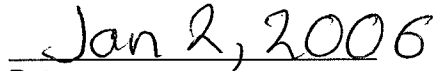
**Agricultural Suitability:** The parcel is located in an area where small lots have been created to the north and east of the subject parcel. The subdivision of the parcel to the north was allowed on the basis that the property (2 ha) was too small for commercial agricultural uses and was surrounded by rural residential lots. Subdivision of the parcel to the south was refused on the grounds that the parcel had good agricultural capability and that further subdivision of the area would have a negative impact on agriculture.

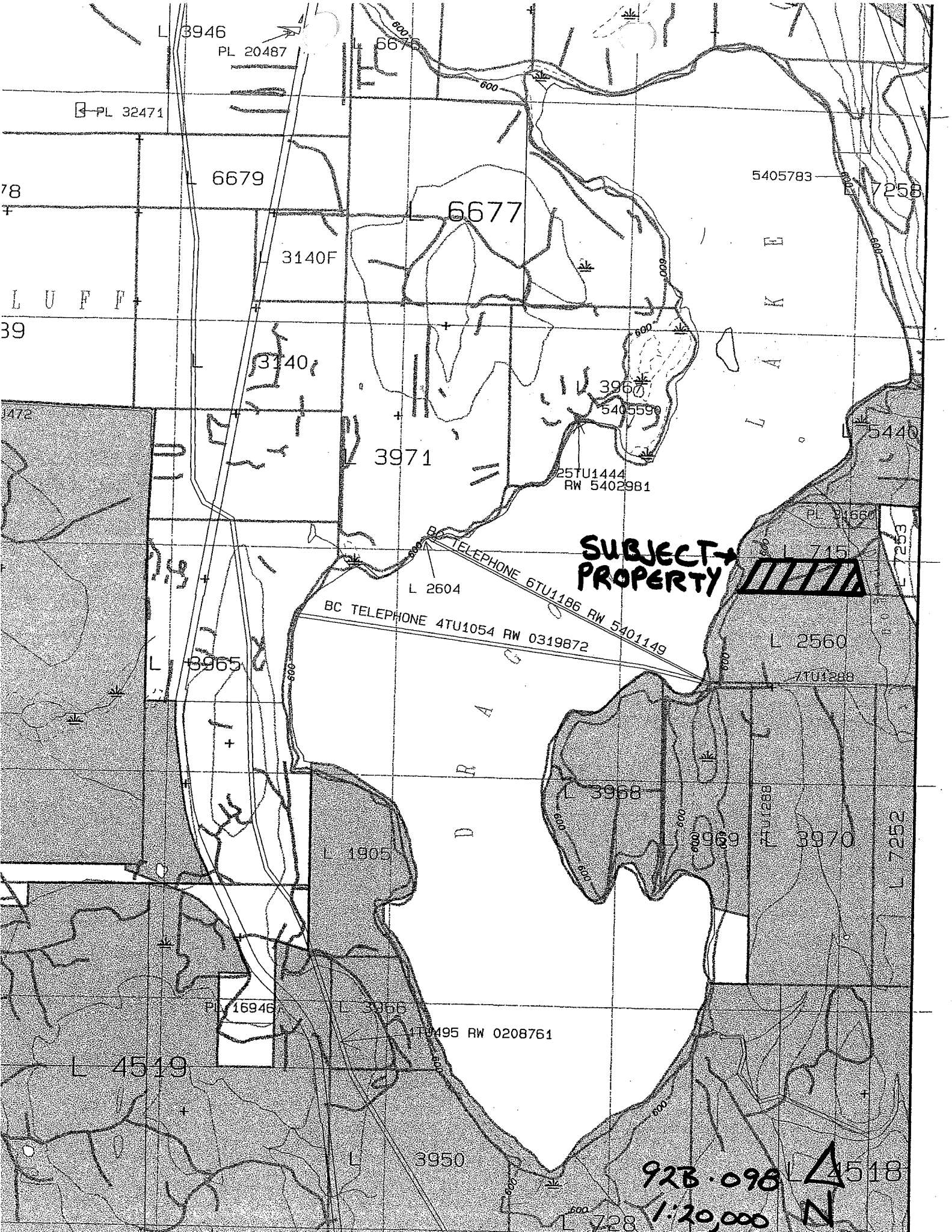
**Staff Comments:** The Commission will have to decide whether or not further small lot subdivision should be allowed in this area. Staff recommend a site visit to evaluate the impact on agriculture of the proposed subdivision and the agricultural capability of the subject property.

---

**END OF REPORT**

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date



L 3946  
PL 20487

PL 32471

L 6679

L 6677

5405783  
L 7258

3140F

L U F F

E

L A K E

39

3140

3960  
5405590

L A K E

L 5440

3971

25TU1444  
RW 5402981

**SUBJECT PROPERTY**

L 2604

BC TELEPHONE 6TU1186 RW 5401149  
BC TELEPHONE 4TU1054 RW 0319872

L 2560

L 3965

7TU1288

D R A G

L 3968

L 1905

7TU1288

L 3970

L 7252

PL 16946

L 3966

7TU1495 RW 0208761

L 4519

L 3950

928.098

4518  
N

1:20,000