



Agricultural Land Commission
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May 10, 2006

Reply to the attention of Simone Rivers

John & Melody Heenan
PO Box 141
Charlie Lake, BC V0C 1H0

Dear Mr. and Mrs. Heenan

Re: Application #W- 36349
The East ½ of Section 25, Township 84, Range 21, West of the 6th Meridian,
Peace River District, Except Plans PGP35457 and 22408 and Except That Part
Lying South East of Plan PGP35457

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above mentioned property into a 52 ha lot and a 63 ha lot. 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 May 2, 2006. In reviewing the application, the Commission took into consideration its position that the creation of quarter section sized parcels from sections and half-sections should only be entertained as a method of facilitating the transfer of blocks of land between farms for the encouragement and benefit of farming. After visiting the property and reviewing your application the Commission felt that the property has more agricultural potential as a single unit than as two separate parcels. The Commission noted that quarter sections are not considered to be stand alone farm units in the Peace River Regional District but a standard unit used to modify and augment farm operations. As such, the Commission believed that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

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

The decision noted above is recorded as Resolution # **214/2006**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: Peace River Regional District (#50-2005)

SBR/lv/36347d1.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on May 2, 2006 at the Ramada Inn, 10103, 98th Avenue, Fort St. John, B.C.

PRESENT: Frank Read Chair
John Kendrew Commissioner

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

For Consideration

Simone Rivers presented the staff report dated January 16, 2006 regarding application #W-36347. Mr. Heenan confirmed that he received the staff report and did not identify any errors.

Site Inspection

A site inspection was conducted on May 2, 2006. Those in attendance were:

- Commissioners Read, Kendrew
- Agricultural Land Commission Staff: Simone Magwood, Regional Research Officer and Martin Collins-Roger Cheetham, Planner
- Applicant: John Heenan
- Ministry of Agriculture and Lands, Land Use Agrologist: Jim Forbes.

The Commission met with the applicants on site. They noted that much of the property was improved and had agricultural capability. The Commission later drove to the end of the property. The applicant informed the Commission that the property was grazed by buffalo owned by a nearby rancher. The applicant was requesting the subdivision in order to be able to leave the land to his children.

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

Commission Discussion

The Commission noted that the property had agricultural capability and was improved for agricultural use where possible. The Commission also noted part of the half section had already been subdivided as divided by Donis Road.

Until January 2003, in the Peace River Regional District, General Order 8314/78 allowed for "automatic" subdivision of properties into quarter sections. In reviewing this application, the Commission recalled its January 2003 decision to rescind General Order 8314/78 and their rationale for that decision. The Commission recalled that quarter sections are not considered to be stand alone farm units in the Peace River Regional District but a standard unit used to modify larger farm operations. The Commission believed rather than being used as a tool for creating transferable blocks of land for the encouragement and benefit of farming, the General Order was being used more so to create subdivisions for rural/estate residential purposes. As consolidation or addition to existing farms did not appear to be an option in this case, the Commission did not feel that the property should be subdivided.

IT WAS

MOVED BY: Commissioner Kendrew

SECONDED BY: Commissioner Read

THAT the staff report be received and the application to subdivide the 115 ha property described as The East 1/2 of Section 25, Township 84, Range 21, West of the 6th Meridian, Peace River District, Except Plans PGP35457 and 22408 and Except That Part Lying South East of Plan PGP35457 into a 52 ha lot and a 63 ha lot be refused as proposed on the grounds that subdivision would reduce the agricultural potential of the property and limit future agricultural options.

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

CARRIED



Staff Report
Application # W – 36347-0
Applicant: John & Melody Heenan

DATE RECEIVED: November 3, 2005

DATE PREPARED: January 16, 2006

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 115.0 ha property into into one 52 ha lot and one 63 ha lot.

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

BACKGROUND INFORMATION:

The applicants state the land will remain in agricultural production.

Permission to subdivide the property as divided by Donis Road was granted in 1979 (Resolution # 11164/79) although not carried out until 1987 after the current owners had purchased the property. The Certificate of Title submitted with the application was not the most up-to-date title and did not reflect the subdivision of the property. The legal description is, therefore, wrong throughout the application. The correct Certificate of Title has been added to the application and the correct legal description has been used for this staff report.

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 013-408-453

The East 1/2 of Section 25, Township 84, Range 21, West of the 6th Meridian, Peace River District, Except Plans PGP35457 and 22408 and Except That Part Lying South East of Plan PGP35457

Purchase Date:

April 1997

Location of Property:

North of Highway 29N on Donis Road, west of Charlie Lake

Size of Property:

115.0 ha (The entire property is in the ALR)

Present use of the Property:

One homesite, the remainder of the property is used for pasture and hay production

Surrounding Land Uses:

WEST: Bush and grazing land (non-ALR)
SOUTH: Bush (ALR)
EAST: Bush (ALR)
NORTH: Grazing land (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 94A/6
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

North Peace OCP Bylaw No. 820, (1993) designates the property as "Rural Resource - Agriculture"

Zoning Bylaw and Designation:

Regional Zoning Bylaw No. 1343, (2001) designates the parcel as A-2 "Large Agricultural Holdings"
Minimum lot size: 63 ha.

PREVIOUS APPLICATIONS:

Application #08376-0

Applicant: Edward Perkins
Decision Date: May 4, 1979
Proposal: To subdivide six 2.6 ha lots from the 124.8 ha property. The six proposed lots were located south of Donis Road.
Decision: Refused as proposed. The Commission allowed the subdivision of approximately 16 from the property as divided by Donis Road.

RELEVANT APPLICATIONS:

Application #06516-0

Applicant: Linda Thomson
Decision Date: August 28, 1979
Proposal: To subdivide 16.2 ha from the 64.8 ha parcel as divided by Donis Road
Decision: Refused.

Application #19917-1

Applicant: Kenneth Clarke
Decision Date: September 25, 1987
Proposal: To subdivide 6 ha from the 62.3 ha parcel
Decision: Initially refused.
Allowed on reconsideration after a meeting with the Peace River Regional District. The subdivision was allowed due to compassionate reasons as purchase of the 6 ha had already taken place by verbal agreement and the purchases had paid for property to which they had no legal title.

Application #36136-0

Applicant: Clarke, Kenneth & Myrtle L
Decision Date: September 15, 2005
Proposal: To subdivide the 63 ha property into one 14.9 ha lot and one 47.8 ha lot as divided by Donis Road.
Decision: Refused on the grounds that the parcel is in an area of large agricultural parcels.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: The Regional Board forwarded the application with the following resolution, that the application be received and that the Regional Board support and authorize the proposed subdivision... on the basis that the proposed subdivision is supported by Section 33, Part 2, Paragraph b (iii) of the Peace River Regional Zoning Bylaw No. 1343, 2001 and Policy 3 (c) of the North Peace Official Community Plan.

Policy 3 (c) - North Peace Official Community Plan:

This policy allows "The creation of a parcel not less than 30 ha (that) results from the establishment of standard quarter section boundaries upon the Dominion Township surveys system"

Section 33, Part 2, Paragraph b (iii) of the Peace River Regional Zoning Bylaw No. 1343, 2001:

This paragraph allows for an exception to the minimum parcel size in the "A-2" zone and states that, "for subdivision along a quarter section boundary for an incomplete quarter, the minimum parcel size shall be not less than 50 ha."

STAFF COMMENTS:

Agricultural Capability: The entire parcel is rated as Class 5C.

Agricultural Suitability: The parcel is located in an area of large holdings and is currently used for pasture and forage production. The applicants state that the parcel will continue to be used for agricultural production.

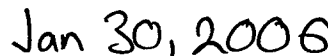
Planning Considerations: The subject parcel is not in the area considered under the Fort St. John and Area Comprehensive Development Plan.

Impact on Agriculture: The Commission recently refused (Resolution # 14/2005) the request of an adjacent land owner to subdivide his parcel as divided by Donis Road on the grounds that it did not want to set a precedent for subdivision in this area of large holdings.

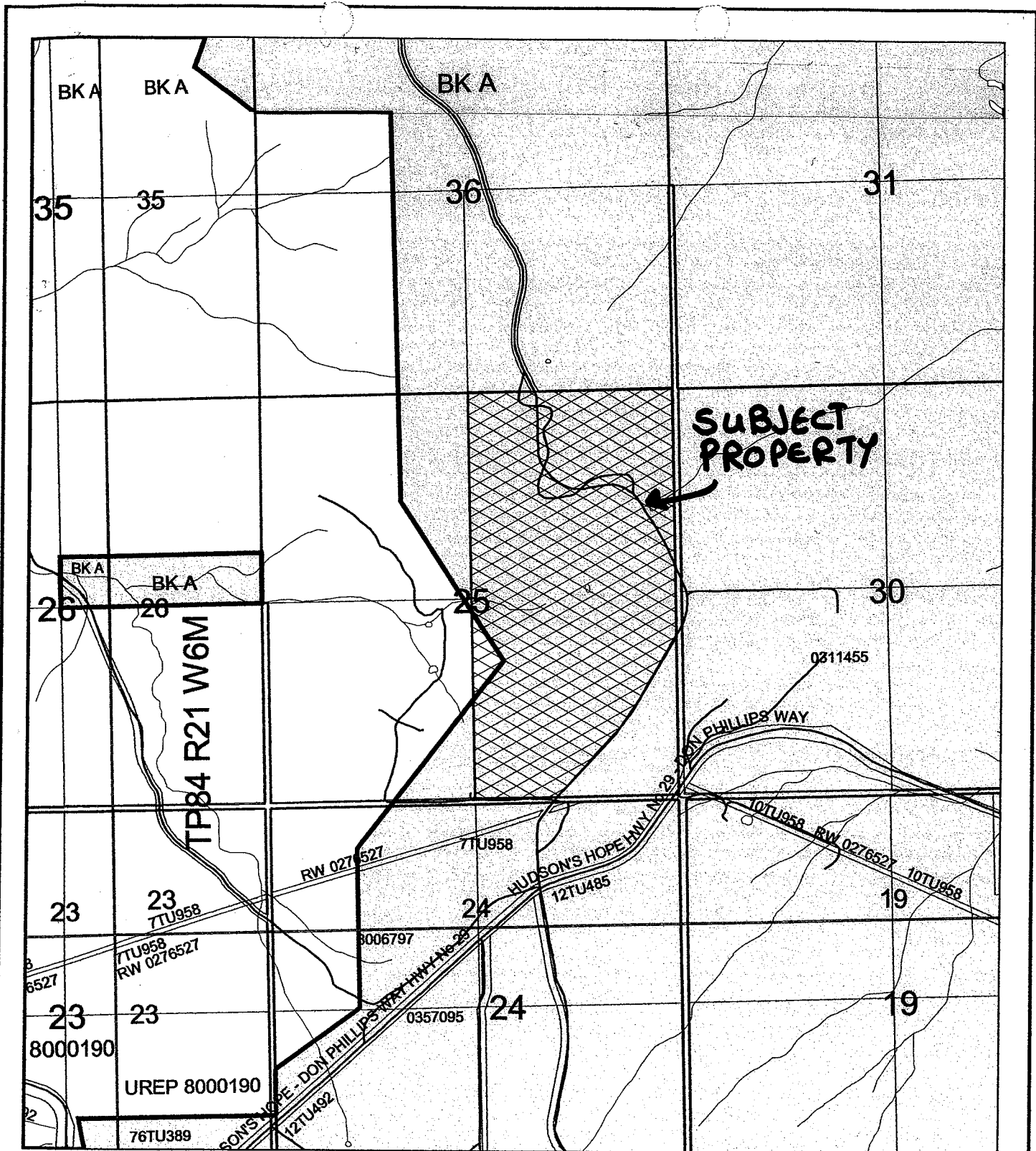
END OF REPORT



Signature



Date



ALC CONTEXT MAP
Application # 36347

Map Scale: 1: 20000

ALC File #: 21-05-36347
BCGS Map Sheet #: 94A.025
Regional District: Peace River

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