



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

September 14, 2006

Reply to the attention of Simone Rivers
ALC File #D-36625

Wiles and Cindric Surveying
PO Box 4665
Quesnel, B.C. V2J 3J9

Dear Sirs:

Re: **Application D-36625 - to subdivide in the Agriculture Land Reserve**

Please find attached the Minutes of Resolution #446/2006 outlining the Commission's decision as it relates to the above noted application. A copy of the decision has not been sent to the applicant. As agent it is your responsibility to inform your client.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'E. Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Cariboo Regional District (#4035-20-A-15)

MC/lv/Encl.: Minutes
Sketch Map

36625d1

**Plan of Tentative Subdivision of
Part of Lot 1, District Lot 6732,
Cariboo District, Plan 23899.**

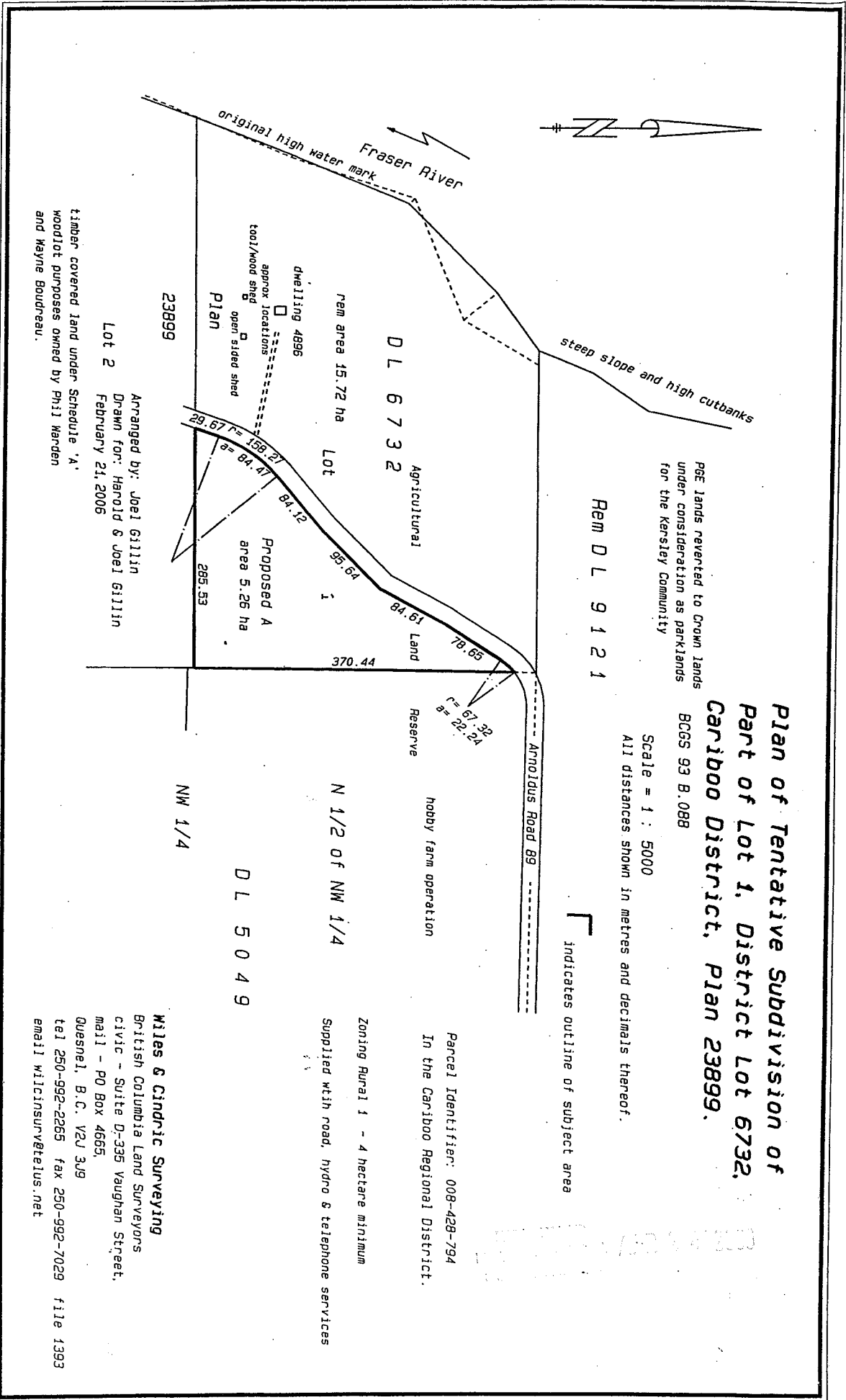
PG&E lands reverted to Crown Lands
under consideration as parklands
for the Kersley Community

BCGS 93 B.088

Scale = 1 : 5000
All distances shown in metres and decimals thereof.

Rem DL 9121

┌ indicates outline of subject area



timber covered land under Schedule 'A'
woodlot purposes owned by Phil Warden
and Kayne Boudreau.

Lot 2
Arranged by: Joel Gillin
Drawn for: Harold & Joel Gillin
February 21, 2006

NW 1/4

N 1/2 of NW 1/4

DL 5049

Wiles & Cindric Surveying
British Columbia Land Surveyors
civic - Suite D-335 Vaughan Street,
mail - PO Box 4665,
Quesnel, B.C. V2J 3J9
tel 250-992-2265 fax 250-992-7029 file 1393
email wilcinsur@telus.net

APPLICATION # D-36625
RES. # 446/2006

Commission Discussion

The Commission, in its review of the application considered the agricultural impacts of subdivision on the property and the surrounding agricultural community. It believed that the subject property had limited agricultural potential due to its small size, and severe topography. The Commission also contemplated the potential negative effects of increasing rural residential density in this area. While the Commission appreciated that the larger agriculturally developed properties lying to the east might come under increased subdivision pressures (both through speculation and conflict) if the subdivision is allowed, it was noted that although the absolute number of rural residents would increase slightly, there would be no increase in the farm/residential interface.

The Commission indicated that it would be very reluctant to consider further subdivision in this area because of potential negative effects of rural/farm conflicts and heightened expectations, which have the effect of dampening, rather than encouraging agricultural development.

IT WAS

MOVED BY: Commissioner Read
SECONDED BY: Commissioner Huffman

THAT the staff report be received and the application to subdivide a 5 ha lot from the 21 ha property be allowed.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

CARRIED
Resolution # 446/2006



Staff Report
Application # D – 36625
Applicant: Harold & Evelyn Gillin
Agent: Brad Wiles

DATE RECEIVED: April 24, 2006

DATE PREPARED: July 26, 2006

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide the 21 ha property into a 5.3 ha lot and a 15.7 ha lot as divided by Arnoldus Road.

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

BACKGROUND INFORMATION:

The applicants are applying to subdivide in order to provide a homesite for their son. The applicants state that the area to be subdivided is hillside containing gullies. The subject property was subdivided in 1976 (application # 75-0773). At that time a covenant was registered which states that "there shall be no building within 500 feet of the slide scarp at the North West corner of District Lot 6732, Cariboo District.

Local Government:

Cariboo Regional District

Legal Description of Property:

PID: 008-428-794
Lot 1, District Lot 6732, Cariboo District, Plan 23899

Purchase Date:

May 1978

Location of Property:

2400 Ardoldus Road, Quesnel

Size of Property:

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

Present use of the Property:

Residential (one home and associated outbuildings)

Surrounding Land Uses:

WEST: Fraser River
SOUTH: Timberland (ALR)
EAST: Hobby farm (ALR)
NORTH: Forest, old PGE townsite - presently being given to Kersley Community for a park (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B/16
The majority of the property is identified as having prime dominant ratings.

Zoning Bylaw and Designation:

North Cariboo Area Rural Land Use Bylaw No. 3505 (1999) designates the property as Rural 1 (RR1). Minimum parcel size 4 ha.

PREVIOUS APPLICATIONS:

Application #75-0773-0

Applicant: Warden/Gillin,
Decision Date: September 24, 1975
Proposal: To subdivide the property.
Decision: Refused as proposed on the grounds that 22.4 ha is a relatively small parcel to be considered a viable economic unit in this area. – The Commission indicated it would reconsider the application if the subdivision proposal followed the physical division of the steep hillside which traverses the property.

Application #75-0773-1

Applicant: Warden/Gillin,
Decision Date: May 20, 1976
Proposal: To subdivide the property.
Decision: Reconfirmed the decision to refuse the subdivision as proposed.

Application #75-0773-2

Applicant: Warden/Gillin,
Decision Date: November 16, 1976
Proposal: To reconsider the application
Decision: Approved based on new information from the B.C. department of agriculture and on surrounding parcel sizes submitted by the applicant. Approval was granted subject to a covenant stating that there be no further subdivision and a suitable leave strip along the river be provided, which was to be approved by the District Agriculturalist.

Application #75-0773-3

Applicant: Warden/Gillin,
Decision Date: November 04, 1977
Proposal: To remove the conditions of the covenants
Decision: Allowed as requested

Present use of the Property:

Residential (one home and associated outbuildings)

Surrounding Land Uses:

WEST: Fraser River
SOUTH: Timberland (ALR)
EAST: Hobby farm (ALR)
NORTH: Forest, old PGE townsite - presently being given to Kersley Community for a park (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B/16
The majority of the property is identified as having Prime Dominant ratings.

Zoning Bylaw and Designation:

North Cariboo Area Rural Land Use Bylaw No. 3505 (1999) designates the property as Rural 1 (RR1). Minimum parcel size 4 ha.

PREVIOUS APPLICATIONS:

Application #75-0773-0

Applicant: Warden/Gillin,
Decision Date: September 24, 1975
Proposal: To subdivide the property.
Decision: Refused as proposed on the grounds that 22.4 ha is a relatively small parcel to be considered a viable economic unit in this area. – The Commission indicated they would reconsider the application if the subdivision proposal followed the physical division of the steep hillside which traverses the property.

Application #75-0773-1

Applicant: Warden/Gillin,
Decision Date: May 20, 1976
Proposal: To subdivide the property.
Decision: Reconfirmed the decision to refuse the subdivision as proposed.

Application #75-0773-2

Applicant: Warden/Gillin,
Decision Date: November 16, 1976
Proposal: To reconsider the application
Decision: Approved based on new information from the B.C. department of agriculture and on surrounding parcel sizes submitted by the applicant. Approval was granted subject to a covenant stating that there be no further subdivision and a suitable leave strip along the river be provided, which was to be approved by the District Agriculturalist.

Application #75-0773-3

Applicant: Warden/Gillin,
Decision Date: November 04, 1977
Proposal: To remove the conditions of the covenants
Decision: Allowed as requested

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Advisory Planning Commission: Recommend approval

Cariboo Regional District Board Planning Staff: The Planning department recommends that this application for subdivision not be authorized for submission to the Land Commission and therefore be denied. Planning staff note that the subject property is not proximate to the Community of Kersley and state *"We accept that the land is divided by a road, nevertheless we would rather see an infilling of the lots between the community, rather than further subdivide this parcel at this time. Due to soil rating and distance from the existing community, it is recommended that this application be denied."*

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

STAFF COMMENTS:

Agricultural Capability:

The majority of the property is rated as Class 2 and 3 soils with subclasses of M, T and D.

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.

Subclasses:

M - soil moisture deficiency

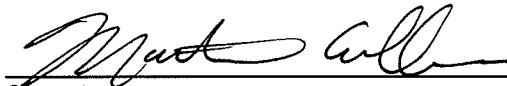
T - Topography

D - Undesirable soil structure

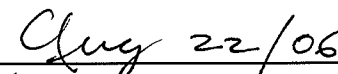
ATTACHMENTS:

- Supplemental Letter from the applicant (date April 30, 2006)
- Map: ALR Context Map (submitted by the Cariboo Regional District)
- Map: Plan of Tentative Subdivision of Part of Lot 1, District Lot 5732, Cariboo District, Plan 23899 (Submitted by the applicant)

END OF REPORT



Signature



Date