

**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 13, 2006

Reply to the attention of Simone Rivers ALC File #D-36908

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

Dear Sirs:

Re: Application D-36908 - to subdivide in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #442/2006 outlining the Commission's decision as it relates to the above noted application.

The Commission has not provided the landowner with a copy of the decision. It is your responsibility as agent to inform the landowner.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

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Per:

Erik Karlsen, Chair

CC:

Cariboo Regional District (# 4035-20-B273)

SBR/lv/Encl.: Minutes

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# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on Thursday, September 7, 2006 at the C.D. Hoy Room at Quesnel City hall located at 410 Kinchant Ave, Quesnel, BC.

PRESENT: Grant H

Grant Huffman.

Vice Chair

Frank Read

Commissioner

Holly Campbell

Commissioner

STAFF:

Martin Collins, Planner

#### For Consideration

Martin Collins presented the staff report dated August 30, 2006 regarding application #D-36908.

# Site Inspection

A site inspection was conducted on Thursday, September 7, 2006. Those in attendance were:

- · Commissioners: Huffman, Campbell and Read
- ALC staff, Martin Collins
- Kevin Hames, the applicant's son

The Commission viewed the 4 ha area proposed for subdivision, noting that it was mostly forested and contained Kevin Hames dwelling. The Commission also noted that a rural residential property existed across the road from the proposed subdivision. The small parcel had been part of a previous consolidation/subdivision proposal that had resulted in the 84 ha subject property.

# **Commission Discussion**

The Commission did not consider the proposal to be supportive of agriculture, even though the proposed subdivision did not alienate any productive land. However, the Commission was concerned that if the subdivision was allowed any other dwellings would be constructed on the remnant, potentially on arable land. Also, although the home would initially be occupied by a resident (Kevin Hames) who would be sympathetic to farming, it is likely a future owner of the property would come into conflict with the adjoining farm (as occurred with the existing residence in past years), about typical farm activities.

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The Commission discussed what agricultural benefits could be provided to help offset the negative impacts of subdivision. As it was advised during the site visit that Gordon and Theresa Hames owned adjoining properties within the ALR, the Commission indicated that it would be prepared to favourably consider the subdivision of a 4 ha lot, subject to the registration of a covenant against the titles of Parcel 1 (the remnant) and another adjoining farm property in the ALR also owned by the applicant, preventing their separate sale. The Commission believed that "consolidation by covenant" (also referred to as binding of titles) achieving a benefit for agriculture by mitigating the potential negative impacts of the subdivision.

The Commission does not consider subdivision for family or estate purposes to be supportive of its mandate to preserve agricultural land and encourage farming. It believes that subdivision of residential lots for children of landowners cannot continue generation after generation without compromising the agricultural land base.

**IT WAS** 

MOVED BY:

Commissioner Read

SECONDED BY:

Commissioner Huffman

THAT the staff report be received and the application to subdivide a 4 ha lot from the 85 ha property be refused as proposed because of the potential negative impacts of rural/residential conflicts.

**CARRIED** 



# Staff Report Application # D – 36908 Applicant: Gordon & Theresa Hames Agent: Wiles and Cindric Surveying

DATE RECEIVED: August 30, 2006

DATE PREPARED: September 1, 2006

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

**FROM:** Simone Rivers, Land Use Planner

**PROPOSAL:** To subdivide to create a 4.1 ha lot from the 84.6 ha property for the

applicants' son.

This application is made pursuant to section 21(2) of the Agricultural Land

Commission Act.

## BACKGROUND INFORMATION:

The applicants made a similar application in 1994 which was refused by the Commission.

## **Local Government:**

Cariboo Regional District

## **Legal Description of Property:**

PID: 015-326-128

Parcel 1, District Lot 8638 and 8639, Cariboo District, Plan 34290;

#### **Purchase Date:**

January 1990

# **Location of Property:**

2474 Paradise Road, Quesnel

# Size of Property:

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

# Present use of the Property:

Residential and farming

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Re: Application # D-36908

# **Surrounding Land Uses:**

Farm land, forested WEST: WEST: Forested, farm land SOUTH: Residential, farm land

Crown Land, grazing license NORTH:

# **Agricultural Capability:**

Agricultural Capability Map # 92G/2 Data Source:

The majority of the property is identified as having Prime Dominant ratings.

#### Official Community Plan and Designation:

North Cariboo Area Rural Land Use Bylaw No. 3505 (1999) designates the property as Resource/Agricultural (R/A) zone.

Minimum Lot Size: 10.0 ha

## PREVIOUS APPLICATIONS:

Application #29330-0

Applicant: Hames, Gordon & Theresa

**Decision Date:** January 17, 1995

To subdivide a 2 ha lot from the 84.6 ha parcel for their son Proposal:

Refused due to negative impact for area and second dwelling not warranted on Decision:

#### LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Cariboo Regional District Board: The Regional Board forwarded the application with a recommendation of support

Local Government Planning Department: Planning staff recommended that the application for subdivision within the ALR be rejected and not referred to the Commission.

Advisory Planning Commission: In favour

#### STAFF COMMENTS:

Although this application states that the applicants have only owned their property since 1990 the previous application stated that they had owned it since 1966 and were therefore eligible for consideration under the Homesite Severance Policy. The applicants own several properties in the area, some of which are in the ALR and some of which are not.

# ATTACHMENTS:

- Local Government Planning Report (3 pages) includes Map of proposed subdivision, application history, planning staff recommendation and board recommendation.
- Minutes and letter for previous application # D-29330

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