



Agricultural Land Commission
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www.alc.gov.bc.ca

July 5, 2007

Reply to the attention of Simone Rivers
ALC File: # W - 37272

Jason and Teresa Bodo
PO Box 181 - 5547 Highway 29 South
Chetwynd, BC V0C 1J0

Dear Mr. and Mrs. Bodo:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 319/2007 outlining the Commission's decision as it relates to the above noted application.

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 'Erik Karlsen', is written over a white background.

Erik Karlsen, Chair

cc: Peace River Regional District (#05/2007)

Enclosure: Minutes/Sketch Plan

SBR/lv
37272d1



A meeting was held by the Provincial Agricultural Land Commission on June 26, 2007 at Pouce Coupe, B.C.

PRESENT:	Erik Karlsen	Chair, ALC
	John Kendrew	Commissioner
	William Norton	Commissioner
	Simone Rivers	Staff
	Martin Collins	Staff

ABSENT:

For Consideration

Application: # W- 37272
 Applicant: Jason and Teresa Bodo
 Proposal: To subdivide the 51.5 ha parcel to create a 1.8 ha parcel around the existing house.
 Legal: PID: 014-703-645
 District Lot 1815, Peace River District, EXCEPT Plan 21712
 Location: Located 2 km south of the Chetwynd townsite on Highway 29 S between the Pine River the Highway

Site Inspection

A site inspection was conducted on June 26, 2007. Those in attendance were:

- Erik Karlsen Chair, ALC
- John Kendrew Commissioner
- William Norton Commissioner
- Simone Rivers Staff
- Martin Collins Staff
- Jason Bodo Applicant

The Commission met the applicant and viewed the subject property. It noted that the house was located on a hillside and that the majority of the property was on a lower bench. A portion of the property is not in the ALR near where the existing house is located.

Mr. Bodo confirmed that the staff report dated May 14, 1007 was received and no errors were identified.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from or to include land into the ALR or to subdivide or use land in the ALR for non-farm purposes.

Discussion

Assessment of Agricultural Capability

The Commission noted that the property had agricultural capability and is property designated as ALR. It further noted that a portion of the property was not in the ALR but appeared to have similar capability to the ALR portion. According to the Airphoto part of the Non-ALR portion of the property is cleared.

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission is generally reluctant to allow rural residential subdivision in these areas. However, the Commission notes that the applicant could subdivide along the ALR boundary without making an application to the Commission. The Non-ALR portion of the property does not contain the homesite that the applicant wished to subdivide. The Commission believes that the ALR boundary does not accurately reflect the agricultural capability of the subject property. Therefore, the Commission would allow the subdivision of 1.8 ha as requested subject to the inclusion of the non-ALR portion of the subject property into the reserve. This would ensure that only one new lot was created and lessen the impact of the subdivision on the subject property and surrounding lands.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the impact of the subdivision on agriculture can be mitigated by the inclusion of the non-ALR portion of the subject property into the ALR.

IT WAS

MOVED BY: Commissioner Norton
SECONDED BY: Commissioner Kendrew

THAT the application 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
- The inclusion of the non-ALR portion of District Lot 1815, Peace River District, Plan 21712 into the Agricultural Land Reserve.
- the subdivision must be completed within 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.

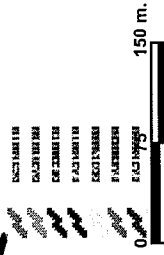
CARRIED

Resolution # 319/2007

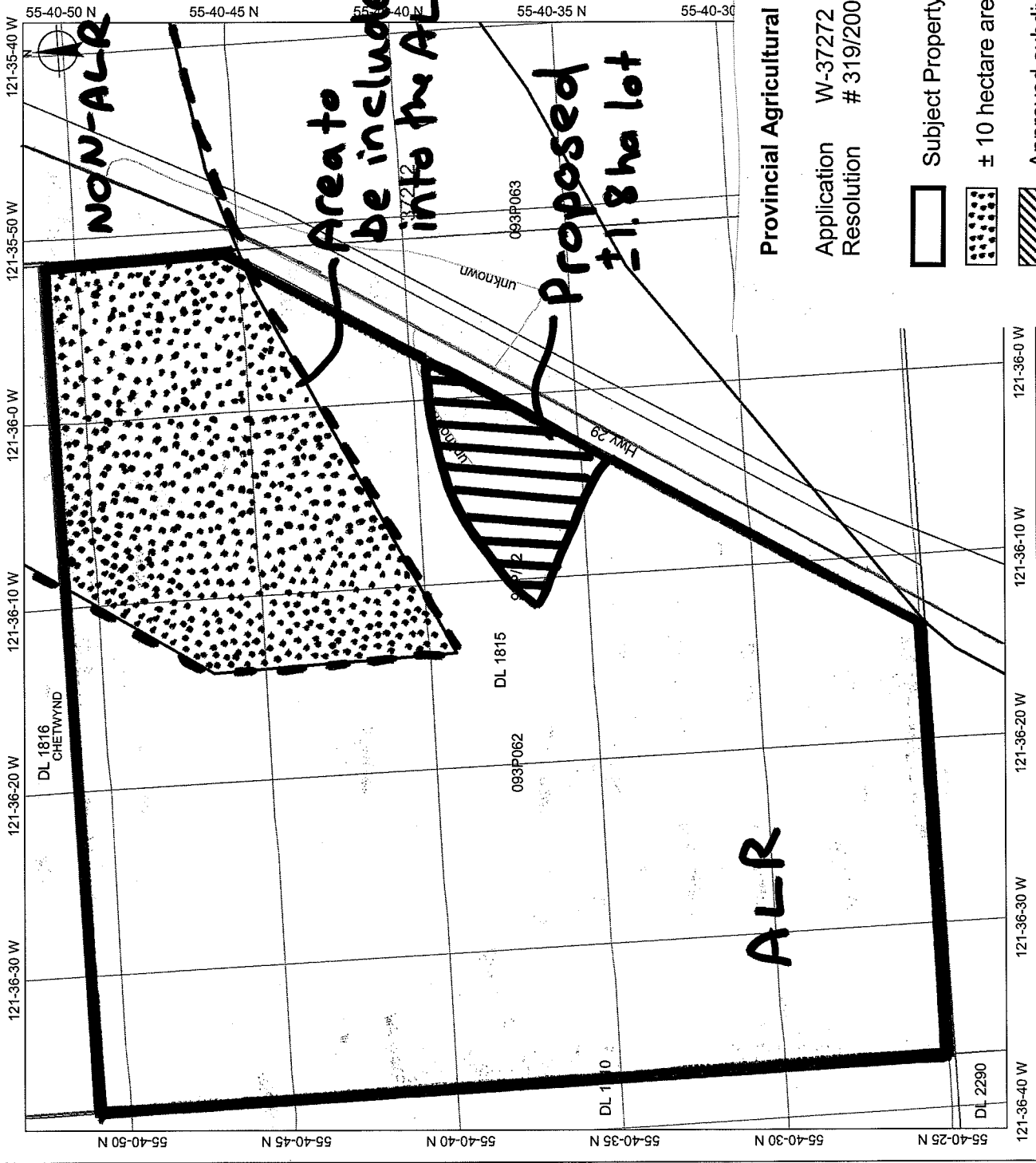


iMapBC Mapping
Legend

(CRA) Digital Road Atlas - Partially Authorized
 WMS - Rivers, Creeks, and Waterways (1:250,000)
 Elevation (Meters contour)
 Place or 25 meters: Land Use
 Place or 25 meters: Point Mark
 Place
 Elevation or 25 meters: Large
 Island: Outline
 Land Use
 Total Area
 Coordinates: UTM
 Transportation - Roads
 Railroads, etc. (1:250,000)



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Provincial Agricultural Land Commission

Application W-37272
Resolution # 319/2007

- Subject Property
- ± 10 hectare area to be included into the ALR
- Approved subdivision of one 1.8 ha lot
- ALR Boundary



Staff Report
Application # W – 37272
Applicant: Jason and Teresa Bodo

DATE RECEIVED: March 6, 2007

DATE PREPARED: May 14, 2007

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide the 51.5 ha parcel to create a 1.8 ha parcel around the existing house.

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

BACKGROUND INFORMATION:

The applicants state that they wish to build a new larger farm site and home. They state that the existing home and site are not large enough to support their farm plan and family size.

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 014-703-645
District Lot 1815, Peace River District, EXCEPT Plan 21712

Purchase Date:

August 2005

Location of Property:

Located 2 km south of the Chetwynd townsite on Highway 29 S between the Pine River the Highway

Size of Property:

51.5 ha (41.3 ha of the subject property is in the ALR).

Present use of the Property:

Hobby farm, approximately 20.3 ha in cultivation, treed, home, 2 sheds, one cabin

Surrounding Land Uses:

WEST: Hay/grain farm
SOUTH: Vacant Crown Land
EAST: Highway, residential acreage across highway
NORTH: Residential acreage/hobby farm

Agricultural Capability:

Data Source: Agricultural Capability Map # 93P/12
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

West Peace Official Community Plan Bylaw No. 1086 (1997)
Designation: Resource - Agricultural

Zoning Bylaw and Designation:

Peace River Regional District Zoning Bylaw No. 1343 (2001)
Designation: A-2 (Large Agricultural Holdings)
Minimum Lot Size: 63 ha

RELEVANT APPLICATIONS:

Application #08620-0

Applicant: Lake View Credit Union
Decision Date: October 11, 1979
Proposal: To exclude that portion of the 9.2 ha parcel that lies within the ALR (5.2 ha). It is further proposed to subdivide the property into five 1.8 ha lots.
Decision: Refused on the grounds that the property has good agricultural capability. (Note this property is located across the road from the current subject property)

Application #10907-0

Applicant: Spectrom Enterprises
Decision Date: October 22, 1980
Proposal: To exclude the 40 ha of the 54.1 ha property that lies within the ALR. The 14.1 ha of the property that is not within the Reserve is proposed for residential development.
Decision: Refused on the grounds that the subject property has capability for agriculture and the Commission is not satisfied that there is a demonstrated need to exclude such land for residential purposes. The Commission had no objection to the subdivision of the subject property along the ALR and the residential development of the northern 14.1 ha not in the Reserve.

Application #10907-1

Applicant: Spectrom Enterprises
Decision Date: October 28 1981
Proposal: To reconsider the previous decision to refuse exclusion of the ALR portion of the property.
Decision: That the area north of the proposed road shown running east to west across District Lot 1816 on the Future Land Use Map of the Village of Chetwynd OCP be recommended for exclusion. Lands south of the proposed road shall remain within the ALR.

Application #25270-0

Applicant: Little Prairie Holdings

Decision Date: December 19, 1990

Proposal: To subdivide 30 ha from the subject property for the purposes of constructing a community sewer lagoon.

Decision: Allowed with conditions.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: The Regional Board authorized the application to proceed to the Commission.

Local Government Planning Staff: Local planning staff recommended that the Regional Board refuse authorization for the application to proceed on the basis that the proposal is not consistent with the OCP policies and zoning regulations.

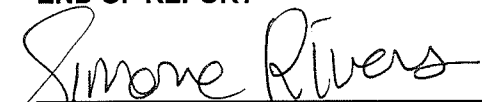
STAFF COMMENTS:

- Approximately 10.2 ha of the subject property is not within the ALR.
- Approximately 20 ha of the property is under cultivation, some of this area is not in the ALR.
- The subject property is mapped as having a range of agricultural capabilities, the majority of the property is rated 100% Class 5CW limited by climate and excess water. However, the proposed lot is located in an area rated as Class 3X with cumulative, minor limitations.
- The properties to the west appear to be under cultivation.
- Staff recommend a site visit to evaluate the agricultural capability of the subject property as well as the impact of subdivision on the surrounding agricultural operations.

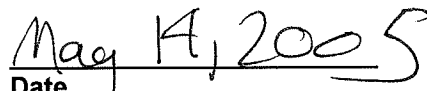
ATTACHMENTS:

- Sketch of proposed subdivision - submitted by the applicant
- ALC Context Map - 93P.063 & 93P.062 - 1:50,000 (Created by ALC Staff)
- ALC Context Map - 3P.063 & 93P.062 - 1:20,000 (Created by ALC Staff)
- Airphoto - 1:20,000 (created by ALC Staff)

END OF REPORT



Signature



Date