



**Agricultural Land Commission**  
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July 5, 2007

Reply to the attention of Simone Rivers  
ALC File: # W - 37333

Graham & Melissa Ripley and Gloria Klassen  
PO Box 692, Stn A  
Dawson Creek, BC V1G 4H7

Dear Madam/Sir:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 304/2007 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 the 'Per:' label.

Erik Karlsen, Chair

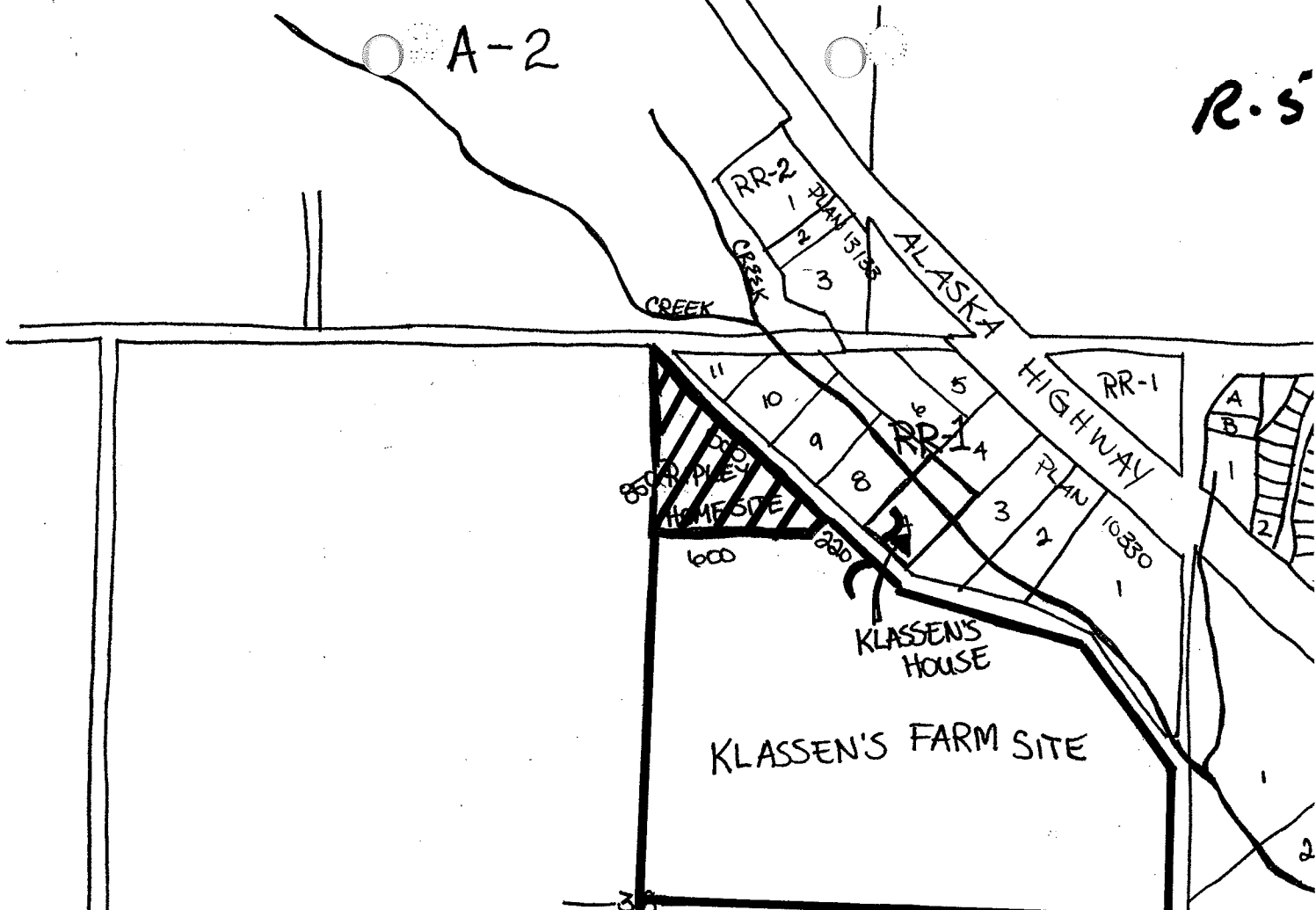
cc: Peace River Regional District (#30/2007)

Enclosure: Minutes/Sketch Plan

SBR/lv  
37333d1

A-2

R-5






Parcel A (S25804)  
 NE 1/4 of Section 36,  
 Twp 78, R16, W6M,  
 Peace River District

A-2

**Provincial Agricultural Land Commission**

Application W-37333  
 Resolution 304/2007

-  Subject Property
-  Approved subdivision ± 34 ha
-  Lots to be bound by title

MAR 22 2007

R-5



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 27, 2007 at the offices of the Peace River Regional District, Fort St. John, B.C.

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

### For Consideration

Application: # W - 37333  
Applicant: Graham & Melissa Ripley and Gloria Klassen  
Proposal: Subdivision for a relative: To subdivide the existing 3.4 ha homesite from the 40.5 ha parcel to finance a proposed market garden business  
Legal: PID: 014-330-458  
Parcel A (S25804), NE ¼ of Section 36, Township 78, Range 16, West of the 6<sup>th</sup> Meridian, Peace River District  
Location: Dawson Creek / Farmington

### Site Inspection

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

- Erik Karlsen Chair, North Panel
- John Kendrew Commissioner
- William Norton Commissioner
- Simone Rivers Staff
- Martin Collins Staff
- Graham and Melissa Ripley Applicants
- Jim Klassen Applicant

The Commission viewed the portion of the property that the applicants were proposing to subdivide and the area proposed for development as a market garden. The Commission also viewed the remainder of the property that was being used for a cattle operation. The Commission was told that the applicants bought the property together and that Mr. Klassen had rented the property from the previous owner prior to purchasing it. The Ripley's and the Klassen's wished to separate ownership so they could both pursue their individual agricultural goals. Mr. Klassen lived on a rural residential property located across a road from the remainder.

Ms. Ripley confirmed that the staff report dated May 9, 2007 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 agricultural capability of the soil of the subject property is predominantly Class 3c Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. The property is limited by an adverse climate

Much of the property was developed for agricultural use and the Commission believes that the property is correctly designated as ALR.

### **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 noted that the applicants had not plans to build an additional dwelling on the remainder of the property should the subdivision be allowed. It also noted that Mr. Klassen lived on a rural residential property adjacent to what would be the remainder of the subject property. The Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands provided the remainder of the property does not become a stand alone property. To this end, the Commission would allow the subdivision as requested subject to the registration of a covenant on the remainder of the property preventing it from being sold separately from Mr. Klassen's homesite.

### 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 proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### IT WAS

**MOVED BY:** Commissioner Kendrew

**SECONDED BY:** Commissioner Norton

THAT the application be allowed subject to conditions.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the registration of a covenant for the purpose of binding the titles of the remainder of Parcel A (S25804) of the North East ¼ of Section 36, Township 78, Range 16, West of the 6<sup>th</sup> Meridian, Peace River District *with* Lot 7, Section 36, Township 78, Range 16, West of the 6<sup>th</sup> Meridian, Peace River District, Plan 10330
- 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 # 304/2007**



**Staff Report**  
**Application # W – 37333**  
**Applicant: Graham & Melissa Ripley and Gloria Klassen**  
**Location: Farmington**

**DATE RECEIVED:** April 5, 2007

**DATE PREPARED:** May 9, 2007

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

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

**PROPOSAL:** Subdivision for a relative: To subdivide the existing 3.4 ha homesite from the 40.5 ha parcel to finance a proposed market garden business

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

**BACKGROUND INFORMATION:**

**Local Government:**

Peace River Regional District

**Legal Description of Property:**

PID: 014-330-458

Parcel A (S25804), NE 1/4, Section 36, Township 78, Range 16, W6M, Peace River District

**Purchase Date:**

February 2005

**Location of Property:**

8 km North of Dawson Creek / Farmington

**Size of Property:**

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

**Present use of the Property:**

Cattle operation including corral, pasture, water system, granaries and hay yard

**Surrounding Land Uses:**

**WEST:** farmland  
**SOUTH:** farmland  
**EAST:** acreages and farmland and Alaska hwy  
**NORTH:** subdivisions and acreages

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 93P/16  
The majority of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

Dawson Creek rural Area Official Community Plan Bylaw No 477, 1986 designates the property as Agriculture - Rural Resource

**Zoning Bylaw and Designation:**

Peace River regional District Zoning Bylaw No 1343, 2001 designates the property as - A2 - Large Agricultural Holdings  
Minimum lot size - 63 ha

**PREVIOUS APPLICATIONS:**

**Application #31774-0**

**Applicant:** Dilworth, Dwaine  
**Decision Date:** January 20, 1998  
**Proposal:** To subdivide the 40.5 hectare property into one lot of 3.4 hectares and one lot of 37.1 hectares.  
**Decision:** The Commission refused the application to subdivide the 40.5 hectare property into one lot of 3.4 hectares and one lot of 37.1 hectares on the grounds that the proposal would reduce the agricultural potential of the property and produce an added residential intrusion into this agricultural area.

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**RELEVANT APPLICATIONS:**

**Application #31781-0**

**Applicant:** Kirkpatrick, Francis & Marie  
**Decision Date:** January 20, 1998  
**Proposal:** To subdivide the 53.4 Hectare property into one lot of 47.9 hectares and one lot of 5.5 hectares.  
**Decision:** The Commission refused the request as proposed. However, the Commission noted that the applicants do qualify under the Homesite Severance Policy having lived on the property continuously since 1947. The Commission stated a willingness to reconsider the proposal under the Homesite Severance Policy provided the proposed lot is minimized to no more than 2.5 hectares in size.

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**Application #31781-1**

**Applicant:** Kirkpatrick, Francis & Marie  
**Decision Date:** July 23, 1998  
**Proposal:** To subdivide the 53.5 hectare property into one lot of 48 hectares and one lot of 5.5 hectares.  
**Decision:** The Commission approved the request to subdivide the 53.5 hectare parcel into one lot of 48 hectares and one lot of 5.5 hectares subject to the terms and provisions of the Commission's Homesite Severance Policy.

**Application #31781-2**

**Applicant:** Kirkpatrick, Francis

**Decision Date:** October 23, 1998

**Proposal:** To relax the conditions of the transfer agreement to allow the remnant parcel to be transferred to "a suitable purchaser to be determined in the future".

**Decision:** The Commission relaxed the requirement of its Homesite Severance Policy to sale and transfer the balance of the property at this time on the understanding that it will be sold at some point in the near future.

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**Application #29616-0**

**Applicant:** Bassett, Ben & Trina

**Decision Date:** March 17, 1995

**Proposal:** To subdivide the 50 ha property along the gully to create a 34 ha lot and a 16 ha lot. 40 ha is within the ALR.

**Decision:** Refused

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**Application #31553-0**

**Applicant:** Chmielewski, Raymond & Julie

**Decision Date:** September 24, 1997

**Proposal:** To subdivide the 62.8 ha property into one lot of 1.8 ha and one lot of 61 ha.

**Decision:** Refused.

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**Application #31553-1**

**Applicant:** Chmielewski, Raymond & Julie

**Decision Date:** November 19, 1997

**Proposal:** To subdivide the approximately 62.8 hectare property into one lot of 61 hectares and one lot of 1.2 hectares.

**Decision:** The Commission confirmed its previous decision made by Resolution #543/97 to refuse this essentially similar subdivision proposal on the grounds that the approval defined in application #W-29867 -- which was cited in the applicant's request for reconsideration -- was given for three specific reasons and 2) the proposal would constitute an additional residential intrusion in a highly capable agricultural area.

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**Application #31553-2**

**Applicant:** Chmielewski, Raymond & Julie

**Decision Date:** September 21, 1998

**Proposal:** To subdivide the 62.8 hectare property into one lot of 60.8 hectares and one lot of 2 hectares.

**Decision:** The Commission approved the request to subdivide the 62.8 hectare property into one lot of 2 hectares and one lot of 62.8 hectares.

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**Application #36764-0**

**Applicant:** Chmielewski, Raymond & Julie

**Decision Date:** October 20, 2006

**Proposal:** To subdivide the 60 ha property into eight lots: five 1.8 ha lots, one 3.0 ha lot, and one 3.6 ha lot and a 44.4 ha remainder.

**Decision:** Refused.



**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Peace River Regional District Board:** The Regional Board forwarded the application with a recommendation of support on the basis of similar small lot development nearby, with the condition that a covenant prohibiting future subdivision be registered on titles for the remainder of the subject property.

**STAFF COMMENTS:**


Staff note the following:

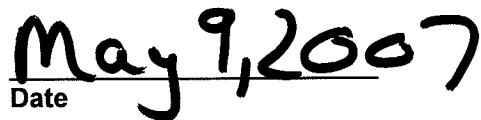
- Many previous subdivision requests in this area have been refused by the Commission including an almost identical request made by previous owners of the subject property in 1998.
- The agricultural capability of the subject property is rated as 100% Class 3 C which is considered Prime
- The property would require both zoning and OCP amendments should the subdivision be allowed.
- The property is owned jointly by a mother and her daughter and the daughter's husband. The mother lives on an adjacent property and her and her husband would continue to farm the remainder.
- The daughter and son wish to start a more intensive agricultural operation on the small property which includes the existing homesite.

**ATTACHMENTS:**

- Proposal - as submitted by the applicants
- Pages 2 and 3 of the Local Government Report - includes "Previous Applications" and "Observations and Comments".
- Sketch of proposed subdivision (submitted by the applicants)
- Sketch showing proposed agricultural improvements (submitted by the applicants)
- ALC Context Map - 93P.089 - 1:50,000 (created by ALC Staff)
- Airphoto - 1:10,000 (created by ALC Staff)

END OF REPORT

  
Signature

  
Date