



Agricultural Land Commission
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July 4, 2007

Reply to the attention of Simone Rivers
ALC File: # W - 37335

Dieter A Oswald
PO Box 324
Pouce Coupe, BC V0C 2C0

Dear Mr. Oswald:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 305/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

cc: Peace River Regional District (#25/2007)

Enclosure: Minutes/Sketch Plan

SBR/lv
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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.

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

For Consideration

Application: # W - 37335
Applicant: Dieter A Oswald
Proposal: Subdivision for a relative: To subdivide the parcel to create a 4.9 ha lot and a 2.4 ha lot for two of landowner's sons.
Legal: PID: 014-435-055
The SW ¼ of Section 21, Township 77, Range 14, West of the 6th Meridian, Peace River District, EXCEPT Plans H662, A754, B7670 and that part lying E of Plan H662
Location: 4 km south of Pouce Coupe on Highway 2.

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
- Dieter Oswald Applicant

The applicants met Mr. Oswald at his homesite and viewed the portion of the property that was cleared. Then it drove up the road to see the property boundary and inspect the area that was proposed for subdivision.

Mr. Oswald confirmed that the staff report dated June 1, 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

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is Class 3X

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Subclass X – Cumulative and Minor adverse characteristics.

The Commission noted that the majority of the property was cleared and believes that the property has agricultural capability and is suitably designated as ALR.

Assessment of Impact on Agriculture

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted that while there is limited small lot subdivision to the north of the subject property, the majority of nearby parcels are larger blocks. The Commission is reluctant to allow the creation of small rural residential/hobby farm parcels in agricultural areas. Livestock harassment, trespass, weeds and misunderstanding of normal farm practices are common problems encountered in areas where such subdivisions exist.

The Commission was further concerned that allowing subdivision would increase requests for subdivision on other lands in the area. The Commission believes the proposal offers no benefit to agriculture and would negatively impact existing or potential agricultural use of surrounding lands.

In evaluating the application the Commission took into consideration that the applicant had provided two alternate proposals for subdivision, one of one lot and another of two lots. The Commission considered both alternatives and does not believe that any subdivision of the subject property is appropriate.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the proposal will impact agriculture.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Norton
SECONDED BY: Commissioner Kendrew

THAT the application be refused.

CARRIED

Resolution # 305/2007



Staff Report
Application # W – 37335
Applicant: Dieter A Oswald

DATE RECEIVED: April 5, 2007

DATE PREPARED: June 1, 2007

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: Subdivision for a relative: To subdivide a 4.9 ha lot and a 2.4 ha lot from the subject property.

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: 014-435-055

SW ¼ of Section 21, Township 77, Range 14, West of the 6th Meridian, Peace River District, EXCEPT Plans H662, A754, B7670 and that part lying E of Plan H662

Purchase Date:

March 1974

Location of Property:

4 km south of Pouce Coupe on Highway 2.

Size of Property:

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

Present use of the Property:

House and garage

Surrounding Land Uses:

WEST: residential
SOUTH: residential and trees
EAST: residential and trees
NORTH: residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 93P/9
The majority of the property is identified as having Mixed Prime and Secondary 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 - A-2 - Large Agricultural Holdings
Minimum parcel size lot size - 63ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: The Regional Board forwarded the application to create a 4.9 ha lot and a 2.4 ha lot on the basis that it is the applicant's preferred choice and there are similar subdivision in the immediate vicinity.

STAFF COMMENTS:

- Staff note that the applicant has submitted two different proposals. The proposal endorsed by the board would create two new lots (4.9 ha and 2.4 ha). An alternate proposal is for the subdivision of one 7.3 ha lot from the 23.9 ha subject property.
- Both proposals have the same total area.
- The Local Government Planning staff had recommended that the former option be supported as it would have qualified as a subdivision under section 946 of the Local Government Act and therefore not required rezoning.
- The landowner wishes to have a lot to give to one of his sons. Should it be approved, the applicant is uncertain what the second lot will be used for, perhaps another son or perhaps himself.

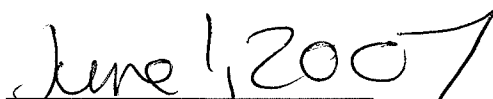
ATTACHMENTS:

- Sketches of proposed subdivision (submitted by the applicant)
- ALC Context Map – 93P/9 – 1:50,000 (created by ALC Staff)
- Airphoto – 1:10,000 (created by ALC Staff)

END OF REPORT



Signature



Date