



Agricultural Land Commission
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October 18, 2007

Reply to the attention of Simone Rivers
ALC File: # W - 37448

Shad and Debbie Busche
PO Box 404
Charlie Lake, BC V0C 1H0

Dear Sir/Madam:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 521/2007 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', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: Peace River Regional District (#55/2007)

Enclosure: Minutes

SBR/lv
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 5, 2007 at Pouce Coupe, B.C.

PRESENT:	John Kendrew	Acting Vice Chair
	William Norton	Commissioner
	David Craven	Commissioner
	Simone Rivers	Staff
	Martin Collins	Staff

For Consideration

Application: # W- 37448
Applicant: Shad and Debbie Busche
Proposal: To subdivide a 6 ha homesite lot from the 126 ha subject property
Legal: PID: 003-801-586
Lot 28, St. John Indian Reserve No. 172, Parcel A (34066M),
Township 85, Range 19, W6M, Peace River District, Plan 3986,
EXCEPT Plan 26672
Location: Located in the I.R. 172 Murdale area, along 271 Road 8km north of
Highway 97N and 12km northwest of the City of Fort St. John and
2km east of Charlie Lake.

Site Inspection

A site inspection was conducted on Wednesday October 3, 2007. Those in attendance were:

- John Kendrew Commissioner
- William Norton Commissioner
- David Craven Commissioner
- Simone Rivers Staff
- Martin Collins Staff
- Shad and Debbie Busche, applicants

Mr and Mrs Busche confirmed that the staff report dated September 14th, 2007 was received and no errors were identified.

The Commission noted that the property was heavily forested (the only clearing being two wellsites and the homesite). Surrounding lands were developed for agriculture.

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.

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.

Although the land was not cleared for agriculture, the best information available suggests that the soil capability of the majority of the property (6:4X 4:5C) is similar to adjoining properties to the east, north and south which are used for forage, hay and grain production.

Assessment of Agricultural Suitability

The Commission assessed whether the other factors such as encroaching non-farm development or oil and gas development on the property, have caused or will cause the land to become unsuitable for agriculture. Although two wellsites exist on the property, the Commission does not believe that either external factors, or existing non farm (wellsite) uses 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 and encouraging agricultural development. The Commission believes that if the application is approved, not only would a residential parcel be created, but another non productive homesite would be developed on the remainder, significantly eroding the productive capacity of the property, and potentially creating conflicts and raising expectations of further subdivision of the agricultural remnant. In addition nothing in the application ensures that subdividing the existing 6 ha homesite would result in the agricultural development of the property.

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 to subdivide a 6 ha lot containing the homesite will negatively affect the agricultural capability of the parcel.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner D. Craven
SECONDED BY: Commissioner B. Norton

THAT the application be refused

CARRIED

Resolution # 521/2007



Staff Report
Application # W – 37448
Applicant: Shad and Debbie Busche

DATE RECEIVED: May 25, 2007

DATE PREPARED: September 14, 2007

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide the 126 ha subject property into a 6 ha lot and a 120 ha lot.

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

BACKGROUND INFORMATION:

The applicants wish to sell the 6 ha with the existing home and build a new home on another part of the property retaining the balance of the half section.

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 003-801-586

Lot 28, St. John Indian Reserve No. 172, Parcel A (34066M), Township 85, Range 19, W6M, Peace River District, Plan 3986, EXCEPT Plan 26672

Purchase Date:

September 1991

Location of Property:

Located in the I.R. 172-Murdale area, along 271 Road 8km north of highway 97N and 12km northwest of the City of Fort St. John and 2km east of Charlie Lake.

Size of Property:

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

Present use of the Property:

Residence, shop and two out buildings. Approximately 6.5 ha of cleared pipelines and two abandoned wellsites.

Surrounding Land Uses:

WEST: Quarter section of farmland and residence
SOUTH: Two separate quarter sections, SW is farmland, SE is farmland
EAST: Quarter section of farmland and wellsite
NORTH: Half section of farmland/residence and wellsite

Agricultural Capability:

Data Source: Agricultural Capability Map # 94A/7
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

North Peace OCP Bylaw No. 820 (1993)
Designation: Rural Resource - Agricultural

Zoning Bylaw and Designation:

Peace River Regional District Zoning Bylaw No. 1000 (1996)
Designation: Zoned A-2 (Large Agricultural Holdings)
Minimum Lot Size: 63 ha

RELEVANT APPLICATIONS:

Application #34448-0

Applicant: Lamerton, Leslie & Delores
Decision Date: October 17, 2002
Proposal: To subdivide a 6 ha lot from the remainder of the parent parcel (62 ha) as severed by Montney Road. The applicant has owned and resided on this property since 1971, and now wishes to subdivide the fractional land parcel from the remainder in order that he may sell it for hobby farm development.
Decision: Allowed subdivision in lieu of the Commission's homesite severance policy.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: The Regional Board forwarded the application subject to qualifying for a subdivision to provide residence for the land owner under section 946 of the Local Government Act.

STAFF COMMENTS:

Staff note the following:

- The Agricultural Capability of the subject property is rated as 70% class 3C - 30% Class 4T.
- The subject property is not cleared at this time; however, according to the airphoto some of the adjacent land appears to be cleared.
- Surrounding parcel sizes appear to generally be quarter section sized or greater until you reach the shores of Charlie Lake to the west.

ATTACHMENTS:

- Sketch of proposed subdivision - submitted by the applicant
- ALC Context Map 94A/7 - 1:50,000 (created by ALC staff)
- Airphoto - 1:10,000 (created by ALC Staff)

END OF REPORT

Simone Rivers
Signature

Sept 14, 2007
Date