



Agricultural Land Commission
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May 15, 2008

Reply to the attention of Simone Rivers
ALC File: W-37860

Victor and Dorothy Willms
Box 44
Montney, BC V0C1Y0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 182/2008 and a sketch plan outlining the Commission's decision as it relates to the above noted application

If you wish to proceed with the alternate proposal outlined in the decision, please prepare a draft restrictive covenant for review. Following the Commission's agreement to the covenant wording, send two (2) paper prints of the final survey plans along with three copies of the covenant to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept concurrent registration of the plan and covenant.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a horizontal line.

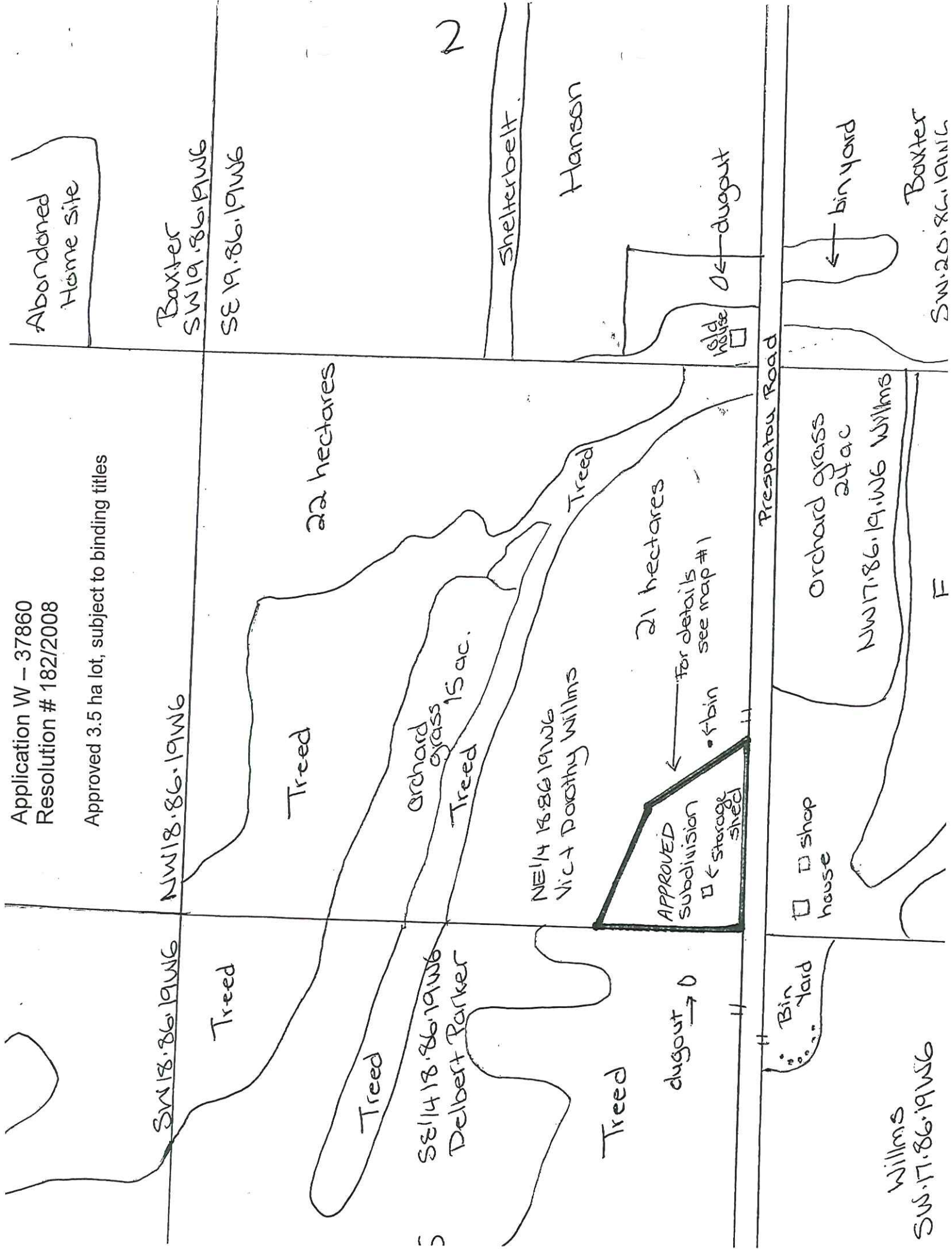
Erik Karlsen, Chair

cc: Peace River Regional District (#215/2007)

Enclosure: Minutes/Sketch Plan

Application W - 37860
Resolution # 182/2008

Approved 3.5 ha lot, subject to binding titles



Abandoned Home site

Baxter SW 19.86.19W6
SE 19.86.19W6

22 hectares

Treed

Orchard grass 15 ac.
Treed

NE 1/4 18.86.19W6
Vic + Dorothy Wilms

21 hectares

APPROVED Subdivision
□ ← storage shed

dugout →

Presparou Road

□ shop house

Bin yard

Orchard grass 24 ac

NW 1/4 17.86.19W6 Wilms

Wilms SW 17.86.19W6

Baxter SW 20.86.19W6

bin yard

Shelterbelt

Hanson

old house

dugout

2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 17, 2008 at Fort St John, B.C.

PRESENT:	William Norton	Chair, North Panel
	Denise Dowswell	Commissioner
	John Kendrew	Commissioner
	Martin Collins	Staff

For Consideration

Application: # W- 37860
Applicant: Victor and Dorothy Willms
Proposal: Subdivision for a Relative: To subdivide a 3.5 ha lot from the 64 ha property (located in the southeast corner) for the applicant's daughter.
Legal: PID: 014-911-213
The North East 1/4, Section 18, Township 86, Range 19, W6M, Peace River District
Location: Montney area, approximately 1.6 km west of 273 Road

Site Inspection

A site inspection was conducted on April 17th, 2008. Those in attendance were:

- William Norton Chair, North Panel
- Denise Dowswell Commissioner
- John Kendrew Commissioner
- Martin Collins Staff
- Victor Willms Applicant

Mr Willms confirmed that the staff report dated January 10th, 2008 was received and no errors were identified.

The Commission viewed the proposed 3.5 ha lot, noting that it was separated from the remainder by a marshy swale, and was used for a horse pasture/paddock. A short written submission was provided to the Commission during the site visit which clarified the Willm's rationale for the subdivision.

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.

The agricultural capability of the soil of the subject property is 8:2C 2:3T suggesting that the majority of the land has very good land capability ratings for agriculture.

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 subdivision proposal against the long term goal of preserving agricultural land. The Commission has concerns about small lot subdivision in farm areas, because it represents an erosion of productive capacity, and because the non farm activities of small lot residents can lead to conflicts with farmers over such issues as trespass and complaints about typical farm activities (i.e. sounds and smells). Conflicts can have a negative impact on farm activity. However, if an applicant owns multiple parcels the Commission is often prepared to consider small lot subdivision provided the landowner registers a covenant against the title of the remainder and another adjoining (or nearby) properties in the Commission's favour which prohibits the parcels being sold separately (also known as "binding titles"). The Commission believes "binding titles" provides an agricultural benefit (by increasing farm unit size), that helps mitigate the erosive aspects of subdivision.

Conclusions

1. That the land under application has good agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal, as submitted, will negatively 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 J. Kendrew
SECONDED BY: Commissioner B. Norton

THAT the application to subdivide a 3.5 ha lot from the 64 ha property be refused as proposed.

However, the Commission allowed the subdivision of a 3.5 ha lot subject to the following conditions:

- the subdivision boundary for the 3.5 ha lot be in substantial compliance with the plan submitted with the application;
- the registration of a restrictive covenant against the title of the remainder and another adjoining (or nearby property) also owned by the applicant which prohibits their separate sale ("binding titles").
- the registration of the subdivision plan concurrently with the covenant 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 # 182/2008