



Agricultural Land Commission Staff Report

DATE: November 2, 2009
TO: Vice Chair and Commissioners - North Panel
FROM: Simone Rivers

RE: Application # 50345
PROPOSAL: To subdivide the 128 ha property into two 64 ha lots.

PROPOSAL INFORMATION

Background: Located near Montney
Received Date: August 3, 2009
Applicant: Owen Myhre
Agent: N/A
Local Government: Peace River Regional District

DESCRIPTION OF LAND

PID: 014-776-243
Legal Description: The South 1/2 of Section 8 Township 86 Range 19 West of the 6th Meridian Peace River District
Civic Address: 25km north of the City of Fort St. John
Area: 129.5 ha
ALR Area: 129.5 ha
Purchase Date: April 5, 1983
Owner: Owen Myhre

Total Land Area: 129.5 ha
Total ALR Area: 129.5 ha
Current Land Use: Farmland, some swamp and bush, pipeline - no residences.

PROPOSAL DETAILS

Subdivision

| Area | Agricultural Capability | Agricultural Capability Source |
|-------|----------------------------|-----------------------------------|
| 129.5 | Mixed Prime and Secondary | CLI |

| Number of Lots | Lot Size (ha) |
|----------------|---------------|
| 2 | 64.0 |

Surrounding Land Uses:

North Farmland - Owen
East Farmland - Llyod & Iona Helton
South SW-Farmland - Bruce and Carry Craig / SE Farmland - Robert Eby
West Uncleared land - Warren Martin

Official Community Plan

Bylaw Name: Bylaw no 820 (1993)
Designation: Rural Resource - Agricultural
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Bylaw No. 1000 (1996)
Zoning Designation: A-2 (Large Agricultural Holdings Zone)
Minimum Lot Size: 63.0 ha
Zoning Compliance: Yes

RELEVANT APPLICATIONS

Application #: 45018
Applicant: Isaac and Elizabeth Dyck
Proposal: To subdivide the 8.09 ha subject property into four (4) 2.02 ha residential lots

Decisions:

| Resolution Number | Decision Date | Decision Description |
|-------------------|---------------|----------------------|
| 341 | June 19, 2008 | Refused |

Note: Legacy Application # W-38151

Application #: 44653
Applicant: Urban Holdings Ltd
Proposal: Subdivision for a Relative: To subdivide the 64.5 ha parcel into three lots, two 8.7 ha parcels and a 47.1 ha remainder.

Decisions:

| Resolution Number | Decision Date | Decision Description |
|-------------------|----------------|--|
| 199 | April 30, 2008 | Allowed as proposed on the grounds that the majority of the new lots to be created are located outside of the ALR. |

Note: Legacy Application # W-37860

Application #: 43753
Applicant: Garth and Fenna Wood
Proposal: To subdivide approximately 5.7 ha from the only remaining north boundary of the subject property that runs along the 256 Road to create a small farm holding and future building site.

Decisions:

**Resolution
Number**

178

Decision Date

April 13, 2007

Decision Description

Refuse on the grounds the land has capability for agriculture.

Note: Legacy Application # W-37203

Application #: 43324

Applicant: Joel & Elizabeth Stewart

Proposal: To subdivide the northern 8 ha from the 32 ha lot to provide a residence for applicants' daughter.

**Decisions:
Resolution
Number**

Decision Date

Decision Description

Note: Legacy Application # W-36835

Decision pending receipt of additional information regarding the length of time the applicants have owned the property.

Application #: 40265

Applicant: Peter Wells

Proposal: This application has been submitted by two landowners who own neighbouring properties. One property is 15.4 ha (Wells/Goyette) and one is 111 ha (Jewell). The application is for:
1)subdivision of 0.8 ha from the smaller lot to provide a separate lot for the owner's son
2)two consolidations are proposed, being the remnant parcels of land divided by Canim Lake Highway. The consolidated parcels are 0.37 and 0.33 ha.
3)proposed to add 138 sq. m. from the 111 ha property to the proposed 0.8 ha lot to be used as driveway access.

**Decisions:
Resolution
Number**

Decision Date

Decision Description

321

July 10, 2003

The Commission allowed the subdivision of a 0.8 ha lot for the applicant's parents and the land swap (two 0.3 ha areas as divided by the road) as proposed on the grounds the land swap constituted a net benefit for agriculture that balanced the creation of an addition non farm lot in this area.

Note: Legacy Application # W-34229

Application #: 39752

Applicant: Roy & Elaine Hein

Proposal: Subdivision of a 32 ha portion of the property into 12 rural residential lots ranging in size from 1.88 to 3.87 ha with a remainder of approximately 68.9 ha that includes the home, green house, metal shop and mobile home.

**Decisions:
Resolution
Number**

Decision Date

Decision Description

Refuse subdivision.

223

June 9, 2003

Note: Legacy Application # W-34820

Committee Recommendations

| Type | Recommendation | Description |
|---------------|----------------|---|
| Board/Council | Approve | Peace River Regional District Board: The Regional Board authorized the application to proceed on the basis that it conforms to the Official Community Plan. |

STAFF COMMENTS

The applicant wishes to subdivide the property to make it easier to sell. He is planning on selling both quarters if he can. He owns three other adjacent quarters to the north. The applicant states that the two quarters were joined in "error" and that in the 1950's when his father bought them both they were separate quarters. The applicant has provided the titles from the original crown grants that show that the properties were on two separate titles when they were Crown granted in 1944 and 1945. The property was a single unit in 1983 when the applicant aquired the subject property and as such has been used a single unit for some time.

Staff note that the Commission is generally reluctant to divide larger properties into quarter sections, especially when there is no specific plans for the future use of the properties. In cases where the quarter sections are being added to existing agricultural operations, the Commission will allow such subdivision if the titles of the properties are bound together. In the present case there does not appear to be any plans to do this.

There are currently no dwellings on the subject property.

The majority of the property has been cleared and improved for agricultural use. Subdivision would divide the largest field on the property.

ATTACHMENTS

- 50345_ContextMap50k.pdf
- 50345_other holdings.pdf
- 50345_ag cap.pdf
- 50345_airphoto.pdf
- 50345_local government report.pdf
- 50345_previous apps.pdf
- 50345_proposal sketch.pdf
- 50345_original titles.pdf

END OF REPORT

Signature

Date