



# Agricultural Land Commission Staff Report

**DATE:** August 4, 2010  
**TO:** Vice Chair and Commissioners - Interior Panel  
**FROM:** Simone Rivers

**RE:** Application # 51833

**PROPOSAL:** To subdivide one the 22.4 ha lot into a 4 ha lot and an 18.4 ha lot. The applicant would sell one of the lots.

## PROPOSAL INFORMATION

**Background:** Limited information is given in the application as to the reasons for the proposed subdivision.  
**Received Date:** July 12, 2010  
**Applicant:** Lillian Mirus  
**Agent:** Exton & Dodge Land Surveying Inc  
**Local Government:** Cariboo Regional District

## DESCRIPTION OF LAND

**PID:** 005-562-791  
**Legal Description:** Lot B District Lot 8864 Cariboo District Plan 29894  
**Civic Address:** 749 Campbell Road, Williams Lake  
**Area:** 22.4 ha  
**ALR Area:** 22.4 ha  
**Purchase Date:** January 24, 2000  
**Owner:** Lillian Mirus

**Total Land Area:** 22.4 ha  
**Total ALR Area:** 22.4 ha  
**Current Land Use:** The property is largely forested and there is a mobile home on the property.

## PROPOSAL DETAILS

### Subdivision

Area	Agricultural Capability	Agricultural Capability Source
22.4	Mixed Prime and Secondary	On-Site

Number of Lots	Lot Size (ha)
1	4.0
1	18.4

**Surrounding Land Uses:**

North Hobby farm with sheep  
East Residential - 4 ha lots  
South Residential - 2 ha lots  
West Agricultural - hay production

**Official Community Plan**

**Bylaw Name:** No OCP. See staff comments for details.

**Designation:**

**OCP Compliance:**

**Zoning**

**Zoning Bylaw Name:** Bylaw No. 3502 (1999)

**Zoning Designation:** Rural 1 (RR1)

**Minimum Lot Size:** 4.0 ha

**Zoning Compliance:** Yes

**RELEVANT APPLICATIONS**

**Application #:** 45812

**Applicant:** Michael Jacobson

**Proposal:** To subdivide a 3.9 ha lot from the 17.8 ha property.

**Decisions:**

**Resolution  
Number**

**Decision Date**

**Decision Description**

124

April 28, 2009

Refused on the grounds that the lands had not been endorsed for subdivision in the recent review of the Williams Lake Fringe Area Official Community Plan

**Note:** Legacy Application # 38860

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**Application #:** 36266

**Applicant:** Glen Freisen

**Proposal:** Proposal: To subdivide the 58.8 ha property into three lots of 14.9 ha, 25.4 ha and 18.8 ha. The reconsideration proposal was to change the boundaries of the lots to better accommodate existing land uses and field patterns.

**Decisions:**

**Resolution  
Number**

**Decision Date**

**Decision Description**

**Note:** Legacy Application # 19191  
Resolution # 544/1985  
Decision Date: June 19, 1985  
Decision: Allowed.

Reconsideration Decision:  
Resolution # 391/1987  
Decision Date: April 21, 1987  
Decision: Allowed

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**Application #:** 23539  
**Applicant:** David John Jacobson  
**Proposal:** To subdivide the 64.7 ha lot into 3 parcels of 14.0 ha, 18.0 ha and 31.0 ha. Approximately 14 ha is outside of the ALR.

**Decisions:**  
**Resolution Number**                      **Decision Date**                      **Decision Description**

**Note:** Legacy Application # 18521  
Resolution # 1435/1984  
Decision Date: October 12, 1984  
Decision: Allowed as proposed.

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**Application #:** 19859  
**Applicant:** LRC-Fox Mt.  
**Proposal:** Block Application - Requested exclusion of 1682 ha.

**Decisions:**  
**Resolution Number**                      **Decision Date**                      **Decision Description**

2464	January 15, 1981	Exclusion allowed by Cabinet (1,682 ha). This resolution number is used to enter statistical information relating to the area under application and subsequent decision by Cabinet.
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**Note:** Legacy Application # 08105 - Block Exclusion Application that excluded the properties located south of the subject property.

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**Application #:** 1387  
**Applicant:** REDLICH and UNDERHILL  
**Proposal:** To exclude the property in order to subdivide it into two parcels and to add a basement suite to the existing dwelling.

**Decisions:**  
**Resolution Number**                      **Decision Date**                      **Decision Description**

**Note:** Legacy Application # 27566  
Resolution #184/1993  
Decision Date: March 11, 1993  
Decision: Refused exclusion and subdivision but allowed permission to build a basement suite in the existing dwelling.

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#### **Committee Recommendations**

<b>Type</b>	<b>Recommendation</b>	<b>Description</b>
Board/Council	Approve	Cariboo Regional District Board: The Regional Board forwarded the application with a recommendation of support. The Board stated that "if the ALC supports this application, it is

recommended that the ALC require:

1. The applicant offering to enter and entering into an awareness covenant with the CRD to advise that the subject property is located adjacent to land used for agricultural purposes, and to establish/maintain fencing along the western and northern boundary of the proposed 4 ha lot.

2. That fencing follows the guidelines prescribed by the Agricultural Land Commission as detailed in Schedule D of Landscaped Buffer Specifications.

Advisory Planning Commission:

The APC supported the application with the understanding that the application would proceed as a conventional subdivision application and not as a Section 946 Local Government Act application.

Advisory Planning  
Committee

Approve

## STAFF COMMENTS

The application form states that the 4 ha lot is for a family member and that the applicant wished to apply for subdivision under Section 946 of the Local Government Act. However, the Local Government Report indicates that the subdivision is not for a family member and that the applicant wished to sell one of the proposed lots, not indicating which one.

The agricultural capability of the majority of the property is rated as improvable to Class 3 P with a limitation of stoniness. There appears to be a marshy area at the north of the property with more limited capability (Class 6 and 7). The property has not been cleared or improved for agricultural use.

The Commission refused a recent (2009) subdivision application on a property adjacent to the subject property and made the following comments in the Minutes of that decision (File 38860):

"the Commission recalled that it had recently reviewed the ALR on Fox Mountain in the context of the Williams Lake Fringe Area Official Community Plan. Although the Regional District had identified some ALR lands (including the subject property) as being suitable for future subdivision and rural residential designation, the Commission did not agree with this assessment and did not endorse this aspect of the plan. In its comments to the Cariboo Regional District, the Commission stated that "The Commission recognized that the parcels designated as RR1 are smaller than 32 ha, and given their size and location, unlikely to be used as the building blocks of larger ranch operation. That being said, the Commission believed that retaining the parcels in their current size better preserved their agricultural capability and encouraged their agricultural use." Upon review of the current application the Commission did not believe that subdivision of this property was in keeping with its mandate."

Staff asked CRD planning staff why the OCP was not mentioned in the information provided with the application and was informed that the Williams Lake Fringe Area OCP has not been adopted by the Regional District. The initial work was completed in 2008 but they have not completed the work and therefore the plan is not official. However, this should not change the Commission position on the lands within the plan area, and specifically those located on Fox Mountain as outlined above.

## ATTACHMENTS

51833\_ContextMap20k.pdf

51833 ag cap.pdf

51833 airphoto.pdf

51833 local government report.pdf

51833 proposal sketch.pdf

**END OF REPORT**

**Signature**

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**Date**

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