



September 8, 2005

**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604-660-7000  
Fax: 604-660-7033  
www.alc.gov.bc.ca

Reply to the attention of Gordon Bednard

David & Linda Murray  
RR1, PO Box 4, Garnet Rock  
Powell River, BC V8A 4Z2

Dear Sir/Madam:

**Re: Application # X-35875  
District Lot 5223, New Westminster District, EXCEPT Part in Plan 10924**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the approximately 4 ha ALR portion of the above noted property into three areas each containing a portion of the ALR. The application includes the dedication of a road paralleling the ALR boundary adjacent to DL 1619. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on July 25, 2005.

The Commission has determined that the ALR boundary plotted on constituent sheet 5 of the Powell River Regional District ALR Plan is incorrect and based on a fine tuning exercise done in 1980/1 has determined that it, in fact, runs at an angle on or very close to the boundary of proposed 'Lot 3', leaving that proposed lot entirely outside the ALR (see attached map).

Based on this new information and the merits of the application, the Commission has refused the proposal to subdivide and to dedicate a road allowance within the ALR portion of the subject parcel. The Commission strongly suggest that the proposed road paralleling the ALR boundary adjacent to DL 1619 either be deleted as it unnecessarily increases access to land in the ALR or be redrawn so as not to imply future dedication from within the ALR (either in the subject parcel or in the adjacent DL 1619). The decision noted above is recorded as Resolution #462/2005.

However, the Commission has no objection to creating a parcel that fully contains the ALR portion of the property in addition to other parcels lying outside the ALR.

Please quote your application number in any future correspondence.

Yours truly,  
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Powell River Regional District – DL5223  
Emery Rae and Cecchi, 4507 Manson Ave, Powell River, BC V8A 3N3

GB/dy/35875d1

**PROPOSED SUBDIVISION OF THE REMAINDER OF D.L. 5223,  
GROUP 1, N.W.D.**

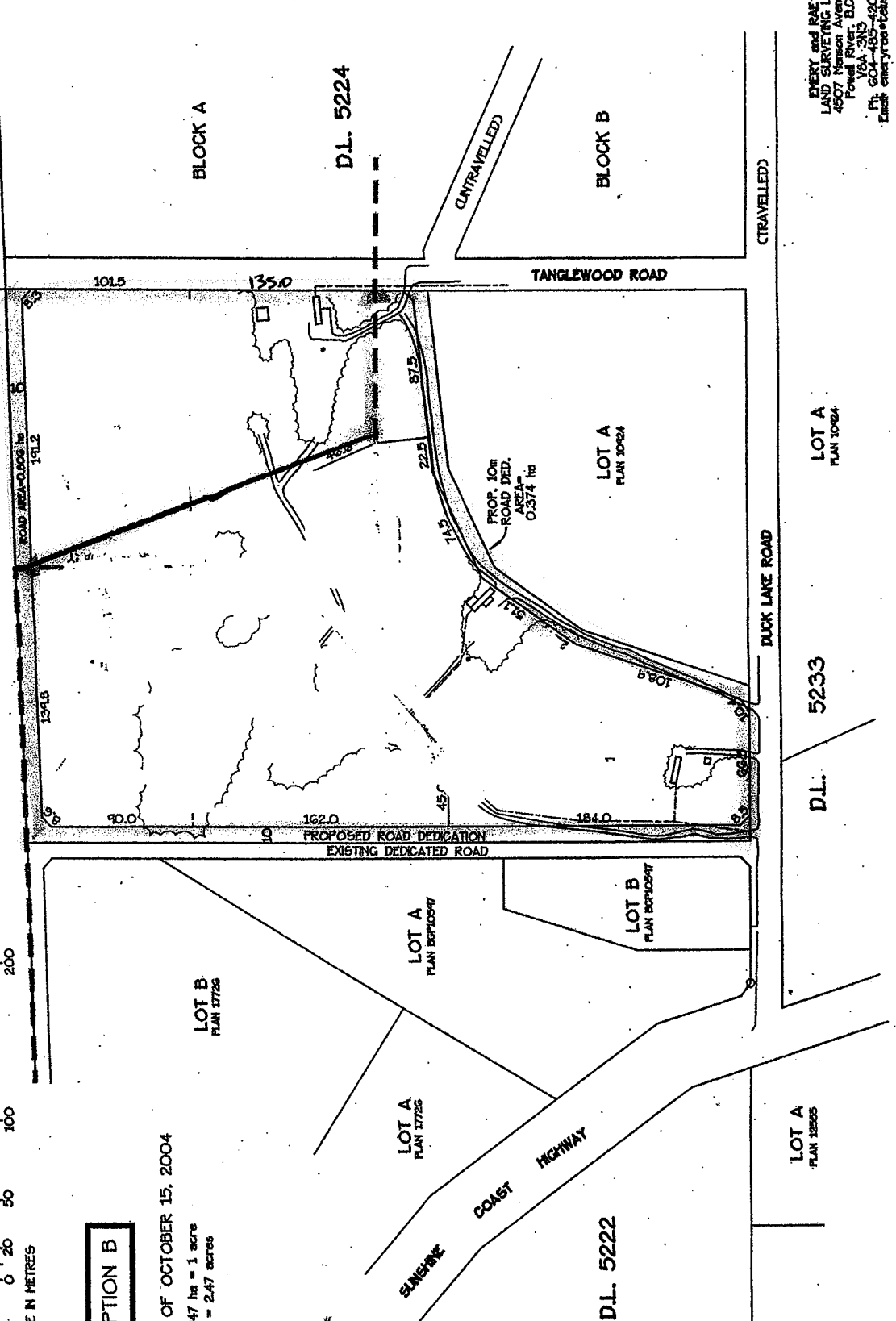
SCALE 1:2500  
0 20 50 100 200  
ALL DISTANCES ARE IN METRES

**OPTION B**

PROPOSAL OF OCTOBER 15, 2004

0.4047 ha = 1 acre  
1 ha = 2.47 acres

D.L. 1619



ENERGY and RAC  
LAND SURVEYING LTD.  
4607 HARBOR AVENUE,  
TOWSON, PENNSYLVANIA,  
USA 17855  
Ph: 604-483-4203  
Email: energyrac@cape.net

FILE#577-3

Provincial Agricultural Land Commission  
Application: X-35875  
Resolution #462/2005

- Subject property.
- Corrected ALR boundary based on fine tuning review.

LOT A  
PLAN 10924

D.L. 5233

LOT A  
PLAN 107097

LOT B  
PLAN 107097

LOT A  
PLAN 12525

REM. D.L. 5222

LOT A  
PLAN 17726

LOT B  
PLAN 17726





**Staff Report**  
**Application # X – 35875-0**  
**Applicant: David & Linda Murray**  
**Agent: Emery Rae and Cecchi**

**DATE PREPARED:** April 28, 2005

**TO:** Chair and Commissioners – South Coast Panel

**FROM:** Gordon Bednard, Regional Research Officer

**PROPOSAL:** To subdivide the approximately 4 ha ALR portion of the subject 12.3 ha property into three areas, each which would be incorporated into three new lots as part of the overall 4 lot subdivision of the property.

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

**BACKGROUND INFORMATION:**

The non-ALR portion of this property was excluded by block application in 1978 due to the poor agricultural capability on that portion of the property.

**Local Government:**

Powell River Regional District

**Legal Description of Property:**

PID: 015-824-811  
District Lot 5223, New Westminster District, EXCEPT Part in Plan 10924;

**Purchase Date (m/d/y):**

07/01/1976

**Location of Property:**

2725 Duck Lake Road, Powell River RD

**Size of Property:**

12.3 ha

**ALR Area:**

4.0 ha

**Present use of the Property:**

4 dwellings (one within ALR portion of property), 2 barns and outbuildings.

**Surrounding Land Uses:**

- NORTH:** Golf course in ALR
- EAST:** Bed and Breakfast with horse stables in ALR
- SOUTH:** Municipal forest lands out of ALR
- WEST:** Rural residential lots out of ALR

**Agricultural Capability:**

Data Source: Agricultural Capability Map # Powell River - 1:20k  
The majority of the ALR portion of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

OCP - Agricultural / Rural

**Zoning Bylaw and Designation:**

none in this area

**PREVIOUS APPLICATIONS:**

**Application #07281-0**

- Applicant:** ALC/Powell River RD
- Decision** November 05, 1981
- Date:**
- Proposal:** To undertake soil surveys to ascertain more accurate ALR boundaries in the Powell River Regional District, Inclusion. .
- Decision:** Cabinet included some properties into the ALR based on a favorable soils report.

**Application #07281-1**

- Applicant:** ALC/Powell River RD
- Decision** November 05, 1981
- Date:**
- Proposal:** Exclude 1579 ha
- Decision:** Allow exclusion of 1579 ha. ( this excluded a large portion of the subject property)

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

No objection to the subdivision as proposed.

**STAFF COMMENTS:**

The existing ALR portion of the property contains the lands which are most highly rated for agricultural use (classes 2 and 3) and were therefore retained in the ALR when the property was the subject of "fine tuning" block application in the late 70's. As there is only one house in the ALR portion of the property, staff would recommend trying to keep the bulk of the ALR portion of the property in one lot.

**END OF REPORT**

\_\_\_\_\_  
Signature Date \_\_\_\_\_

**Supplement to Staff Report of April 28, 2005**  
**Application # X – 35875-0**  
**Applicants: David & Linda Murray**  
**Agent: Emery Rae and Cecchi**

**DATE PREPARED:** July 27, 2005

**TO:** Chair and Commissioners – South Coast Panel

**FROM:** Tony Pellett, Planner

Based on information gained July 25, 2005 during on-site discussion with the children of the applicants (i.e. the ones for whom the subdivision is being made), staff today obtained the records of the fine-tuning exercise done in 1980/1 and determined that the proposed new ALR boundary presented at the public hearing of 10 April 1980 and later shown on map attached to Order in Council 2230/1981 differs from the ALR boundary plotted on constituent sheet 5 of the Powell River Regional District ALR Plan. The only discrepancy noted during today's staff review is within the subject land. The boundary is plotted correctly on the northern boundary of the subject parcel and where it continues onto the adjacent D.L. 5224. The difference is with the portion of the boundary plotted on the constituent sheet as running due south from the north boundary of the subject parcel. In fact, it runs at an angle, on or very close to the boundary of the proposed "Lot 3", leaving that proposed lot entirely outside the ALR. Subject to more accurate interpretation by Commission GIS staff, the approximate location of the boundary is shown on the attached copies of OPTION A and OPTION B from the application.

It is suggested that the Commission consider

1. directing that the ALR boundary be plotted on constituent sheet 5 in accordance with the proposed ALR boundary presented at the public hearing,
2. refusing the application to subdivide and to dedicate a road allowance within the actual ALR portion of the subject parcel and
3. strongly suggesting that the proposed road paralleling the ALR boundary adjacent D.L. 1619 either
  - a. be deleted as unreasonably or unnecessarily increasing access to land in an agricultural land reserve or
  - b. be redrawn to as not to imply future dedication from within the ALR (either in the subject parcel or in the adjacent D.L. 1619).

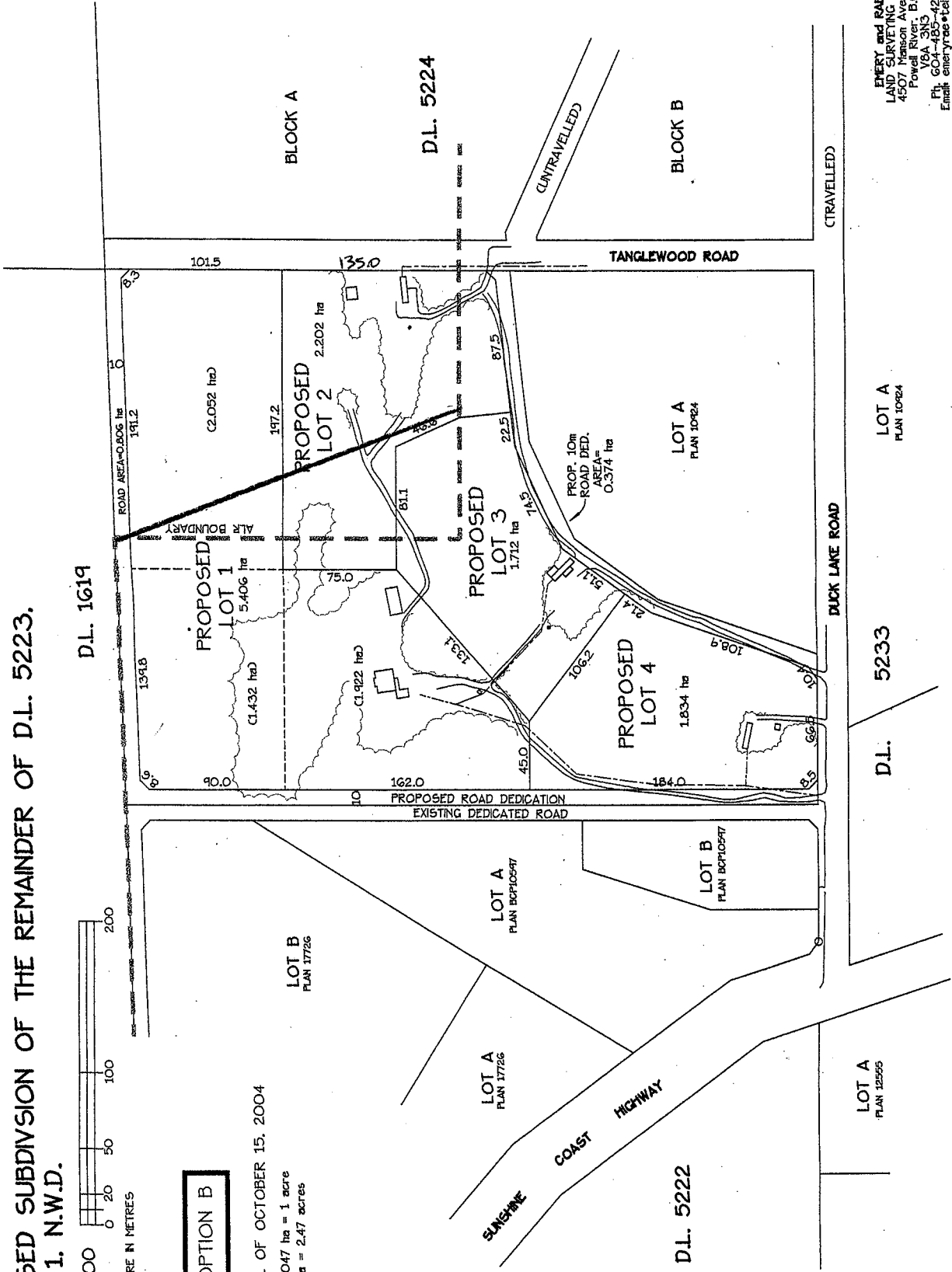
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FILE:0577-3