



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

September 29, 2005

Reply to the attention of Simone Magwood

Kenneth and Myrtle Clarke
SS2 – Site 13 – Comp 2
Fort St. John, BC – V1J 4M7

Dear Mr. and Mrs. Clarke:

Re: **Application #W-36136-0**
South East ¼, Section 36, Township 84, Range 21, W6M, Peace River District,
except Plan 33218

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the 62.7 ha property into one 14.9 ha lot and one 47.8 ha lot as divided by Donis Road. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on September 14, 2005.

The Commission noted that the property had good agricultural capability, was used for agricultural purposes, and was similar in size to most of the adjoining properties. It is the Commission's experience that subdivision is not supportive of agricultural development in that the parcel's productive capability is reduced, residential uses erode and intrude onto farming, and expectations are increased that further subdivision would be permitted.

For these reasons, the Commission refused your application as proposed.

The decision noted above is recorded as Resolution #14/2005.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Peace River Regional District (40/2005)

SM/lv/36136d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on September 15, 2005 at the Super 8 Motel, 1440 Alaska Avenue, Dawson Creek, BC.

PRESENT: Frank Read Chair
 Harold Kerr Commissioner

ABSENT: Grant Huffman Commissioner

STAFF: Simone Magwood, Regional Research Officer
 Martin Collins, Planner

For Consideration

Simone Magwood presented the staff report dated August 25, 2005 regarding application #W- 36136-0. Mr. Clarke confirmed that he received the staff report and did not identify any errors.

Site Inspection

A site inspection was conducted on September 14, 2005. Those in attendance were:

- Commissioners Read, Kerr,
- Agricultural Land Commission Staff: Simone Magwood, Regional Research Officer and Martin Collins, Planner
- Regional Agrologist, Ministry of Agriculture and Lands: Jim Forbes
- Applicant: Ken Clarke

Mr. Clarke showed the Commission the property and the road that divides the property. The Commissioners walked across the road and observed the remainder of the parcel.

The site inspection lasted from 2:30 p.m. to 3:00 p.m.

Commission Discussion

The Commission noted that the parcel had good agricultural capability and that the surrounding lots are all large holdings. The Commission did not observe that there was significant traffic on Donis Road to prevent the parcel from being operated as a single unit or warrant division of the parcel.

IT WAS

MOVED BY: Commissioner Kerr
SECONDED BY: Commissioner Read

THAT the staff report be received and the application to subdivide the property as divided by Donis Road be refused on the grounds that the parcel has good agricultural capability and subdivision would reduce agricultural potential, and raise expectations of further subdivision in the area.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # W – 36136
Applicant: Kenneth & Myrtle L Clarke

DATE PREPARED: August 25, 2005

TO: Chair and Commissioners – North Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To subdivide the 62.7 ha property into one 14.9 ha lot and one 47.8 ha lot as divided by Donis Road. Both parcels are intended to be used for continued agricultural production.

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

BACKGROUND INFORMATION:

The applicant would like to subdivide his home-site lying west of Donis Road from the parent parcel in order to sell the remainder to his daughter who would like to continue the family tradition of farming the Peace Region.

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 011-844-949
South East 1/4, Section 36, Township 84, Range 21, W6M, Peace River District, Except Plan 33218

Location of Property:

North-west of Fort St. John, lying west of Highway 29N on Donis Road.

Size of Property:

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

Present use of the Property:

Hay and pasture. There are buildings on the west side of Donis Road, a house, barn and two small sheds.

Surrounding Land Uses:

WEST: Pasture
SOUTH: Farmland - pasture
EAST: Crown land
NORTH: Farms with pasture and hay

Agricultural Capability:

Data Source: Agricultural Capability Map # 94A/6
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

North Peace OCP Bylaw No. 820, 1993 designates the area as Rural Resource - Agriculture

Zoning Bylaw and Designation:

Regional Zoning Bylaw No. 1343, 2001 designates the area as A-2 "Large Agricultural Holdings Zone"
Minimum Lot Size 63 ha.

PREVIOUS APPLICATIONS:

Application #19917-1

Applicant: Kenneth Clarke.
Decision Date: September 25, 1987
Proposal: To subdivide 6 ha from a 62.3 ha parcel.
Decision: Initially refused.
Allowed on reconsideration after a meeting with the Peace River Regional District. The subdivision was allowed due to compassionate reasons as purchase of the 6 ha had already taken place by verbal agreement and the purchasers had paid for property to which they had no legal title.

Application #06516-0

Applicant: Linda Thomson
Decision Date: August 28, 1979
Proposal: To subdivide 16.2 ha from the 64.8 ha parcel as divided by Donis Road.
Decision: Refused.

RELEVANT APPLICATIONS:

Application #08376-0

Applicant: Edward Perkin
Decision Date: May 4, 1979
Proposal: To subdivide six 2.5 ha lots from the parent parcel as severed by Donis Road.
Decision: Approved.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional Board supports the application on the basis that the subdivision is supported by Policy 3 (a), (b) and (f) of the North Peace Official Community Plan.

Policy 3(a) permits the creation of a parcel not less than 1.8 ha if it to meet the residential requirements of the owner, owner's relatives, or farm help where the broader interest of agriculture are not compromised

Policy 3(b) permits the creation of a small agricultural holding parcel if it is for agriculture or intensive agriculture purposes, including, but not limited to feedlots, piggeries, nurseries or poultry farms.

Policy 3(f) permits the creation of a smaller parcel if said parcel is isolated from the remainder of the original parcel by a highway, railway etc.


STAFF COMMENTS:

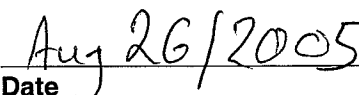
Staff recommends that the Commission consider the following:

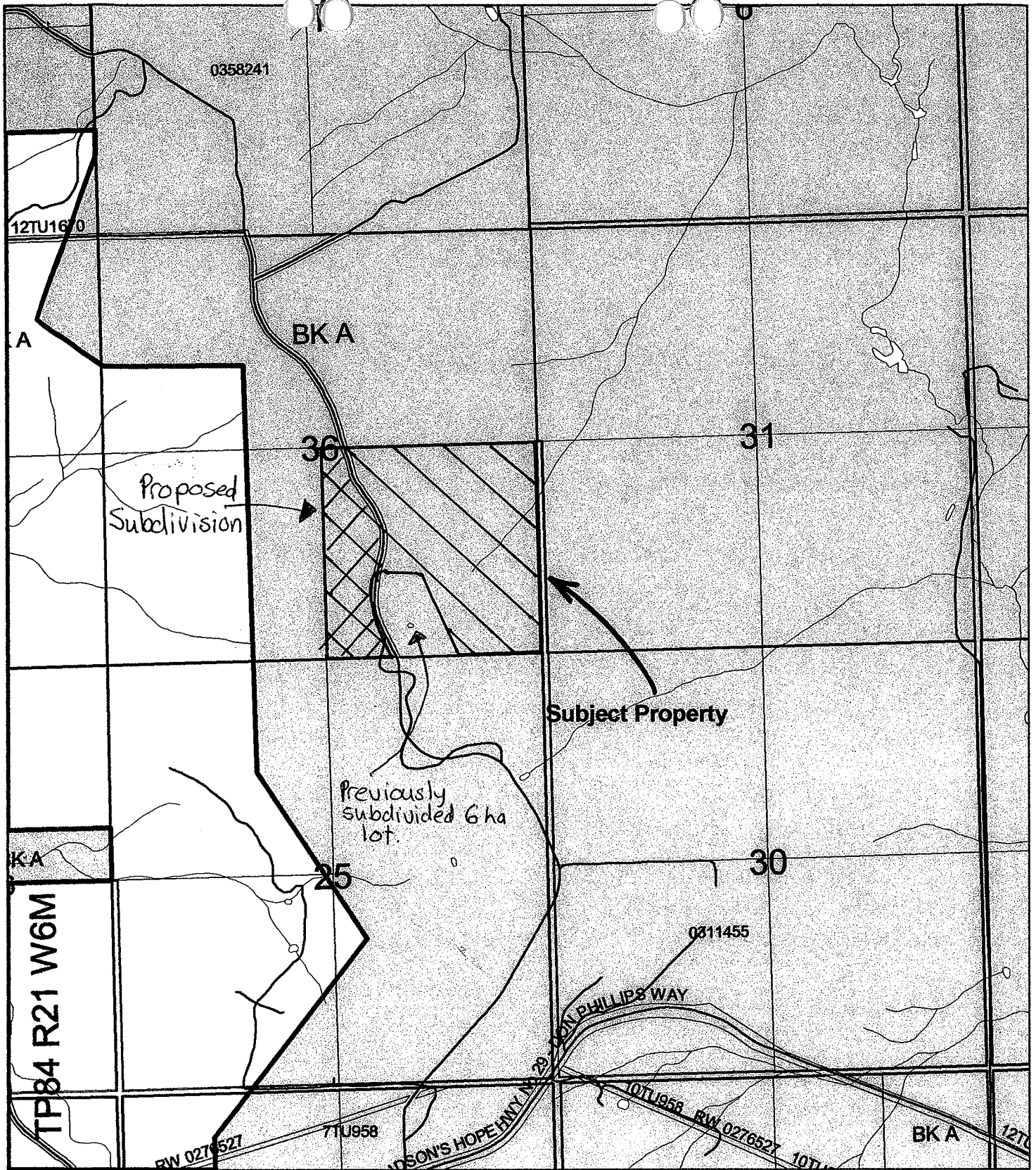
- Two previous applications to subdivide this property have been refused by the Commission.
- One of the applications (# 06516) was for a subdivision of the property as divided by Donis Road.
- A 6 ha subdivision from the subject property was approved by the Commission on reconsideration. However, at the time of that decision the Commission's position was as follows "...As you are all aware, the Provincial Agricultural Land Commission has steadfastly refused to allow the subdivision of one six ha parcel from the 62.3 ha... The Commission has been unable to justify the proposed subdivision of a rural residential homesite in this large holding Rural Resource/Agricultural Area." (see application # 19917 for details as to why the subdivision was approved).
- The applicant previously applied for, but cancelled, an application to exclude this land from the ALR. This application was cancelled as a condition of allowance of the 6 ha subdivision.
- This property has not been given a designation in the Fort St. John and Area Comprehensive Development Plan (CDP)

Staff recommend a site visit in order to determine the impact on agriculture of the proposed subdivision.

END OF REPORT


Signature


Date



ALC CONTEXT MAP
Application # 36136

Map Scale: 1: 20000

ALC File #: 21-05-36136

BCGS Map Sheet #: 94A.035

Regional District: Peace River