



Agricultural Land Commission
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March 10, 2006

Reply to the attention of Simone Rivers

Nigel Hemingway
Cariboo Geographic Systems
PO Box 1270,
100 Mile House, B.C. V0K 2E0

Dear Mr. Hemingway:

**Re: Application #D-36211-
Lot A, District Lot 2959, Lillooet District, Plan 33491**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your client's application to exclude the 14.2 ha property from the Agricultural Land Reserve (ALR) and subdivide it into two 4.6 ha lots and one 4.9 ha lot. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on November 24, 2005. The Commission noted that the rural residential subdivisions surrounding the subject property were within the ALR and therefore refused your application as proposed.

However, given the particular circumstances regarding the application, the Commission grants permission to subdivide the property into three lots. The approval is subject to:

- the subdivision being in substantial compliance with the attached plan.
- the construction of an appropriate 5 wire livestock fence at a location where the fence will not be subject to flooding by Bridge Creek, to be completed prior to registration of the plan of subdivision. The Commission suggests the top of the ridge rising up from Bridge Creek as a logical location for the fence, however, it's exact location can be determined by the applicant at the time of construction. The ultimate goal of the fence is to keep livestock trespass between the properties to a minimum.
- compliance 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. The Commission suggests you contact Cariboo Regional District at your earliest convenience.

The property will remain in the ALR and be subject to the provisions of the *Agricultural Land Commission Act* and regulations except as provided by this approval.

The decision noted above is recorded as Resolution #47/2006.

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Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

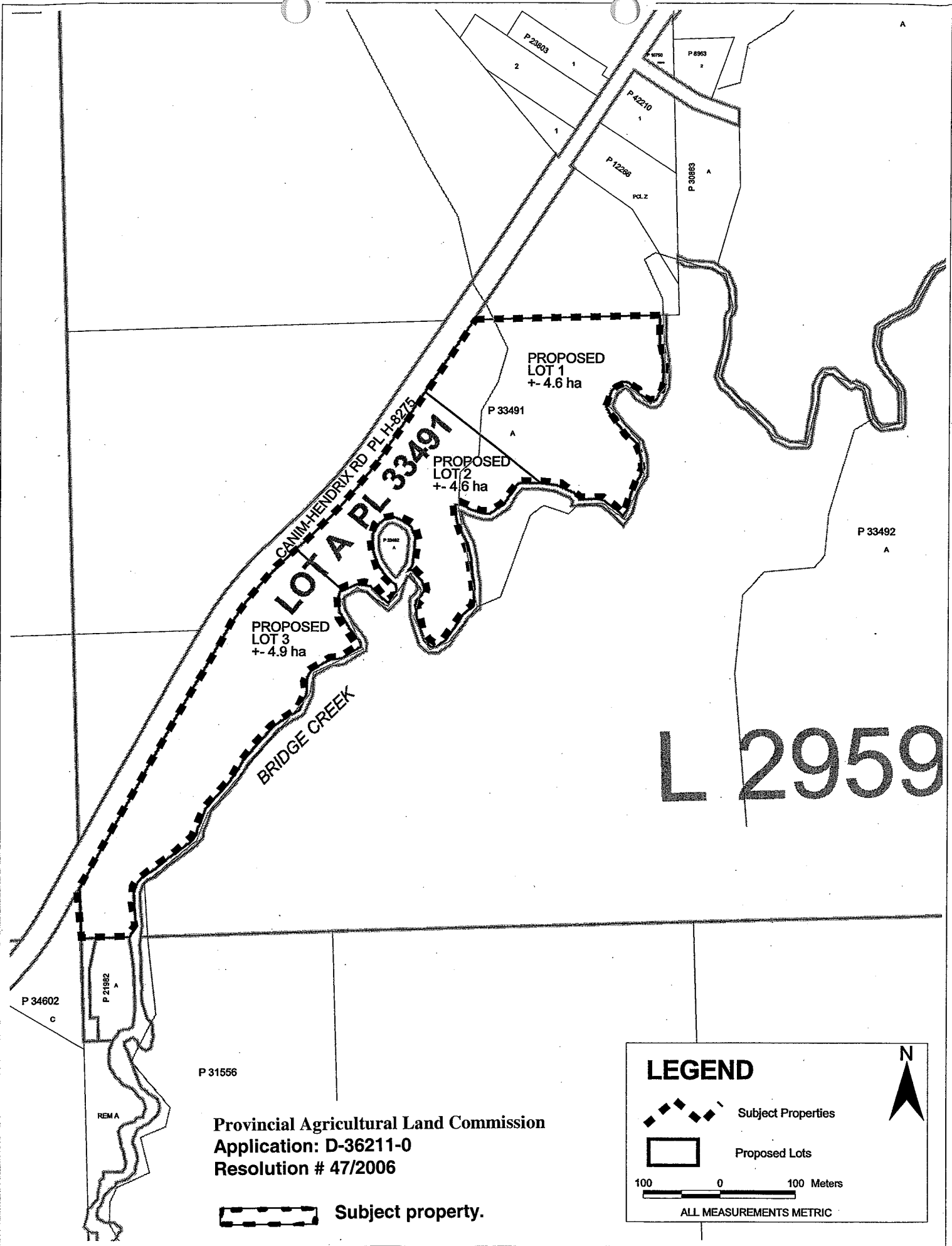
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlson, Chair

cc: Cariboo Regional District (File # 4035-20-H141)

SBR/lv/Encl.
36211d1.



CANIM-HENDRIX RD PL H-8275
LOT A PL 33497

PROPOSED LOT 1
 +- 4.6 ha

PROPOSED LOT 2
 +- 4.6 ha

PROPOSED LOT 3
 +- 4.9 ha


BRIDGE CREEK


L 2959

Provincial Agricultural Land Commission
 Application: D-36211-0
 Resolution # 47/2006

 Subject property.

LEGEND

 Subject Properties

 Proposed Lots

100 0 100 Meters

ALL MEASUREMENTS METRIC

N

The conflict arises because the property boundary follows Bridge Creek at the bottom of a valley. The area on either side of the boundary is floodplain and as such, it is not possible for either party to place a fence exactly on the property boundary. The neighbouring rancher's fence is set back from the creek, however, he grazes his cattle on the creek bottom on the other side of his fence. At most times of the year, the creek is not deep enough to ensure that cattle would not cross the creek and wander onto the subject property. Upon discussion with the rancher the Commission concluded that the conflicts the rancher was concerned about would likely exist if the property was developed as one lot or as three. Therefore, the Commission is willing to allow subdivision of the property as proposed, subject to the construction of a fence at a location above the flood-line. The Commission suggests the top of the ridge rising up from Bridge Creek as a logical location for the fence; however, its exact location can be determined by the applicant at the time of construction.

IT WAS

MOVED BY: Commissioner Huffman

SECONDED BY: Commissioner Campbell

THAT the staff report be received and the application to exclude the 14.2 ha property described as Lot A, District Lot 2959, Lillooet District, Plan 33491 be refused as proposed.

And THAT approval be given to subdivide the property into three lots subject to fencing of the property at a location where the fence will not be subject to flooding by Bridge Creek. Proof of fencing is to be received prior to registration of the subdivision plans.

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

CARRIED



Staff Report
Application # D – 36211 – 0
Applicant: Gordon and Bernice Jarvis
Agent: Nigel Hemingway: Cariboo Georgraphic Systems

DATE RECEIVED: August 12, 2005

DATE PREPARED: October 26, 2005

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To exclude 14.2 ha from the ALR

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

This application is being made so that the land can be subdivided into three residential properties. The land has been designated a Rural 1 zone which has a minimum lot size of 4 ha. Residential properties of this size in this area are often used as small hobby farms and the zone allows for agricultural uses on this type of land.

The agent for the applicant believes that the agricultural potential of this land may actually increase with this subdivision. He states that as a single property it is unlikely to be purchased for an agricultural use because the size, shape, terrain and creek make it land which would be very difficult to use for commercial purposes. Agricultural uses of land in this area are almost exclusively natural grazing, permanent pastures, or hay production. All of these uses are very constrained on this land because the previously mentioned factors.

This development would follow the established land use patterns by infilling an area between existing residential properties and keeping the new properties between the road and the creek and away from commercial agricultural operations.

The agent further states that the land under application is extremely well buffered from the existing agricultural operation by the creek and wide riparian zones beside it. He states that Lot A was created in 1982 and has remained vacant ever since.

One letter of opposition from the owners of the adjacent ranch was received by the Regional District. A copy of the letter is attached for the Commission's information.

Local Government:

Cariboo Regional District

Legal Description of Property:

PID: 003-167-445
Lot A, District Lot 2959, Lillooet District, Plan 33491

Purchase Date:

May 1997

Location of Property:

15 km from 100 Mile House at 5039 Canim-Hendrix Lake Road at Buffalo Creek.

Size of Property:

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

Present use of the Property:

The land is predominantly vacant. There is a clearing at the northern end which has power, a small storage shed and pit privy.

Surrounding Land Uses:

WEST: Canim Lake Highway (ALR)
SOUTH: 0.8 ha parcel (ALR)
EAST: Bridge Creek and a 146 ha parcel (ALR)
NORTH: 40 ha parcel with residence (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92P/11
The majority of the property is identified as having secondary ratings.

Official Community Plan and Designation:

South Cariboo Official Community Plan Bylaw No. 3100 designates this property as Agricultural (AG)

Zoning Bylaw and Designation:

South Cariboo Area Zoning Bylaw No. 3501, 1999 designates the parcel as Rural 1 (RR 1).
Minimum parcel size 4 ha.

PREVIOUS APPLICATIONS:

Application #12825-0

Applicant: Glenn & Sondra Grafe
Decision Date: September 3, 1981
Proposal: To subdivide the 12 ha between Canim Lake Highway and Bridge Creek from the 44 ha parcel.
Decision: Refused because the Commission was concerned with the long-term impact of the subdivision. A subdivision as proposed could create pressure for an increased number of smaller lots in the area.

Application #12825-1

Applicant: Glenn & Sondra Grafe
Decision Date: December 9, 1981
Proposal: To subdivide 12 ha between Canim Lake Highway and Bridge Creek from the 44 ha parcel.
Decision: Allowed subject to the consolidation of the 32 ha remainder of the SW ¼ DL 2959 with the E ½, DL 2959 except Plan 8963... immediately east of the subject property.
NOTE: This decision created the subject property.

RELEVANT APPLICATIONS

Application #18437-0

Applicant: Glenn & Sondra Grafe
Decision Date: September 20, 1984
Proposal: To subdivide the 1464 ha property into a 22 ha lot, a 33 ha lot and a 91 ha lot.
Decision: Refused on the grounds that the proposal would decrease the agricultural potential of the property and encourage further requests for subdivision of adjacent lands.

Application #08971-0

Applicant: John & Geraldine Higgins
Proposal: To subdivide a 1.2 ha parcel to allow access to the creek for the buyer
Decision: Allowed subject to consolidation with Lot 1 to the north.

Application #05463-0

Applicant: L. Johnson
Proposal: To subdivide the 15.6 ha property into one 6 ha lot and one 9.6 ha lot
Decision: Refused on the ground that the property had moderate agricultural capability.
Allowed a 1.2 ha parcel.

Application #11094-0

Applicant: Owens
Proposal: To subdivide the 24 ha parcel into two 8 ha lots and four 2 ha lots.
Decision: Refused on the grounds that the parcel has agricultural capability.

Application #09286-0

Applicant: K Toews
Proposal: To subdivide the 4 ha property into one 0.8 ha lot and one 3.2 ha lot to be sold to adjacent property owner who will consolidate.
Decision: Allowed subject to consolidation.

Application #19493-0

Applicant: John Owens
Decision Date: July 17, 1986
Proposal: To exclude a 17 ha and a 4 ha property from the ALR.
Decision: Refused as proposed on the grounds that the land has the potential for agricultural purposes. Allowed the subdivision of the 17 ha property into two lots of 8 ha each.

Application #19493-1

Applicant: John Owens
Decision Date: October 24, 1986
Proposal: To subdivide lot 1 into two 4 ha and one 8.9 ha lots or two 4.5 ha and one 7.9 ha lots.
Decision: Allowed the property to be subdivided into two 4.5 ha lots and one 7.9 ha lot based on surrounding land use and adjacent parcel sizes.

Application #34860-0

Applicant: Peter Wells
Decision Date: July 10, 2003
Proposal: This application was submitted by two landowners who own neighbouring properties. One property was 15.4 ha (Wells/Goyette) and one was 111 ha (Jewell). The application was for:
1) subdivision of 0.8 ha from the smaller lot to provide a separate lot for the owner's son
2) two consolidations were proposed, being the remnant parcels of land divided by Canim Lake Highway. The consolidated parcels were 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.
Decision: Allowed the subdivision of a 0.8 ha lot 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.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Advisory Planning Commission: The APC recommends approval.

Planning Department: The Planning Department recommends that the application be received. Planning staff note that the parcel is situated between two small residential neighbourhoods. The subject property is separated from nearby agricultural operations by Bridge Creek.

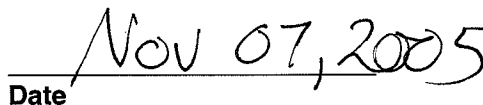
Cariboo Regional District Board: The Board recommends approval.

STAFF COMMENTS:

Staff recommend a site visit to determine the agricultural capability of the parcel as well as to determine what impacts subdivision might have on neighbouring agricultural operations.

END OF REPORT


Signature


Date