



Agricultural Land Commission
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March 16, 2006

Reply to the attention of Simone Rivers

Jerald and Margaret Giesbrecht
P.O. Box 154
Cecil Lake, B.C. V0C 1G0

Dear Mr. and Mrs. Giesbrecht:

Re: **Application #W-36232-0**
The West ½ of Section 11, Township 84, Range 15, West of the 6th Meridian,
Peace River District

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide a 4 ha parcel from the above mentioned 128 ha property. 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 November 3, 2005. It also thanks you for your patience in awaiting the Commission's decision on your application. At the site visit, the Commission noted that the majority of the half section was in agricultural use and that the area of the proposed subdivision had been historically used as a homesite. However, the Commission is reluctant to allow the creation of small rural residential parcels in areas of large agricultural holdings. Livestock harassment, trespass, weeds and misunderstanding of normal farm practices are common problems encountered in areas where such subdivisions exist. Although the owners of this parcel may initially be involved with your farming operation, the Commission has, of necessity, adopted a long-term approach towards the preservation of agricultural land and as such must consider the impact the subdivision may have in the future.

The Commission was further concerned that allowing subdivision would increase requests for subdivision on other lands in the area and it did not want to set a precedent to that degree. The Commission reminds you that nothing in the *Agricultural Land Commission Act* prevents the construction of a house on the parcel as it currently exists.

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

The decision noted above is recorded as Resolution # **82/2006**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: Peace River Regional District (File # 94-2005)

IT WAS

MOVED BY: Commissioner Read

SECONDED BY: Commissioner Kerr

THAT the staff report be received and the application to subdivide the property described as the West ½ of Section 11, Township 84, Range 15, West of the 6th Meridian, Peace River District into a 4 ha lot from the 128 ha property be refused as proposed on the grounds that a rural residential subdivision is not appropriate in this area of large agricultural holdings.

CARRIED



Staff Report
Application # W – 36232 – 0
Applicant: Jerald and Margaret Giesbrecht

DATE RECEIVED: August 22, 2005

DATE PREPARED: October 11, 2005

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide one 4.0 ha lot from the 128 property.

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

BACKGROUND INFORMATION:

The applicants wish to subdivide a homesite for their son who is involved with their farming operations. The property is located east of Fort St. John in the Flatrock/Golata Creek area and is accessible from the 221 Road via 244 Road. The proposed area for subdivision was formerly a homesite and hydro, natural gas, water and sewer services are already available.

Local government staff noted that the land owners have owned the subject property since 2003. They have used the subject property (with the exception of the actual subdivision site) for the production of various grain and/or hay crops in the previous years. Although the applicants have recently purchased the subject property, they have resided in the area since 1994 as their home-site is situated on Block A, Part NE1/4, C35, T83,R15, W6M. The applicants have also purchased other property in the area recently bringing their total land holdings to 206 ha and appear to be committed to continuing farming these parcels for years to come.

The applicants are aware that a single-family dwelling is allowed on this land parcel without subdivision. However, they have indicated that the proposed subdivision is necessary for their son to obtain independent financing for the development of a new house as financial institutions will not finance developments of this type without the developer having title to the land.

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 014-643-618

The West ½ of Section 11, Township 84, Range 15, W6M, Peace River District

Purchase Date:

May 2003

Location of Property:

Cecil Lake

Size of Property:

128.0 ha

Present use of the Property:

Grain and hay crop production

Surrounding Land Uses:

- WEST:** Grain farm (ALR)
- SOUTH:** Creek and hay fields (ALR)
- EAST:** Grain farm and fescue fields (ALR)
- NORTH:** Harmon hay fields (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 94A/8
The majority of the property is identified as having an agricultural capability rating of 6:3X-4:4X

Official Community Plan and Designation:

North Peace OCP Bylaw No. 820, 193 designates the parcel as "Rural Resource - Agriculture".

Zoning Bylaw and Designation:

Regional Zoning Bylaw No. 1000, 1996 designates this parcel as A-2 "Large Agricultural Holding Zone."
Minimum Lot Size 63 ha.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The subject property is currently designated "Rural Resource-Agriculture" within the North Peace OCP Bylaw having a minimum parcel size of 63 ha. With this land use designation, subdivision of land to parcels less than 63 ha, are allowed in situations where Policy 3 (a) states that "the creation of a parcel not less than 1.8 ha is to meet the residential requirements of the owner, the owner's relatives, or farm help, where the broader interest of agriculture are not compromised" Therefore this proposed subdivision conforms to the OCP.

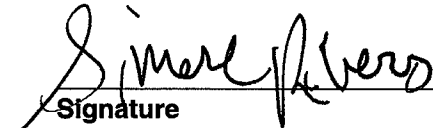
A site inspection of the subject property revealed that the site identified for subdivision by the land owner is situated at the top of a very steep embankment that has been left un-cleared by the applicant and previous land owners to prevent erosion of said embankment. The proposed homesite is situated on the top of this embankment which is far too steep for farming equipment to traverse.

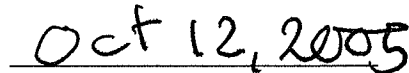
STAFF COMMENTS:

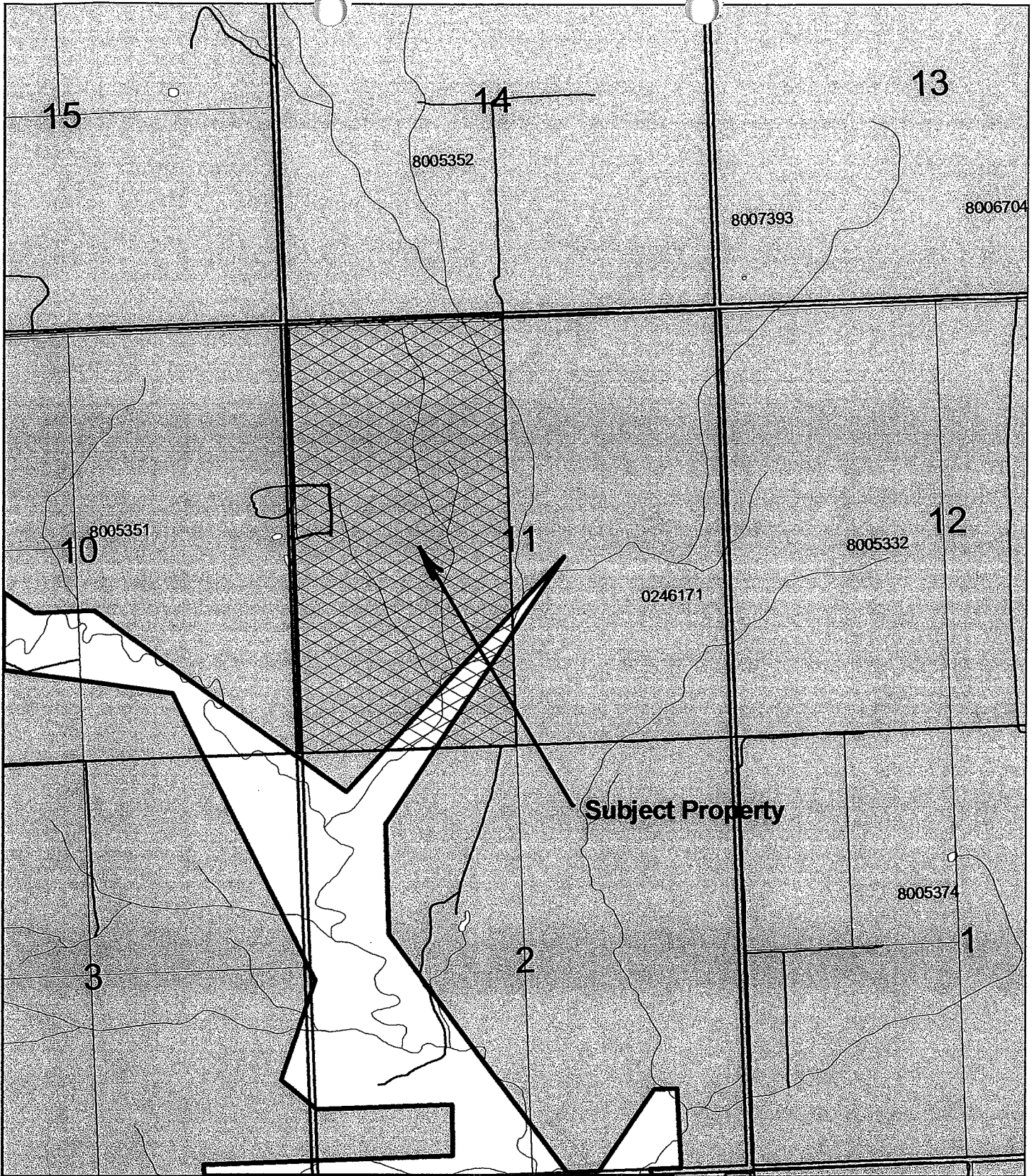
Staff recommend that the Commission consider the following:

- There have been no previous applications for subdivision on this property or any of those surrounding it.
- All of the properties in the vicinity are quarter or half sections.
- The applicants own several properties in the general vicinity.
- Currently there are no houses on this half section and therefore subdivision is not needed to provide permission to build a home on this land.
- There has been a house on the proposed homesite in the past.

END OF REPORT


Signature


Date



ALC CONTEXT MAP
Application # 36232

Map Scale: 1: 20000

ALC File #: 21-05-36232

BCGS Map Sheet #: 94A.029

Regional District: Peace River