



**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

March 16, 2006

Reply to the attention of Simone Rivers

Omer Bougie Farms Ltd.  
P.O. Box 6569  
Fort St. John, B.C. V1J 4H9

Dear Sir/Madam:

Re: Application # W- 36352  
**The South East ¼ of Section 5, Township 84, Range 18, West of the 6<sup>th</sup> Meridian, Peace River District, Except Parcel A (13712M) and Except Plans 12244, 12242, 15055, 16517, 18105, 19169, 19562, 19028, 23400, 24131, 24424, 24427, PGP42503, PGP45680**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the property described above into two 24 ha lots. 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 March 9, 2006. The meeting clarified for the Commission your intentions and reasons for requesting the subdivision.

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan.
- 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 the Peace River Regional District at your earliest convenience.

The decision noted above is recorded as Resolution #90/2006.

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 Karlsen, Chair

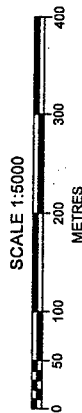
cc: Peace River Regional District (File # 126/2005)

SBR/lv/Encl./36352d1

Approval, two 22 ha lots

**PLAN SHOWING**

PROPOSED SUBDIVISION  
OF THE REMAINDER OF THE SOUTH EAST 1/4,  
SECTION 5, TOWNSHIP 84, RANGE 18, W. 6M.  
PEACE RIVER DISTRICT

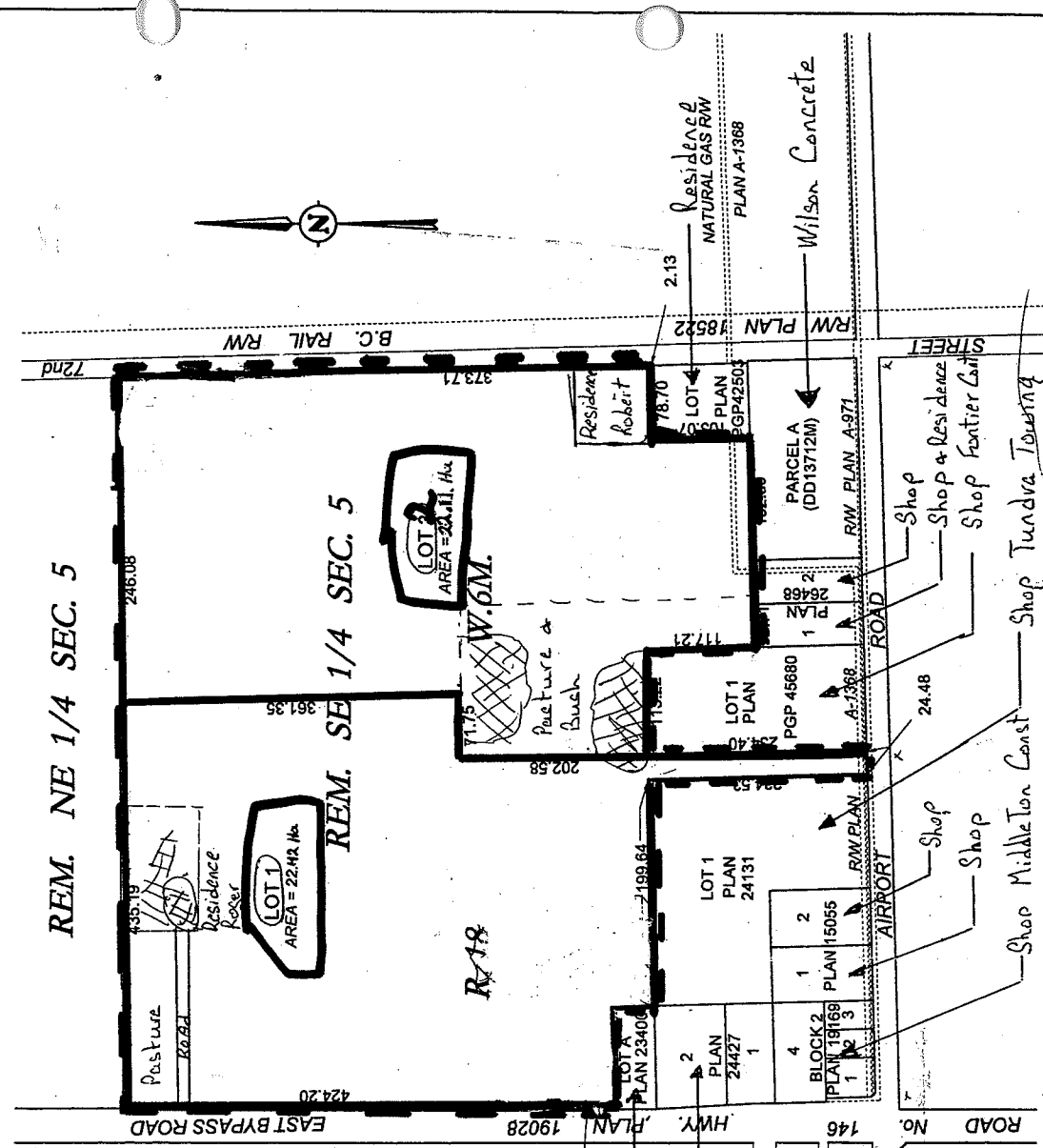


ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.  
THIS PLAN LIES WITHIN THE PEACE RIVER  
REGIONAL DISTRICT

SW 1/4  
SEC. 5  
ha TP 84

Provincial Agricultural Land Commission  
Application: W-36352-0  
Resolution #90/2006

Subject property.



RECEIVED  
PROV. AGRICULTURAL  
LAND COMMISSION  
NOV 7 2005

**STEWART, WEIR & WHALE**  
PROFESSIONAL LAND SURVEYING  
#2-11427 ALABKA ROAD  
P.O. BOX 102  
Ft. St. John, B.C., V4J 6N2  
Ph. 787-9394  
Fax. 787-9344

DRAWING No.: 15.5.28528OPT2\_R1  
DATE: July 25, 2005



The property lies within the CDP area designated for heavy industrial development. The Commission discussed whether or not the proposal was consistent with the CDP designation. The Commission had no objection to the proposed subdivision on the grounds that the proposed parcel sizes did not preclude future use of the properties for heavy industry. As the properties remain in the ALR, the use of the properties is not likely to change in the near future. Therefore, the Commission will allow subdivision of the properties into two 24 ha parcels without rezoning at this time. However, in keeping with the Heavy Industrial designation of the subject property and with the statement in the CDP that this area "*should not be allowed to be consumed bit by bit with smaller industrial uses*" the Commission will not be willing to entertain further subdivision or an exclusion application without further assurance that the properties will be used for heavy industry as designated.

**IT WAS**

**MOVED BY:** Commissioner Kerr

**SECONDED BY:** Commissioner Read

THAT the staff report be received and the application to subdivide the 48 ha described as The South East ¼ of Section 5, Township 84, Range 18, West of the 6<sup>th</sup> Meridian, Peace River District, Except Parcel A (13712M) and Except Plans 12244, 12242, 15055, 16517, 18105, 19169, 19562, 19028, 23400, 24131, 24424, 24427, PGP42503, PGP45680 into two 24 ha lots be approved as recommended on the grounds that the subdivision does not preclude future heavy industrial use of the property as designated in the Fort St. John and Area Comprehensive Development Plan.

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

CARRIED



**Staff Report**  
**Application # W – 36352 – 0**  
**Applicant: Omer Bougie Farms Limited**

**DATE RECEIVED:** November 7, 2005

**DATE PREPARED:** January 13, 2006

**TO:** Chair and Commissioners – North Panel

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To subdivide the 48 ha property into two 24 ha lots.

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

**BACKGROUND INFORMATION:**

The property is owned by two brothers who are partners in Omer Bougie Farms. One of the brothers currently lives on the property. The applicant originally asked for the property to be subdivided into five lots. The Regional District Board refused that proposal. It has been amended to propose that the property be split in half so that each brother can have separate title to a portion of the land.

**Local Government:**

Peace River Regional District

**Legal Description of Property:**

PID: 014-670-551

The South East ¼ of Section 5, Township 84, Range 18, West of the 6<sup>th</sup> Meridian, Peace River District, Except Parcel A (13712M) and Except Plans 12244, 12242, 15055, 16517, 18105, 19169, 19562, 19028, 23400, 24131, 24424, 24427, PGP42503, PGP45680

**Location of Property:**

Airport Road/East Bypass Road/72nd Street - East of Fort St. John

**Size of Property:**

48 ha (The entire property is in the ALR)

**Present use of the Property:**

Two residences and associated outbuildings, hay and pastureland, swamp.

**Surrounding Land Uses:**

**WEST:** Seed cleaning plant, commercial shops (non-ALR)  
**SOUTH:** Rail yards, cement plant and commercial shops (non-ALR)  
**EAST:** Railway and light industrial development (ALR)  
**NORTH:** Agriculture and residential (ALR)

**Agricultural Capability:**

Data Source: Agricultural Capability Maps # 94A / 2 and 7  
The majority of the property is identified as having primary ratings.

**Official Community Plan and Designation:**

North Peace Official Community Plan Bylaw No. 820, (1993) designates the parcel as "Rural Resource - Agriculture"

**Zoning Bylaw and Designation:**

Regional Zoning Bylaw no. 1343, (2001) designates the parcel as A-2 "Large Agricultural Holdings Zone"  
Minimum Parcel Size 63 ha.

**PREVIOUS APPLICATIONS:**

**Application #25552-0**

**Applicant:** Omer Bougie Farms Ltd.  
**Decision Date:** April 18, 1991  
**Proposal:** To subdivide approximately 0.6 ha from the 49.2 ha property and consolidate it with Lot 1, Plan 24424. The area was to be used to store heavy oilfield and road building equipment.  
**Decision:** Allowed subject to consolidation of the 0.6 ha portion with Lot 1, Plan 24424.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Local Government Planning Staff:** Local Government Planning Staff note that "the subject property is within Phase I of Area 12 in the recently adopted Comprehensive Development Plan (CDP). This area has been identified as one which should be retained in large parcels for future "Heavy Industrial" development and "should not be allowed to be consumed bit by bit with smaller industrial uses". Although the applicants have not indicated that they would be pursuing any type of industrial development, any subdivision of this subject property does not conform to the proposed uses as detailed in the recently adopted CDP."

**Peace River Regional District Board:** The Regional Board made the following resolutions related to this proposal:

1. That the Regional Board refuse the proposed subdivision application for 5 lots of various sizes... on the basis that the proposal does not conform to the Peace River Regional District Zoning Bylaw No. 1343, 2001, the North Peace Official Community Plan Bylaw no. 820, 1993 or the recently adopted Comprehensive Development Plan.
- AND
2. That the Regional Board support and approve the alternative proposal for a 2x24 ha lot subdivision for the two brothers on the basis that such a proposal would meet the requirements of North Peace OCP Bylaw No. 820, 1993, Policy 3 (a) (Residence for owner or owner's relative.)

**STAFF COMMENTS:**

Staff recommends that the Commission consider the following:

**Agricultural Capability:** The property is given a rating of 2C.

**Agricultural Suitability:** A majority of the property is currently under cultivation.


**Planning Considerations:** Since endorsing it in early 2005, recent Commission decisions in the Fort St. John area have been made based on the Fort St. John and Area Comprehensive Development Plan (CDP). If a proposal is consistent with the CDP the Commission has approved it and if it is not consistent with the plan the Commission has refused the proposal. In this case, the proposal does not appear to be consistent with the designation given the property in the CDP. The original request for five lots was to provide residential subdivisions for the family members of one of the owners.

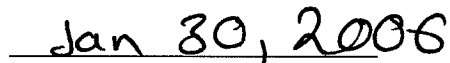
The Fort St. John and Area Comprehensive Development Plan was developed with the intention of identifying the long-term needs for land for different uses within the Fort St. John Area. The Commission endorsed different non-farm uses on ALR land in these areas with the understanding that they would be sufficient to meet the needs of the community in the long-term. As stated above, this area is designated for Heavy Industrial use and *"should not be allowed to be consumed bit by bit with smaller industrial uses."*

The Commission will have to consider if 24 ha is a sufficient parcel size for the future industrial use of this property. If the Commission is satisfied that the 24 ha parcels could be used for heavy industry in the future, staff recommend that approval be subject to the property being rezoned, and the Official Community Plan being amended, to reflect the Heavy Industrial designation given to the property in the CDP.

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**END OF REPORT**

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date