



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

May 9, 2006

Reply to the attention of Simone Rivers

Robert & Joan Tubb
PO Box 42 - 583 - 198th Road
Tomslake, BC V0C 2L0

Dear Mr. and Mrs. Tubb:

Re: Application #W- 36479
The North ½ of Section 19, Township 25, Peace River District

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above mentioned property into two 64 ha parcels. 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 May 1, 2006. In reviewing the application, the Commission took into consideration its position that the creation of quarter section sized parcels from sections and half-sections should only be entertained as a method of facilitating the transfer of blocks of land between farms for the encouragement and benefit of farming. After visiting the property and reviewing your application the Commission felt that the property has more agricultural potential as a single unit than as two separate parcels. The Commission noted that quarter sections are not considered to be stand alone farm units in the Peace River Regional District but a standard unit used to modify and augment farm operations. As such, the Commission believed that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

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

The decision noted above is recorded as Resolution #208/2006.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: Peace River Regional District: File # 02/2006

SBR/v/36479d1

IT WAS

MOVED BY: Commissioner Read

SECONDED BY: Commissioner Kendrew

THAT the staff report be received and the application to subdivide the 128 ha property described as The north ½ of Section 19, Township 25, Peace River District into two 64 ha lots be refused as proposed on the grounds that the property had good agricultural capability and the Commission did not want to set a precedent by allowing subdivision in this area.

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

CARRIED



Staff Report
Application # W – 36479-0
Applicant: Robert & Joan Tubb

DATE RECEIVED: February 8, 2006

DATE PREPARED: March 30, 2006

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 128 ha parcel into two 64 ha parcels.

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

BACKGROUND INFORMATION:

The applicants would like to divide the half section into two quarters for the following reasons: They state that this is the first step in passing the farm on to interested children. One daughter and her family would like to continue farming on the west quarter. The east quarter will be retained by the applicants to be passed on to their son in the future.

The property is in the Tomslake area, north of Swan Lake and Tate Creek and west of Highway 2. The general area has a mix of large parcel sizes ranging from full sections to quarter sections and few small homesite lots.

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 014-462-397

The North ½ of Section 19, Township 25, Peace River District

Purchase Date:

June 1974

Location of Property:

Toms creek-Tupper area, south of Dawson Creek

Size of Property:

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

Present use of the Property:

Hayland, some bush, barns, one residence and associated outbuildings. All buildings are on the east quarter.

Surrounding Land Uses:

- WEST:** Swamp, rough pasture, residence (ALR)
- SOUTH:** Swamp, bush, hayland, gas well (ALR)
- EAST:** Hayland, gas wells and access roads (ALR)
- NORTH:** Bush, hayland, rough pasture, gas well (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 93P/9
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Dawson Creek Rural Area Official Community Plan Bylaw No. 477 (1986) designates the parcel as Agricultural-Rural Resource

Zoning Bylaw and Designation:

Peace River Regional District Zoning Bylaw No. 1343 (2001) designates the parcel A-2 (Large Agricultural Holdings Zone)
Minimum Parcel Size 63 ha.

RELEVANT APPLICATIONS:

Application #09689-0

Applicant: Schwertner, W&M
Decision Date: November 23, 1979
Proposal: To authorize two additional dwellings on the half section
Decision: Allowed

Application #35408-0

Applicant: Hawkins, Vera
Decision Date: October 6, 2004
Proposal: To subdivide a 6.5 ha (16 acre) lot from the northwest corner of the subject property to provide a homesite for one of the property owners.
Decision: The Commission refused the proposed 6.5 ha lot because it encompassed arable farmland, unnecessary for the homesite. The Commission allowed a 2 ha lot on the grounds the subdivision of one of the homes would have no appreciable impact on the agricultural capability of the remainder.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: The Regional Board forwarded the application with the following resolution: That the Regional Board support and authorize the application to proceed to the Agricultural Land Commission on the basis that it is consistent with both the Official Community Plan and zoning policies.

STAFF COMMENTS:

Agricultural Capability:

The majority of the parcel (approximately 90%) is rated 100% Class 4X.
There is a small area rated OW5

Class 4 - Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

X - cumulative and minor adverse characteristics

Organic Soils - Organic soils are grouped into seven classes, designated as O1 to O7. The organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.

Class 5 - Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

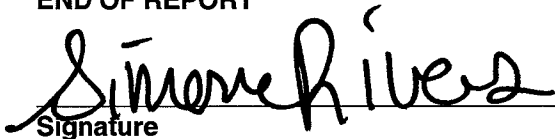
W - excess water

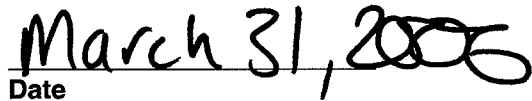
Agricultural Suitability: Much of the parcel appears to be improved for agricultural use.

Impact on Agriculture: Until January 2003, in the Peace River Regional District, General Order 8314/78 (the "Order") allowed for "automatic" subdivision of properties into quarter sections. In January 2003 the Commission rescinded the Order. It was rescinded because the Commission believed that quarter sections were not considered to be stand alone farm units in the Peace River Regional District but rather a standard unit used to modify larger farm operations. The Commission believed that rather than being used as a tool for creating transferable blocks of land for the encouragement and benefit of farming, the Order was being used more so to create subdivisions for rural/estate residential purposes.

Since the Order was rescinded, the Commission has generally refused applications in the Peace River Regional District in which applicants have asked for sections or half sections to be split into quarter sections when a corresponding benefit to agriculture such as consolidation with an adjacent property has not been offered.

END OF REPORT


Signature


Date