



Agricultural Land Commission
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May 9, 2006

Reply to the attention of Simone Rivers

Larry & Ruth Czerniak
PO Box 57
Gordondale, AB T0H 1V0

Dear Mr. and Mrs. Czerniak:

**Re: Application #W- 36564-0
The North East ¼ of Section 36, Township 26, Peace River District,
Except Parcel A (M35497)**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above described property into a 30.4 ha lot and a 16 ha lot. 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. The Commission appreciated the chance to discuss your plans and to drive the property with Mr. Czerniak. After visiting the property and reviewing the application, the Commission noted that your quarter section was already subdivided into two separate titles, both owned by you. Although not currently being used for agricultural production; the Commission believed that further subdivision of this quarter section would reduce the agricultural potential of the property.

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

The decision noted above is recorded as Resolution #210/2006.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: Peace River Regional District, Your File#17/2006

SBR/lv
36564d1.

IT WAS

MOVED BY: Commissioner Read

SECONDED BY: Commissioner Kerr

THAT the staff report be received and the application to subdivide the 46.4 ha property described as The North East $\frac{1}{4}$ of Section 36, Township 26, Peace River District, Except Parcel A (M35497) into one 16 ha lot and one 30.4 ha lot be refused as proposed on the grounds that subdivision would limit the agricultural options of the subject property.

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

CARRIED



Staff Report
Application # W – 36564-0
Applicant: Larry & Ruth Czerniak

DATE RECEIVED: March 22, 2006

DATE PREPARED: April 11, 2006

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide 16 ha from the 46.4 ha property

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

BACKGROUND INFORMATION:

This quarter section currently consists of two parcels, a 16 ha property (Parcel A) and a 46.4 ha parcel. These properties are on separate titles and have unique PIDs; however, the parcels share the same folio number and are taxed as one parcel. Both parcels are owned by the applicants. The applicants are proposing to subdivide an additional 16 ha from the 47 ha property. The purpose of the subdivision is to sell the parcel to the tenant. The subject property was farmed and owned by the tenant before it was sold to the current owners.

Most of the property is cleared; however, there are patches of uncleared land. The application states that the property has major topographical constraints in the form of large hills that restrict the viability of farming on the property.

The proposal is not consistent with local zoning bylaws or the Official Community Plan.

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 012-271-080

The North East ¼ of Section 36, Township 26, Peace River District, Except Parcel A (M35497)

Location of Property:

Tomslake-Tupper Region (north of Swan Lake)

Size of Property:

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

Present use of the Property:

Double-wide trailer and associated outbuildings

Surrounding Land Uses:

WEST: Agricultural (ALR)
SOUTH: Agricultural (ALR)
EAST: Semi-agricultural (non-ALR)
NORTH: Semi-agricultural (ALR)

Agricultural Capability:

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

Official Community Plan and Designation:

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

Zoning Bylaw and Designation:

Peace River Regional District Zoning Bylaw no. 1343, (2001) designates the property as A-2 (Large Agricultural Holdings Zone).
Minimum parcel size (63 ha).

PREVIOUS APPLICATIONS:

Application #20254-0

Applicant: Temple, George & Heather
Decision Date: June 19, 1986
Proposal: To construct and operate a breeding and boarding kennel of sufficient size to accommodate 10 dogs and 12 cats.
Decision: The Commission approved the proposal subject to conditions including siting the facility close to the residence and basic animal control.

RELEVANT APPLICATIONS:

Application #32892-0

Applicant: Fuchs, Roman
Decision Date: November 25, 1999
Proposal: To develop a small guest ranch/hunting lodge on the property.
Decision: The Commission approved in principle the request to operate a guest ranch and hunting lodge facility on the property subject to the receipt of more detailed plans concerning the agricultural aspects of the proposed operation (i.e., the ranch) and building/construction specifications.

Application #35563-0

Applicant: Bruns, Ronald
Decision Date: October 6, 2004
Proposal: To subdivide five 2 ha rural residential lots and one 3 ha commercial recreational lot from the 42 ha property. Most of the land proposed for subdivision was poor capability land and outside the ALR.
Decision: Allowed the subdivision subject to the inclusion of 25 ha used for agricultural purposes into the ALR

Application #35563-1

Applicant: Bruns, Ronald
Decision Date: November 2, 2005
Proposal: To include only 10 ha into the ALR rather than 25 ha required.
Decision: To allow the subdivision subject to the inclusion of 10 ha of the applicants non-ALR land rather than 25 ha as required in the first application.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: *that the Regional Board support and authorize the application to proceed... on the basis that topographical constraints restrict the agricultural potential of the property and similar subdivisions within the Agricultural Land Reserve have been approved nearby.*

Peace River Regional District Planning Staff: Planning Staff recommended that authorization to proceed be refused by the Regional Board on the basis that the proposal does not conform to the Official Community Plan and zoning regulations.

STAFF COMMENTS:

Agricultural Capability:

The property is rated as Class 3X and 60% Class 4T and 40% Class 5T.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

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

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

Subclasses

X - Cumulative and minor adverse characteristics

T - Topography.

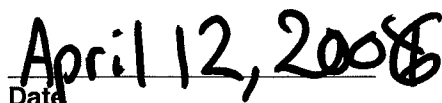
Impact on Agriculture:

The Regional Board's recommendation states that the application is being forwarded in part because "*similar subdivisions within the Agricultural Land Reserve have been approved nearby.*" Staff note that the Commission has recently allowed subdivision (application W-35563) on an adjacent property. However, most of the subject property was located outside the ALR and approval was granted subject to the inclusion of 10 ha of the applicant's non-ALR land. The Commission has also allowed some subdivision and non-farm use along Swan Lake in the past. Staff note that the current subdivision proposal is also inconsistent with the local OCP and zoning.

Agricultural Suitability: The application states that topography makes the property difficult to farm. Staff recommend a site visit to determine the agricultural capability of the subject property.

END OF REPORT



Signature


Date



App: 21-06-36564

Legend

 Agricultural Land Reserves - Colour Fill
 TRIM 2 Orthophoto Mosaic (1m)



Scale: 1:15,520

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Key Map of British Columbia

