



July 26, 2006

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

Reply to the attention of Simone Rivers

Fasken Martineau DuMoulin LLP
2100 - 1075 West Georgia St.
Vancouver, B.C. V6E 3G2

Attention: Ms. Alison MacInnis

Dear Ms. MacInnis:

Re: **Application # W - 36596**
Lot 1, St. John Indian Reserve #172, Township 85, Range 19, West of the 6th Meridian, Peace River District, Plan PGP47258
Lot 3, St. John Indian Reserve # 172, Township 85, Range 19, West of the 6th Meridian, Peace River District Plan PGP47258

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your client's application to subdivide ±13.6 ha from the above described properties. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank the representatives from Northern Lights College for taking the time to meet its representative on May 2, 2006.

The Commission writes to advise that it approved the 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 #373/2006.

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

cc: Peace River Regional District (#7/2006)
SBR/lv/Encl./36596d1.

47258

MERIDIAN

REM. S.E. 1/4
SEC. 16

Provincial Agricultural Land Commission
Application: W-36596
Resolution #373/2006



Subject properties.



± 13.6 ha area approved for subdivision

2
PLAN PGP43020

180m ROAD No. 250

20.117m ROAD ALLOWANCE

REM. N.E. 1/4
SEC. 9

No.

31° (PLAN)

No.

No.

No.

ROAD

WELLSITE
ANDERSON ET AL. W EAGLE
13-10-85-10
R/W PLAN No. PGP46221

LOT 1

LOT 2

PLAN

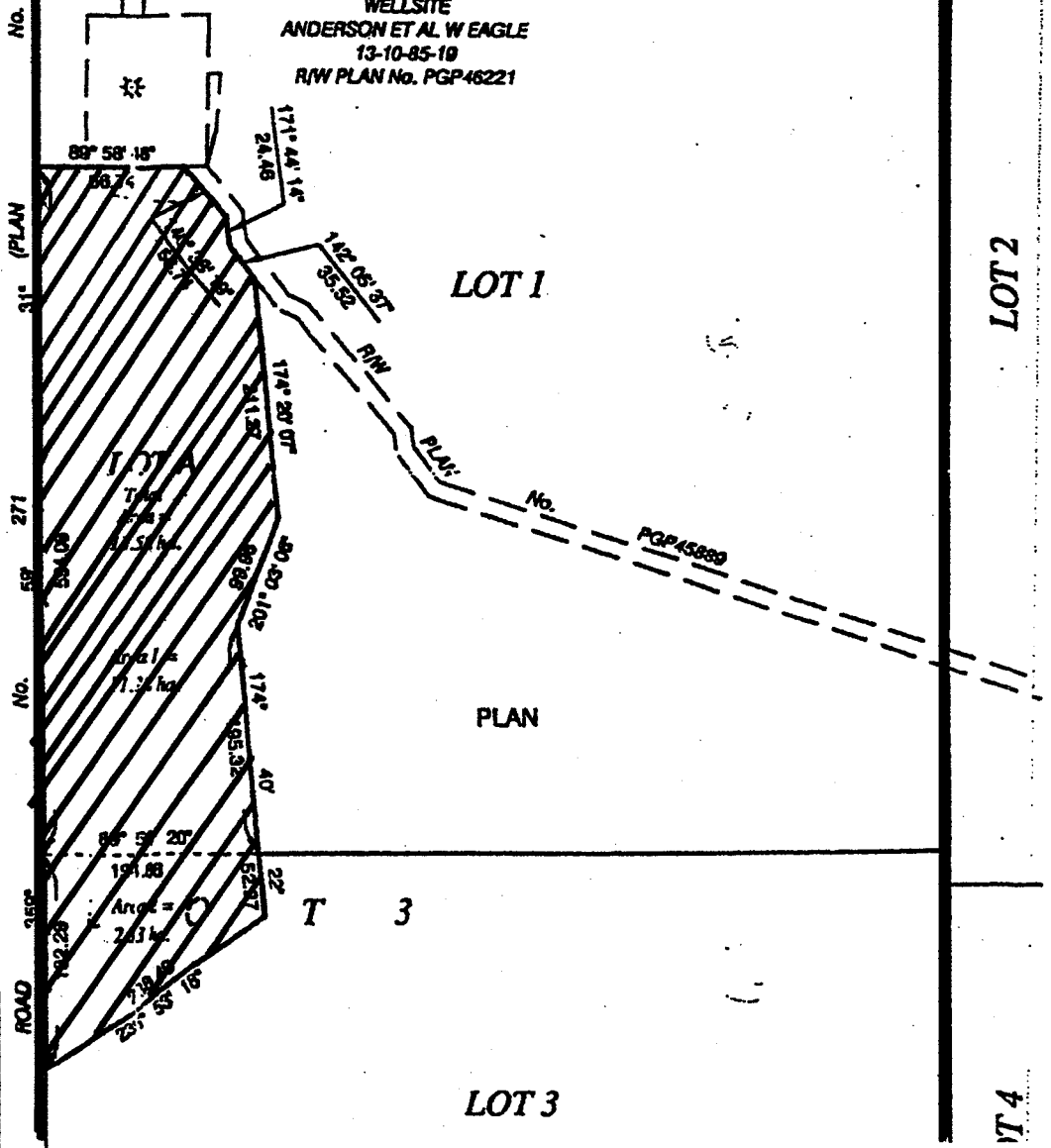
No.
PGP45880

T 3

LOT 3

LOT 4

REM. S.E. 1/4



THAT the staff report be received and the application to subdivide a total of 13.6 ha from properties described as Lot 1, St. John Indian Reserve #172, Township 85, Range 19, West of the 6th Meridian, Peace River District, Plan PGP47258 AND Lot 3, St. John Indian Reserve # 172, Township 85, Range 19, West of the 6th Meridian, Peace River District Plan PGP47258 be allowed as proposed on the grounds that the proposed use would not have a negative impact on future agricultural use of the remainder of the property.

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

CARRIED



Staff Report
Application # W – 36596-0
Applicant: David & Michelle Sigurdson and Michael & Patricia Smith
Agent: Fasken Martinueau DuMoulin. LLP

DATE RECEIVED: April 7, 2006

DATE PREPARED: April 12, 2006

TO: Chair and Commissioners – North Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To subdivide 11.3 ha from one 63.1 ha parcel and 2.3 ha from another 63.1 ha parcel to create a 13.6 ha parcel that would be sold to Northern Lights College for use as an ecological reserve.

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

BACKGROUND INFORMATION:

The purpose of the proposed subdivision is to create a parcel of land that can be donated to Northern Lights College for education and biodiversity conservation purposes. The parcel comprises a bog located on parts of two adjacent lots. Access to and use of the bog will be limited by a conservation covenant which will be registered against the subdivided bog parcel in favour of the Nature Trust of British Columbia.

The College plans to use the bog for education and conservation purposes, including

- educating students about wetland ecosystems and sustainable habitat management
- observing habitat characteristics of the bog
- bird watching.

The covenant attached to the newly created lot will be prepared by the Nature Trust of British Columbia and will be submitted to the Land Title Office concurrently with the final subdivision plan and appropriate land title transfer documents.

The intention of both the Sigurdsons and the Smiths (the current land owners) is that the Smiths will donate the bog to the college. To facilitate this, the following documents will be concurrently submitted to the appropriate Land Title Office.

- an approved subdivision plan
- a form A transfer transferring that portion of Lot 1 contained in Lot A from the Sigurdson's to the Smiths
- discharge of statutory right of way
- a covenant from the Smiths in favour of the Nature Trust
- a form A transfer transferring lot a from the Smiths to the College.

Local Government:

Peace River Regional District

Legal Description of Properties:

1. PID: 025-187-317
Lot 1, St. John Indian Reserve #172, Township 85, Range 19, West of the 6th Meridian,
Peace River District, Plan PGP47258
2. PID: 025-187-333
Lot 3, St. John Indian Reserve # 172, Township 85, Range 19, West of the 6th Meridian,
Peace River District Plan PGP47258

Location of Properties:

1.6 km north of Beatton Provincial Park. East off 271 Road, which runs north from the Alaska Highway.

Size of Properties:

126.2 ha (Both properties are in the ALR).

Present use of the Properties:

Lot 1: Residential
Lot 3: Mixed forest and pasture.

Surrounding Land Uses:

WEST: Mixed forest and farmland (ALR)
SOUTH: Mixed forest and farmland (ALR)
EAST: Mixed forest and farmland (ALR)
NORTH: Mixed forest and farmland (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map #
The majority of the property is identified as having mixed prime and secondary ratings.

Official Community Plan and Designation:

North Peace Official Community Plan Bylaw No. 820, (1993) designates the property as RR-A (Rural Resource Agricultural)

Zoning Bylaw and Designation:

Peace River Regional District Zoning Bylaw No. 1000 (1996) designates the property as A-2 (Large Agricultural Holding Zone).
Minimum parcel size 63 ha.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: That the Regional Board support and authorize the application as submitted to proceed... on the basis that the proposed subdivision and use is consistent with the objectives, policies and development criteria of Section 2.2 of the North Peace Official Community Plan (OCP), specifically Policy 4 and policy 3(d), as well as Section 22 and 26 of the PRRD Zoning Bylaw No. 1000 (1996)

Peace River Regional District Planning Staff: Staff note that several sections of the zoning bylaw and policies of the OCP allow for the subdivision and proposed use of the parcel.

- Policy 4 of the OCP permits use as an "ecological reserve" under the RR-A designation.
- Policy 3(d) allows the creation of a parcel less than 63 ha when the creation of a parcel is for public use purposes.
- Section 22 minimum *parcel size exception* the proposed lot size is exempt from the minimum parcel size requirement as an "ecological reserve"
- Section 26, *permitted use exceptions* the proposed use is a permitted use within all zones except for a Land Farm Treatment Zone.

Ecological Reserve is defined under the bylaw as "*land used or intended to be used for the preservation of the environment or for scientific research and education pertaining to studies in the inter-relationships between species and the behaviour of unique flora and fauna*"

STAFF COMMENTS:

Agricultural Capability:

The property is given the following ratings: 70% Class 3C and 30% Class 4T. However, the fact that the subject property is a bog may mean that the ratings are not entirely accurate.

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.

Subclasses:

C- Adverse climate

T - Topography

Staff notes that "*biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes as long as the area occupied by an associated buildings and structures does not exceed 100 m² for each parcel*" is an allowed use under the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

END OF REPORT


Signature


Date