



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

August 30, 2006

Reply to the attention of SIMONE RIVERS

Richard & Cynthia Boyko
32155 Highway 97 South
Prince George, BC V2N 5Z8

Dear Sir/Madam:

RE: Application #N-36678

PID: 010-970-878

Lot A, District Lot 1558, Cariboo District, Plan 18739, EXCEPT Plan 20292

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to erect a second permanent dwelling on the property. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on 22nd August 2006. The Commission found the meeting and site visit informative. In particular, the Commission noted that the property is being used for agriculture and has significant agricultural potential. It also noted that the second dwelling is not required to accommodate full time farm help.

The Commission considers that, with the exception of dwellings required to accommodate full time farm help, it is generally undesirable for additional dwellings to be located within the ALR because of the conflicts that arise between rural residents and agricultural activities, particularly with regard to livestock operations. The Commission has noted that the second dwelling is not required to accommodate full time farm help and that accordingly there are no good agricultural reasons to justify the second dwelling. It is accordingly opposed to the application for this reason and because it would create a precedent resulting in further pressure for additional dwellings in the ALR to the overall detriment of agriculture.

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

The decision noted above is recorded as Resolution # 422/2006.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Fraser-Fort George - ALR1558

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IT WAS

MOVED BY: Commissioner J. Kendrew

SECONDED BY: Commissioner F. Read

THAT the staff report be received and the application be refused.

CARRIED



Staff Report
Application # N – 36678
Applicant: Richard & Cynthia Boyko

DATE RECEIVED: May 10, 2006

DATE PREPARED: June 12, 2006

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To build a second permanent dwelling on the 22.2 ha property.

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

BACKGROUND INFORMATION:

This application is within the area covered by the Pineview Official Community Plan which has not been finalized and is therefore not covered by a delegation agreement with the Regional District of Fraser-Fort George at this time.

The applicants propose to build a new house on the property for themselves and keep the original dwelling for their daughter.

The applicants provided the following rationale for requesting the additional dwelling: They intend to train and sell Barrel Racing Horses and have owned and raised American Quarter Horses for the last 30 years. They currently have a standing stallion, and had been looking for a larger piece of property to move to so that they could promote the stallion "to his full potential".

The current home on the property is 900 square feet. One of the applicants has a home-based business where she designs and makes equestrian show and barrel racing clothes. She sells her product over the internet and the business has reached the point where she needs to expand and hire 1 or 2 seamstresses.

Their daughter, Opal, will work with the horse breeding business to train, care for and breed the barrel racing horses. The daughter would live in existing home and the applicants would build a new bigger house to accommodate the home-based business.

The applicants further state that they bought this property last year with the intent of selling their property in Stone Creek and moving there. When the house did not sell they took it off the market until the spring. They further state that having a stallion has limited the window for selling the house as they cannot move without having adequate fencing and accommodation for the stallion.

Local Government:

Regional District of Fraser-Fort George

Legal Description of Property:

PID: 010-970-878
Lot A, District Lot 1558, Cariboo District, Plan 18739, Except Plan 20292

Purchase Date:

July 15, 2005

Location of Property:

7695 Tabor Creek Road, Prince George

Size of Property:

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

Present use of the Property:

One house, and one pole barn. The area fenced off from the house has been used as pasture but was ploughed in the Fall of 2005 and was to be planted this spring with oats and hay.

Surrounding Land Uses:

- SOUTH:** Residential (ALR)
- SOUTH:** Residential and hayfield (ALR)
- NORTH:** Residential and pasture (leased out) (ALR)
- NORTH:** Residential and forested (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 93G/15
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Tabor Lake - Stone Creek Official Community Plan Bylaw No., 844 designates the property as Agriculture/Resource (Ag/Res)

Zoning Bylaw and Designation:

Bylaw No. 833 designates the property as Rural 2 (RU2)
Minimum Parcel Size 30 ha.

RELEVANT APPLICATIONS:

Application #33464-0

- Applicant:** Taylor, Ruby
- Decision Date:** December 12, 2000
- Proposal:** To subdivide a 4 ha lot off from the 64 ha property for one of the applicant's sons.
- Decision:** Refused on the grounds that the area proposed for subdivision is some of the better agricultural land on this parcel and should be retained in order to support the agricultural integrity of the remainder.

Application #21748-0

Applicant: Taylor, Sam
Decision Date: January 28, 1988
Proposal: Proposed to operate a secondary family business, auto/truck and farm machinery mechanical repair shop, on a portion of the 36.45 ha property.
Decision: Allowed subject to the following conditions:
- that the area be kept clean and tidy,
- vegetative screening and/or perimeter fencing around the salvage yard (max. 0.5 ha)
- precautions to ensure the 0.5 ha area is not contaminated with battery acid, oil, antifreeze, etc.

Application #26240-0

Applicant: Redden, D&L
Decision Date: July 16, 1992
Proposal: To subdivide a 2.8 ha lot from the 14.3 ha property for their daughter and son-in-law.
Decision: Refused on the grounds that the proposed subdivision is not in the best interest of present or future agriculture and it may set a precedent for other agricultural parcels in the area.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Fraser-Fort George Board: The Regional Board forwarded the application with a recommendation for approval.

Local Government Planning Staff Comments: The OCP and Zoning Bylaw allows for an additional dwelling on properties this size and therefore will not need to be amended. The proposed site of the new residence has been chosen with regard to the agricultural nature of the property. It is at the top of a bank overlooking a draw that runs through the property. It is considered that very little of the land under production would be affected with the addition of a second dwelling.

OTHER COMMENTS:

Ministry of Agriculture: The local government report quotes the following comments from the Ministry of Agriculture *"The Ministry of Agriculture and Lands does not support the non-farm use application by the applicants for the following reasons:*

- *The subject parcel is 22.2 ha in size which provides an excellent buffer between larger farm parcels and the rural lots along Tabor Mountain. The additional residence will not improve the buffer zone.*
- *The current home is a decent size for this size of agriculture operation and there appears to be no need for a new larger home.*
- *The applicants purchased the lot in the summer of 2005, do not live on the parcel and do not have a demonstrated need for a second home.*

(note: The letter from the applicants summarized above in the background section appears to be responding to these comments).

STAFF COMMENTS:

Agricultural Capability:

The subject property is rated 80% Class 4D - 20% Class 5 WD

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: D - undesirable soil structure; W - excess water

Staff recommends a site visit to discuss the proposal with the applicants, view the location of the proposed 2nd dwelling and to evaluate the impact of the additional dwelling on the agricultural potential of the property.


ATTACHMENTS:

Map: Proposal (Submitted by the applicants)

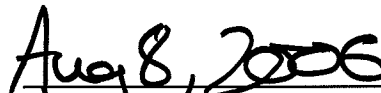
Map: Context Map OCP and Zoning (Submitted by Fraser-Fort George Regional District)

Map: Airphoto showing proposal (Submitted by Fraser-Fort George Regional District)

END OF REPORT



Signature



Date

