



Agricultural Land Commission
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July 11, 2006

Reply to the attention of Simone Rivers

Donald and Asenath Herbison
PO Box 47
Farmington, B.C V0C 1N0

Dear Mr. and Mrs. Herbison:

Re: **Application #ZZ-36750**
**The West ½ of Section 31, Township 80, Range 17, West of the 6th Meridian,
Peace River District Except Plan 30772**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide 14 ha from the above mentioned property. 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 June 29, 2006. The walking of the site helped the Commission to better understand why you chose the portion of the property for your proposed building site. At the site visit, the Commission noted that the majority of the half section was in agricultural use and that the area of the proposed subdivision had limited agricultural capability in relation to the remainder of the property. However, the Commission is reluctant to allow the creation of small rural residential parcels in areas of large agricultural holdings. Although initially you may be involved with farming the remainder and you would understand normal farm practices should you sell the remainder to another farmer, the Commission has adopted a long-term approach towards the preservation of agricultural land and as such must consider the impact the subdivision may have in the future. Livestock harassment, trespass, weeds, crop damage and misunderstanding of normal farm practices are common problems encountered in areas where such subdivisions exist.

The Commission was further concerned that allowing subdivision would increase requests for subdivision on other lands in the area and it did not want to set a precedent to that degree. The Commission reminds you that nothing in the *Agricultural Land Commission Act* prevents the construction of a house on the parcel as it currently exists.

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

The decision noted above is recorded as Resolution #329/2003.

Yours truly,
PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: Peace River Regional District (#69/2006)
SR/lv/36750d1.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on June 29, 2006 at the George Dawson Inn, 11705 8th Street, Dawson Creek, B.C.

PRESENT:	Frank Read	Chair
	John Kendrews	Commissioner
ABSENT:	Grant Huffman	Commissioner
STAFF:	Simone Rivers, Land Use Planner	
	Martin Collins, Regional Planner	
	Brian Underhill, Director, Strategic Planning and Corporate Policy	

For Consideration

Simone Rivers presented the staff report dated June 14, 2006 regarding application #W-36750. Mr. and Mrs. Herbison confirmed that they received the staff report and did not identify any errors.

Site Inspection

A site inspection was conducted on June 29, 2006. Those in attendance were:

- Commissioners Read, Kendrew
- Agricultural Land Commission Staff: Simone Rivers, Regional Research Officer
- Applicants: Donald and Asenath Herbison

The Commission met with the applicants on the property and followed them in to view the proposed site. The Commission walked through the forest to see the area where the applicants are proposing to build their new home. The applicants discussed the difficulty in making a living at farming.

The site inspection lasted from 3:15 p.m. to 3:45 p.m.

Commission Discussion

At the site visit, the Commission noted that a large portion of the half section was in agricultural use and that the area of the proposed subdivision had limited agricultural capability. However, the Commission was reluctant to allow the creation of a small rural residential/hobby farm parcels in this area of large agricultural holdings. Livestock harassment, trespass, weeds and misunderstanding of normal farm practices are common problems encountered in areas where such subdivisions exist. Although the owners of this parcel may initially be involved with farming the remainder of the property, the Commission has, of necessity, adopted a long-term approach towards the preservation of agricultural land and as such considered that the subdivision may have a negative impact on the agricultural viability of the remainder of the parcel in the future.

The Commission was further concerned that allowing subdivision would increase requests for subdivision on other lands in the area and it did not want to set a precedent to that degree. The Commission notes that that nothing in the *Agricultural Land Commission Act* prevents the construction of a house on the parcel as it currently exists.

IT WAS

MOVED BY: Commissioner Kendrew

SECONDED BY: Commissioner Read

THAT the staff report be received and the application to subdivide 14 ha from the property described as West ½ of Section 31, Township 80, Range 17, West of the 6th Meridian, Peace River District, Except Plan 30772 be refused on the grounds that a rural residential subdivision is not appropriate in this area of large agricultural holdings.

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

CARRIED



Staff Report
Application # W – 36750
Applicant: Donald & Asenath Herbison

DATE RECEIVED: June 9, 2006

DATE PREPARED: June 14, 2006

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide 14 ha from the 128 ha property.

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

BACKGROUND INFORMATION:

The applicants state that they are requesting the subdivision in order to build a retirement home. The area they wish to subdivide is above a natural barrier of a rock bluff and is not accessible for farming. They further state that there is a natural boundary separating the flat land from the higher land, mainly a rock bluff. To the south, the natural boundary is a creek. To the east there is bush and fields separated by a barbed wire fence. There are currently no homesites on the property. There is a small subdivision from the north east corner of the half section.

The applicants also own a 191 ha property, 64 ha quarter section and 259 ha section in the area. Their current home is on the section, however, they recently sold this and have until 2008 to move off the property. They wish to build a new house on the area delineated for subdivision in this application. The reason for this subdivision is to facilitate the sale of the remainder when they are ready to retire.

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 005-167-671
West ½ of Section 31, Township 80, Range 17, West of the 6th Meridian, Peace River District,
Except Plan 30772

Purchase Date:

1986

Location of Property:

Braden Road, Farmington

Size of Property:

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

Present use of the Property:

Pasture, ravine and bush. There is currently no homesite on the property.

Surrounding Land Uses:

WEST: Agriculture (ALR)
SOUTH: Agriculture and bush (ALR)
EAST: Agriculture and bush (ALR)
NORTH: Residential (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 93P/15
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 property as "Agriculture - Rural Resource"

Zoning Bylaw and Designation:

Dawson Creek Rural Area Zoning Bylaw No. 479 (1986) designates the property as A-2 (Large Agricultural Holdings Zone)

RELEVANT APPLICATIONS:

Application #30087-0

Applicant: Herbison, Donald & Asenath
Decision Date: November 14, 1995
Proposal: To subdivide a 4 ha lot from the 194 ha property for a homesite for the former owner.
Decision: The Commission allowed the request for a 4 ha homesite on the grounds that the proposed lot was isolated from the arable areas by a steep walled ravine and had poor agricultural capability due to underlying shale.

Application #11395-0

Applicant: Brown, Charles
Decision Date: November 20, 1980
Proposal: To subdivide a 9.3 ha lot for a 500 ft high communications tower and ancillary structures.
Decision: Allow as proposed subject to the CRTC granting approval for a broadcast license. In addition no residential structures can be constructed on the property and the building can be no larger than 400 sq ft.

Application #18273-0

Applicant: Brown, Charles
Decision Date: July 18, 1984
Proposal: To subdivide a 4 ha lot as a retirement homesite. The applicant did not qualify for homesite severance (1979 purchase)
Decision: Refused as proposed on the grounds that subdivision would have negative impact on the surrounding agricultural operations. A registered leasehold was offered to the applicant.

Application #18273-1

Applicant: Brown, Charles
Decision Date: October 12, 1984
Proposal: To subdivide a retirement homesite of 4 ha from the 130 ha property.
Decision: Allowed as requested on the grounds that the area proposed for the homesite is steep hillside consisting primarily of shale.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: The Regional Board forwarded the application with a recommendation of support on the basis that final approval should be subject to the subdivision meeting the requirements of Section 946 of the *Local Government Act*.

STAFF COMMENTS:

Agricultural Capability:


The subject property covers four different agricultural capability polygons. The area proposed to be subdivided is rated as 100% Class 4X

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

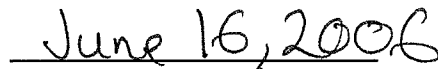
Subclass: X - cumulative and minor adverse characteristics

Staff recommend a site visit to discuss the applicants' plans and to determine the impact of the proposed subdivision on the surrounding agricultural operations.

END OF REPORT



Signature



Date