



Agricultural Land Commission
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November 1, 2006

Reply to the attention of Simone Rivers
ALC File: # W - 36859

Jim and Glenda Friesen
9504 Alaska Road
Fort St. John, BC V1J 6L5

Dear Mr. and Mrs. Friesen:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #522/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Peace River Regional District (114/2006)

SBR/lv/Encl.: Minutes
36859d1

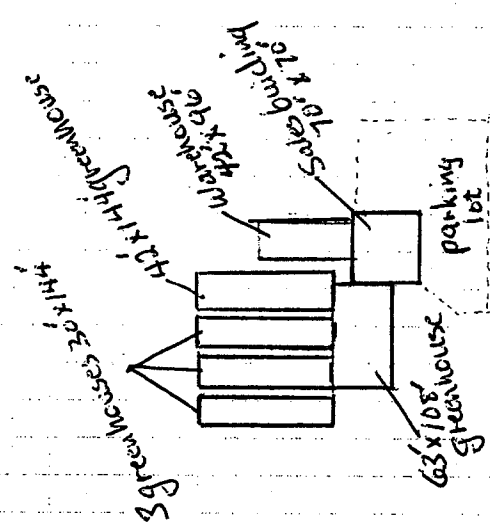
NW 1/4 section 3 Township 84 Range W of 6 Meridian

18.37 acres

800 feet

1000 feet

40 feet / square



East 1/2 section boundary

300'

Pin

N

development as part of the Fort St. John and Area Comprehensive Development Plan. However, it was also noted that the property was designated to be developed in Phase V, the final area slated for light industrial development. The Commission recalled the rationale for phasing when the plan was developed; that it was established to ensure orderly development. The Commission is not prepared to ignore the phasing portion of the plan and as such refuses exclusion of this property at this time.

However, the Commission wishes to support the applicants business, which is agricultural in nature, and therefore would allow the applicants to run a year-round retail business (with a footprint of $\pm 455 \text{ m}^2$) on the property as proposed. The Commission note that the rest of the applicants' proposal (specifically 0.2 ha of greenhouses) is allowed under the Agricultural Land Commission Act, and as such does not require Commission approval. The Commission also notes that a strawberry U-pick is also an allowed use in the ALR and as such would not require Commission approval. The Commission also wishes to state that it will not support subdivision of this property at this time.

IT WAS

MOVED BY: Commissioner Kendrew

SECONDED BY: Commissioner Craven

THAT the application for exclusion be refused as proposed.

AND THAT the Commission has no objection to the placement and operation of the proposed year round retail store on the site to sell the products grown in the greenhouses as well as other products produced elsewhere.

AND THAT the approval is subject to the following conditions:

- That the retail store does not exceed 500 m^2 in size, as proposed.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

CARRIED

Resolution # 522/2006



Staff Report
Application # W – 36859
Applicant: Patricia De Wit
Agent: Jim Friesen

DATE RECEIVED: August 8, 2006

DATE PREPARED: September 20, 2006

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To exclude approximately 7.43 ha of the 63 ha property to create a year round garden center.

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

BACKGROUND INFORMATION:

The proposal for the year round garden center is as follows: 455 m² in retail and an attached 0.2 ha greenhouse. A 297 m² preparation building with a retail and staff parking area and an area for small deliveries. A 2782 m² dugout for irrigation purposes is also planned as well as a strawberry u-pick.

One adjacent land owner wrote in objection to the proposal stating that farm land should be preserved and that it is her believe that the Fort St. John area has enough land out of the reserve that is not developed.

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 004-347-323

The North West ¼ of Section 3, Township 84, Range 19, W6M, Peace River District, EXCEPT Plan A938

Purchase Date:

February 1998 (However, the application states that the agent is planning on buying the property and may have already done so)

Location of Property:

West of the City of Fort St. John, south of the Alaska Highway and east of the 271 Road

Size of Property:

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

Proposed Exclusion Area:

7.4 ha

Present use of the Property:

No buildings, the property is currently farmed. There is a compressor station on the south side of the property that is operated by Cougar Hydrocarbons Inc. Approximately 125 acres of wheat, with remainder in bush and three sloughs. Wellsite is on one acre of the property

Agricultural Capability:

Data Source: Agricultural Capability Map # 94A/7
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

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

Zoning Bylaw and Designation:

Peace River Regional District Zoning Bylaw No. 1343 (2001) designates the property as A-2 (Large Agricultural Holding Zone).
Minimum Lot Size: 63 ha.

RELEVANT APPLICATIONS:

Application #36751-0

Applicant: Teed, Marilyn
Decision Date: June 29, 2006
Proposal: To exclude a portion of the 49.1 ha property from the ALR for light industrial development. Approximately 19.2 ha would be excluded.
Decision: To refuse the exclusion of 19.2 ha as the proposal does not fit with the phasing agreed to by the Fort St. John and Area Comprehensive Development Plan.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: The Board forwarded the application with a recommendation of support subject to the property being developed following the phasing principles as outlined in the Fort St. John and Area Comprehensive Development Plan

Local Government Planning Staff: The Fort St. John and Area Comprehensive Development Plan recommends 12 areas for future development. The subject property is within Area 5 of the CDP. Area 5 has been recommended for "Light Industrial" use within Phase III to V of the plan. The plan identifies Phase III as the area furthest from the highway, Phase IV is the area in the middle and Phase V is the area closest to the highway. Area 5 will be developed with design guidelines to buffer the visual impact from the highway, managed highway access points, and development starting in later phases after other light industrial area have been developed. The proposal does not propose development adjacent to the highway, it is located in the middle of Phase IV of Area 5. The proposed light industrial use is consistent with the intent of the plan for Area 5, despite some concern with the phasing principles.

STAFF COMMENTS:

Planning Considerations:

Since endorsing it in early 2005, Commission decisions in the Fort St. John area have been made based on the Fort St. John and Area Comprehensive Development Plan (CDP). If a proposal is consistent with the CDP, the Commission has approved it and if it is not consistent with the plan the Commission has refused the proposal.

In this case, the proposal is consistent with the Light Industrial designation in the CDP but not with the phasing identified for this area. The area is in Phase III to V and therefore was not to be developed until the other areas designated for light industrial are full. By excluding this property now, the Commission may be contributing to piece-meal development of the area rather than the orderly development which was the goal of the CDP. Staff reminds the Commission of Resolution # 332/2006 (Application # W-36751 - Marilyn Teed) whereby the Commission refused a request of a nearby landowner to exclude 19.2 ha from the ALR that was also not to be developed until phase III. In light of Resolution # 332/2006 staff does not recommend that the Commission approve exclusion of this property at this time.

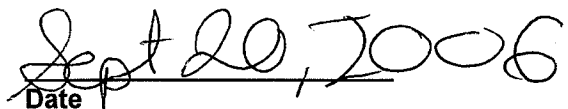
However, staff notes that the current proposal for the development of greenhouses, a garden centre and strawberry u-pick may be able to be accommodated within the ALR as the retail component of the proposal is the only non-farm use that would not be allowed under the act. As such, staff suggest a site visit and meeting with the applicant to gain a better understanding of the current proposal and to discuss the issues surrounding phasing and the CDP.

ATTACHMENTS:

- ALC Context Map – BCGS 92A.026 – 1:20,000 (Created by ALC Staff)
- Airphoto - BCGS 92A.026 – 1:20,000 (Created by ALC Staff)
- Detail of CDP map showing property location (Created by ALC Staff)
- Sketch showing area of proposed exclusion (Submitted by the applicant)
- Sketch showing proposed development (Submitted by the applicant)

END OF REPORT


Signature


Date