



Agricultural Land Commission
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December 6, 2006

Reply to the attention of Simone Rivers
ALC File: #D - 36905

Christian and Gus Horn
PO Box 51
100 Mile House, BC V0K 2E0

Dear Sirs:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 634/2006 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Cariboo Regional District (#4035-20-L076)
Sherry Gordon, 13145 - 22A Ave., Surrey, BC V4A 8Y5

SBR/lv/Encl.: Minutes/Sketch Plan
36905d1

L 2918

No-build covenant to be registered on the remainder

PROPOSED
REMAINDER
FRACT S 1/2 DL2918
± 49.74 ha



±2.4 ha

PROPOSED
± 4.0 ha
FINAL SIZE
TO BE
DETERMINED


L 27

Provincial Agricultural Land Commission

Application D-36905
Resolution # 634/2006

-  Subject Property
-  Approved subdivision of a ± 2.4 ha lot

LEGEND

 Subject Property

 Proposed Lot

0 35 70 140 210 280
Meters

ALL MEASUREMENTS
METRIC



P 22776

L 4260



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 23, 2006 at Quesnel City Hall, 410 Kinchant Street, Quesnel, B.C.

PRESENT:	Grant Huffman	Chair, Interior Panel
	Holly Campbell	Commissioner
	Frank Read	Commissioner
	Simone Rivers	Staff

For Consideration

Application: # D - 36905
 Applicant: Christian Horn
 Agent: Gus Horn
 Proposal: To subdivide one lot of approximately 4 ha from the 53.7 ha property creating a remainder of 49.74 ha.
 Legal: PID: 003-915-981
 The Fractional South ½ of District Lot 2918, Lillooet District, EXCEPT Plans 20349 and H11861
 Location: Horse Lake Road, East of 100 Mile House.

Site Inspection

A site inspection was conducted on November 22, 2006. Those in attendance were:

- Grant Huffman Chair, Interior Panel
- Holly Campbell Commissioner
- Frank Read Commissioner
- Simone Rivers Staff
- Christian Horn Applicant
- Helen Horn Applicant's wife
- Gus Horn Agent

The Commission viewed the location of the proposed homesite. It noted that it was on a portion of land that was improved for agricultural use. The applicants stated that they wished the homesite to be as small as possible. The Commission discussed possible alternate locations for the homesite and reasons the applicants had chosen this site.

Mr. Horn confirmed that the staff report dated November 7, 2006 was received and no errors were identified.

Discussion

The Horn family has lived in the area for many years. Christian Horn has owned and lived on the property adjacent to the subject property since prior to the establishment of the ALR and therefore qualifies for consideration under the Commission's *Homesite Severance Policy*. The applicants do not want to subdivide the ranch headquarters (and current homesite) from the property and have asked the Commission to consider the subdivision of a lot on the property adjacent to that on which the headquarters is located. In reviewing the application, the Commission considered that its *Homesite Severance Policy* states the following:

- a. no one has an automatic right to a "homesite severance";
- b. the Commission shall be the final arbiter as to whether a particular "homesite severance" meets good land use criteria;
- c. a prime concern of the Commission will always be to ensure that the "remainder" will constitute a suitable agricultural parcel.

Assessment of Agricultural Capability

The agricultural capability of the soil of the subject property is rated as 70% Class 4T-30% Class 3C

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

The area proposed for the homesite severance has agricultural capability and is currently in agricultural use as a hay field. It did not appear to have topographic constraints.

Assessment of Agricultural Suitability

The Commission did not consider that there are any external factors would render the property unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission was concerned about the proposed size and location of the homesite lot. The homesite is proposed for a property that is developed as a hayfield. This property does not currently have any dwellings on it. The Commission was concerned that by subdividing a homesite from this property that the potential remains that another house could be built on the property should the property change hands and no longer be part of a ranch unit. The Commission considers that this would not be beneficial to agriculture. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands and believes that mitigating measures need to be put in place in order reduce the impact of the creation of a new residential lot in this location.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture and that mitigating measures are required to offset this impact.
4. That the applicant qualifies for consideration under the Commission's *Homesite Severance Policy* and therefore the Commission is willing to consider allowing a subdivision.

IT WAS

MOVED BY: Commissioner Huffman
SECONDED BY: Commissioner Campbell

THAT the application be refused as proposed.

AND THAT the application would be allowed subject to the registration of a no-build covenant on the remainder of the Fractional South ½ of District Lot 2918, Lillooet District, Except Plan 20349 and H11861.

AND THAT the approval is further subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- that the size of the homesite lot be as small as possible, 2.4 ha is considered a more acceptable size than the 4 ha originally proposed
- compliance with the *Homesite Severance Policy*
- the subdivision must be completed within three (3) years from the date of this decision.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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 # 634/2006



Staff Report
Application # D – 36905
Applicant: Christian Horn
Agents: Gus Horn and Sherry Gordon

DATE RECEIVED: August 30, 2006

DATE PREPARED: November 7, 2006

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide one lot of approximately 4 ha from the 53.7 ha property creating a remainder of 49.74 ha.

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

BACKGROUND INFORMATION:

This application is for the creation of a Homesite Severance from S 1/2 of DL 2918 which has been owned, but not lived on since 1947. This property is adjacent to the property the applicant has owned and lived on since 1964 (E1/2 of W1/2 of DL 4268). The property which contains the existing home does not lend itself as efficiently to subdivision as this contains the ranch buildings, is the most productive land, is being used for hay fields and a subdivision anywhere near Horse Lake Road would be an intrusion into its continuous productive agricultural use. The property that is being requested for subdivision is low lying land adjacent to the Horse Lake Road and Bridge Creek. It is noted that the final size and configuration of the homesite lot will be dependent on finding an area capable of accommodating a septic system to meet the public health requirements. The intent is to keep the homesite lot as small as possible while providing a legal septic system, and well water.

Local Government:

Cariboo Regional District

Legal Description of Property:

PID: 003-915-981
District Lot 2918, The Fractional South 1/2 of, Lillooet District, EXCEPT Plans 20349 and H11861

Purchase Date:

1947

Location of Property:

Horse Lake Road, East of 100 Mile House.

Size of Property:

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

Present use of the Property:

1. Irrigated hayfield, no buildings
2. Hayfields, corrals, barns and two (2) homes

Surrounding Land Uses:

WEST: Residence, farm buildings, hay, pasture and lowland
SOUTH: Bridge Creek, hayfield, residential lots
EAST: Horse Lake Road, residential lots, hayfield
NORTH: Horse Lake Road, residential subdivision

Agricultural Capability:

Data Source: Agricultural Capability Map # 92P/11
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Zoning Bylaw and Designation:

South Cariboo Area Zoning Bylaw No. 3501 (1999) designates the property as Resource/Agricultural 1 (RA 1).
Minimum Lot Size: 32 ha

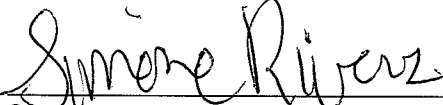
LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Cariboo Regional District Board: The Regional Board forwarded the application with a recommendation of support.

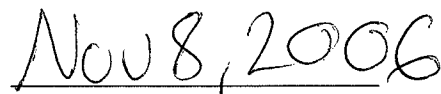
ATTACHMENTS:

- "Application Under the Land Commission Act – Information Sheet" Dated: August 16, 2006 - Local Government Report (4 Pages) (Submitted by Cariboo Regional District)
- Map - Sketch of proposed subdivision (Submitted by the applicant)
- Airphoto 1:10,000 (Created by ALC Staff)
- ALC Context Map 1:10,000 (Created by ALC Staff)

END OF REPORT



Signature



Date