



**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

May 3, 2007

Reply to the attention of Simone Rivers  
ALC File: B-18794

Henry and Anne Peters  
Box 1355  
Vanderhoof, B.C. V0J 3A0

Dear Mr. and Mrs. Peters:

**Re: Application Remove a Covenant within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 186/2007 outlining the Commission's decision as it relates to the above noted application.

Please prepare and provide the Commission with a covenant discharge document to be executed by this office.

Should you wish to undertake a boundary adjustment, 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:

Erik Karlsen, Chair

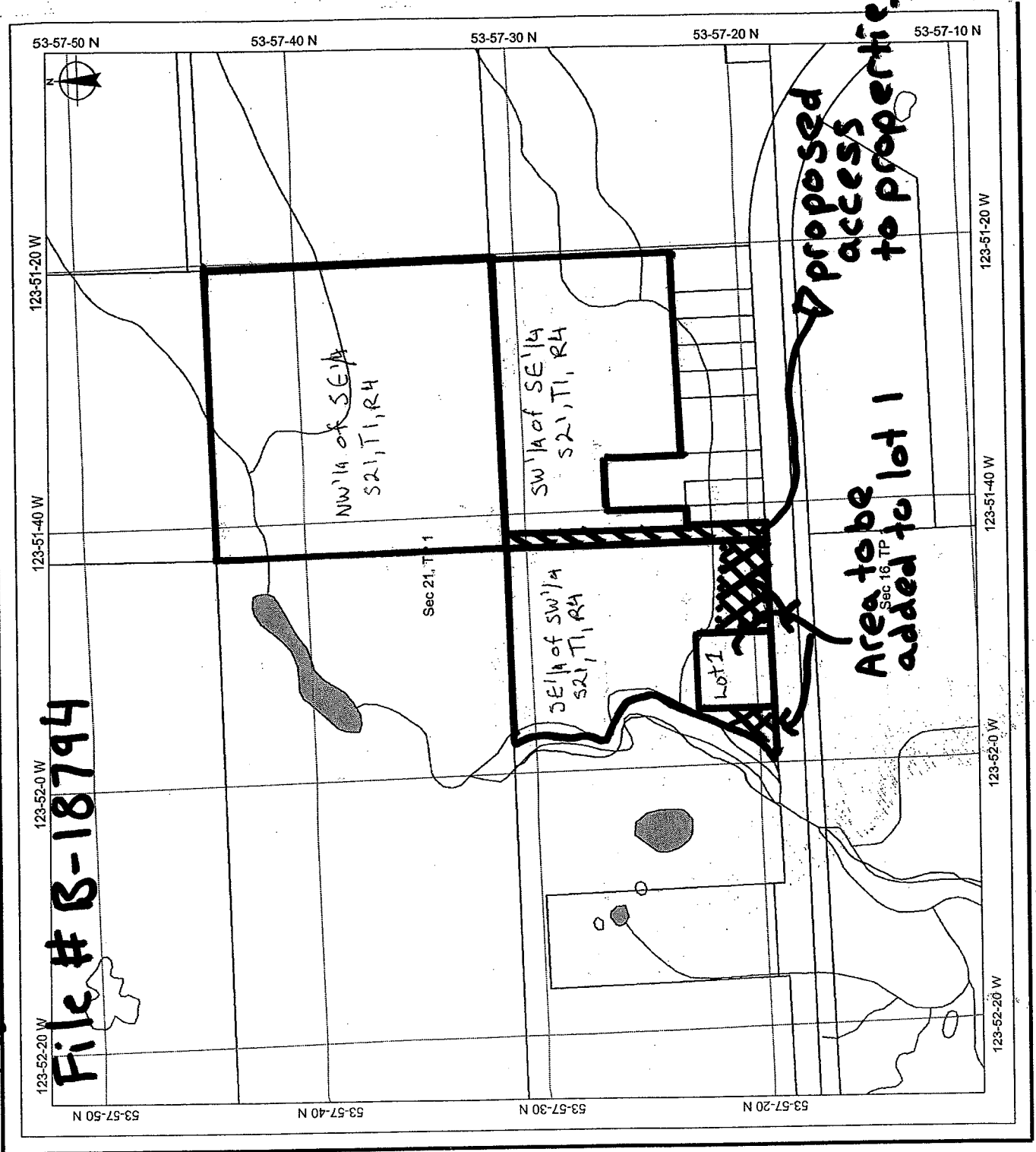
cc: Regional District of Bulkley-Nechako

Enclosure: Minutes/Sketch Plan

SR/eg  
i/18794d2

# Resolution # 186/2007

File # B-18794





**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

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A meeting was held by the Provincial Agricultural Land Commission on April 24, 2007 at Smithers, B.C.

<b>PRESENT:</b>	Frank Read	Chair, North Panel
	William Norton	Commissioner
	Simone Rivers	Staff

<b>ABSENT:</b>	John Kendrew	Commissioner
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**For Consideration**

Application:	# B- 18794
Applicant:	Anne and Henry Peters
Proposal:	To remove the restrictive covenant that binds together the four properties that the applicant owns.
Legal:	1. PID: 011-648-813 Lot 1, Section 21, Township 1, Range 4, Coast District, Plan. 4165
	2. PID: 004-298-471 The Southeast ¼ of the Southwest ¼ of Section 21, Township 1, Range 4, Coast District, Except Plans 4165 & 11669
	3. PID: 004-298-683 The Southwest ¼ of the Southeast ¼ of Section 21, Township 1, Range 4, Coast District, Except Plans 3738 and 4988
	4. PID: 015-691-764 The Northwest ¼ of the Southeast ¼ of Section 21, Township 1, Range 4, Coast District
	Location:

**Site Inspection**

A site inspection was conducted on April 24, 2007. Those in attendance were:

- |                         |                    |
|-------------------------|--------------------|
| • Frank Read            | Chair, North Panel |
| • William Norton        | Commissioner       |
| • Simone Rivers         | Staff              |
| • Henry and Anne Peters | Applicants         |

The Commission met the applicants on the property. It noted that the applicants had been working hard to clean up the lot closest to the highway which had been abandoned for several years.

**Discussion**

**Assessment of Agricultural Capability**

The Commission noted that the property has agricultural capability and is correctly designated as ALR.

### **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 noted that the covenant was put in place in the past as a condition to allow previous owners to subdivide the property. However, upon examination of the properties the Commission determined that the properties were more likely to be used for agricultural purposes individually as together. The Commission believed that the discharge of the covenant would not negatively impact agriculture as the properties were located in an area where there are already many smaller rural residential lots.

#### **IT WAS**

**MOVED BY:** Commissioner Norton

**SECONDED BY:** Commissioner Read

THAT the request to remove the covenant binding the titles of the four properties be allowed as requested.

AND THAT the Commission understands that access to the properties will have to be provided should they be sold separately. The Commission has no objection to the building and dedication of a road through the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 21, Township 1, Range 4, Coast District, Except Plans 3738 and 4988 to provide access to the other properties

AND THAT the Commission recognizes that the applicants may wish to expand the size of Lot 1 by way of a boundary adjustment to meet the minimum lot size required by the Ministry of Health for sewage disposal. The Commission has no objection to a boundary adjustment between Lot 1, Section 21, Township 1, Range 4, Coast District, Plan. 4165 and The Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 21, Township 1, Range 4, Coast District, Except Plans 4165 & 11669 provided that the reconfigured Lot I stays south of the creek that passes through the property.

AND THAT the approval is subject to the following conditions:

- Should the applicants wish to adjust the boundary of Lot 1, the boundary adjustment must be completed within three (3) years from the date of this decision.

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 # 186/2007**