



**Agricultural Land Commission**  
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May 7, 2007

Reply to the attention of Simone Rivers  
ALC File: W-36978

Lorna and Robin Brekkas  
Box 636  
Charlie Lake, B.C. V0C 1H0

Dear Sir/Madam:

**Re: Application to Subdivide Land within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 180/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Peace River Regional District (185/2006)

Enclosure: Minutes

SR/eg  
i/36978d1



2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

## **Discussion**

### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission noted that the land under application was similar in capability to other lands nearby, being suited to forage and grain crops (Class 5C). There was no evidence to indicate that the land proposed for subdivision was not similar to the cleared land on the property.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

C - limitations of severe climate – a very typical Peace River limitation

### **Assessment of Agricultural Suitability**

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use, as all of the adjoining lands to the north and east are large ¼ section parcels. The Commission appreciated that the configuration and size of the parcel was atypical for the area, but did not believe that the subdivision of two 2 ha lots would enhance its 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. Its concern was that the subdivision would raise expectations of subdivision north of the Alaska Highway in this area, and increase pressures to further subdivide nearby ¼ section parcels.

### **Assessment of Other Factors**

The Commission also noted that the proposal was not supported by existing planning documents, nor by the proposed North Peace Fringe Official Community Plan.

## **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 subdivision proposal will negatively impact agriculture.

4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

**IT WAS**

**MOVED BY:** Commissioner Norton

**SECONDED BY:** Commissioner Kendrew

THAT the application to subdivide two 2 ha lots from the 18 ha property be refused as proposed

**CARRIED**

**Resolution # 180/2007**



**Staff Report**  
**Application # W – 36978**  
**Applicant: Lorna and Robin Brekkas**

**DATE RECEIVED:** September 28, 2006

**DATE PREPARED:** March 20, 2007

**TO:** Chair and Commissioners – North Panel

**FROM:** Simone Rivers, Land Use Planner

**PROPOSAL:** To subdivide the 18 ha subject property into a 1.9 ha lot, a 2.2 ha lot and a 13.9 ha lot.

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

**BACKGROUND INFORMATION:**

The subject property is situated just north of the Fort St. John and Area Comprehensive Development Plan Study area. Therefore, the property was not considered in the plan. The property was part of the Alaska Highway - Mile 59-73: Agricultural Capability Study, the area being considered in the proposed North Peace Fringe Area Official Community Plan. As such, the Commission had informed the applicant that it would not make a decision on the application until the Commission had reviewed this OCP. The applicants have written the Commission asking that the application be put on the Commission's agenda because they have been informed that there are no proposed change in the designation of the properties in the plan.

**Local Government:**

Peace River Regional District

**Legal Description of Property:**

PID: 005-209-081

The South West ¼ of Section 3, Township 85, Range 20, West of the 6<sup>th</sup> Meridian, Peace River District, Except Plans A1027 and 31879 and Except A Strip of Land 50 Feet in Parallel Width on Either Side of Plan A1027 and 31879

**Purchase Date:**

February 2001

**Location of Property:**

Alaska Highway near Tea Creek - Highway 97N, near the middle of Charlie Lake, about 15km northwest of Fort St. John and 5 km northwest of the Highway 29N intersection.

**Size of Property:**

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

**Present use of the Property:**

Residential - Rural-Resource Agricultural

**Surrounding Land Uses:**

**WEST:** Treed area, homesite  
**SOUTH:** Alaska Highway, treed area, homesites  
**EAST:** Cultivated field, treed area, homesites  
**NORTH:** Treed area, gas well, cultivated field

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 94A/6  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

North Peal 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. 1000 (1996) designates the property as A-2 (Large Agricultural Holdings Zone)  
Minimum Lot Size: 63 ha

**PREVIOUS APPLICATIONS:**

**Application #10283-0**

**Applicant:** Hampton, William  
**Decision Date:** May 15, 1980  
**Proposal:** To subdivide six 1.8 ha lots from the 65 ha property.  
**Decision:** Refused on the grounds that the subject property has excellent capability for forage production and further that the proliferation of small lots in a predominantly agricultural area could have a detrimental effect on the agricultural community.

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**Application #11136-0**

**Applicant:** Hampton, William  
**Decision Date:** October 2, 1980  
**Proposal:** To subdivide the 60.6 ha property into one 18.2 ha lot and one 42.5 ha lots as severed by the Alaska Highway.  
**Decision:** Refused on the grounds that the property is located in an area with good agricultural potential and that the road severing the parcels is not a major limiting factor to utilizing the property as a single farm unit.

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**Application #19289-0**

**Applicant:** Hampton, William

**Decision Date:** July 23, 1985

**Proposal:** To subdivide the 56 ha property into one lot of 5.6 ha, four lots of 1.9 ha, one lot of 30.1 ha and one lot of 18.2 ha.

**Decision:** Allowed subject to the consolidation of the portion of the subject property north of the highway with the portion of the adjacent property which also lies north of the Alaska highway.

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**Application #19289-0**

**Applicant:** Hampton, William

**Decision Date:** 18 October 1985

**Proposal:** To remove the consolidation requirement from the original decision.

**Decision:** Allowed as requested.

**Note:** *This application created the subject property which is the lot north of the highway from which the consolidation requirement was removed.*

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**RELEVANT APPLICATIONS:**

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**Application #35011-0**

**Applicant:** Ostryk, Mike & Esther

**Decision Date:** July 23, 2003

**Proposal:** To subdivide two 1.9 ha lots from the 22.7 ha property.

**Decision:** Allowed the subdivision of two lots (each approximately 1.9 ha) plus a remainder of 18.8 ha.

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**Application #35011-1**

**Applicant:** Ostryk, Mike & Esther

**Decision Date:** June 17, 2004

**Proposal:** To subdivide off one lot of 1.9 ha (already completed) and two lots of approximately 2 ha in size from the 22.7 ha property in order to facilitate a sale and assist the applicants financially with their retirement.

**Decision:** The Commission allowed the amended subdivision proposal, noting it was consistent with the Commission's previous decisions in the Tea Creek area (and that it lay outside the area affected by the Joint Comprehensive Plan).

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Peace River Regional District Board:** The Regional Board forwarded the application with a recommendation of support on the basis that similar subdivision has already occurred in the area.

**Planning Staff Recommendation:** That authorization for the application to proceed be refused by the Regional Board on the basis that the proposal is not consistent with OCP policies, the zoning regulations, or the PRRD Alaska Highway - Mile 59-73: Agricultural Capability Study recommendations.

**STAFF COMMENTS:**

Staff note the following:

- The subdivision of the subject property is not supported by either current or proposed local government planning documents.
- A portion of the property appears to be cultivated, however the proposed lots are forested.
- Rural residential subdivision in the area is largely located south of the Alaska Highway.

**ATTACHMENTS:**

- Letter from the applicant's dated March 7, 2007 asking the Commission to consider the application in advance of the completion of the North Peace Fringe Area Official Community Plan
- Sketch plan showing the proposed subdivision (submitted by the applicant)
- Page 3 of the Local Government Report (Observations and Comments)
- ALC Context Map – 94A.035 – 1:20,000 (created by ALC Staff)
- Airphoto – 1:20,000 (created by ALC Staff)

**END OF REPORT**

Samane Rivers  
Signature

March 23, 2007  
Date