



May 14, 2007

**Agricultural Land Commission**  
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Reply to the attention of Simone Rivers  
ALC File: D-37238

Dunlevy Ranch  
5839 Soda Creek  
Macalister Road, BC V2G5A5

Dear Sir/Madam:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 191/2007 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:

Erik Karlsen, Chair

cc: Cariboo Regional District (4035-20-D068)

Enclosure: Minutes/Sketch Plan

SR/eg  
i/37238d1

**LEGEND**



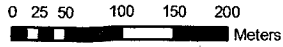
Subject Property



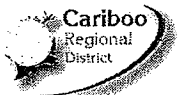
Proposed Lot



ALR



ALR\_D 068\_APP 2



PCLA (T38565) REM 1

+9ha lot

P.PGP44462

PROPOSED HOUSE LOCATION

LOT 1 DL 58

L 58

L 58

PROPOSED REMAINDER DL 58 +/- 49.02 ha

ALR

P.PGP44462

L 12104

PROPOSED REMAINDER BLOCK B, DL12104 +/- 27.8 ha

GRAVEL PIT OWNED BY MINISTRY OF FORESTS

L 12104

UNSURVEYED CROWN LAND

U

Application D-37238  
Resolution 191/2007

Subject Property

Approved subdivision on one 9 ha lot.

Approved 1.2 hectares for use as a log home construction site

Lots to remain bound by title

CROWN LAND

L 61

L 12104

Log Home business

RECEIVED PROV. AGRICULTURAL LAND COMMISSION FEB 12 2007



## **Context**

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
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**

The agricultural capability of the soil of the subject property is rated as 100% 4C improvable to 100% Class 2P.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly 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            P: stoniness

The Commission believes that the subject property has agricultural capability and is correctly designated as ALR. However, it noted that the portion of the lot proposed for subdivision on the east side of the road appeared to be quite stony and had not been improved.

### **Assessment of Agricultural Suitability**

The Commission noted that there are small lots adjacent to the subject property on Duckworth Lake that are outside the ALR. The Commission also noted that the portion of the property proposed for subdivision had less agricultural capability than the adjacent cultivated area. The adjacent non-ALR lots do not appear to have diminished the subject property's suitability for agriculture.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Agricultural Land Commission, when it considers applications for subdivision, generally takes the view that rural residential lots are not consistent with long term agricultural activity and productivity. However, in this case the Commission believes that the poorer capability of the area of the proposed lot as well as the location of the proposed lot adjacent to the ALR boundary lessen the impact of the proposed lot on the agricultural use of the remainder of the subject property.

The Commission was concerned with the 1 ha portion of the proposed lot that was located adjacent to the lake on the west side of Robertson Road. This land appeared to be contiguous with an improved field on the west side of the road. Additionally, in the

Commission's experience, properties that are subdivided by roads are more likely to the subject of future subdivision requests.

With respect to the Log Home construction business. This appears to have been allowed to occur on the property by the applicant without approval of the Commission or Local Government. The Commission viewed the location of the business and noted that it was physically separated from the remainder of the property by a gravel pit as well as by topography. The Commission also noted that there were no permanent structures on site as part of the business and that should the business close, the property could be restored to an agricultural standard. The Commission did not believe that this business would have a negative impact on the agricultural use of the subject property or surrounding properties.

### **Assessment of Other Factors**

The Commission noted that the applicant had (by a previous application) already subdivided two lots from the subject property and that as a condition of approval a covenant had been placed on the remainder of the property and two adjacent properties binding the titles of these properties so that they could not be sold separately.

### **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 not impact agriculture.

### **IT WAS**

**MOVED BY:** Commissioner Gillette  
**SECONDED BY:** Commissioner Campbell

THAT the application to subdivide a 10 ha lot from the 59 ha property be refused as proposed.

AND THAT the Commission would allow the subdivision of a 9 ha lot to be located entirely on the east side of Robertson Road at the northern boundary of DL 58. The subdivision is not to include any land located on the west side of Roberston Road.

- The subdivision must be completed with three (3) years from the date of this decision.

AND THAT the Commission would allow the continued use of a 1.2 ha portion of DL 12104 for Log Home building subject to the following conditions.

- The footprint of the operation does not extend beyond 1.2 ha
- No permanent structures for use with the business are constructed on the property.
- Should the operators of this business wish to expand the scope of the business a new application to the Commission would need to be made.
- Approval for non-farm use (Log Home business) is granted for the sole benefit of the current operators and is non-transferable.
- Should the business cease to operate on this site it must be cleaned up and rehabilitated to an agricultural standard.

AND THAT staff prepare a map illustrating the Commission's decision.

AND THAT the covenant binding the titles of DL 58, DL 61 and DL 12104 remain on these properties with a partial discharge of the covenant to allow the creation of the new 9 ha lot.

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 # 191/2007**



**Staff Report**  
**Application # D – 37238**  
**Applicant: Dunlevy Ranch**

**DATE RECEIVED:** February 12, 2007

**DATE PREPARED:** March 29, 2007

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

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

**PROPOSAL:** The proposal consists of two parts involving two adjacent properties:  
1. Subdivision for a Relative: To subdivide a 10+ ha lot from the 59.02 ha parcel in order to sell to a family member who plans to create a Blue Spruce Plantation on the lot.  
2. Permission to continue to operate a log home construction business on District Lot 12104.

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

**BACKGROUND INFORMATION:**

The owners of the subject properties previously applied to exclude District Lot 58 in 1996. The Commission refused the request but allowed the subdivision of two lots from the property subject to the binding of titles of three other titles owned by the applicants. The covenant was registered on the subject properties and one other adjacent lot and the requested lots were subdivided. The current application requests a third lot to be divided from District Lot 58.

No information is given about the log home business on the property. There is a ministry of transportation and highways gravel pit which has been subdivided from L 12104 and approved by the Commission in 1978.

**Local Government:**

Cariboo Regional District

**Legal Description of Property:**

1. PID: 014-949-407  
District Lot 58, Cariboo District, EXCEPT Plans H403, 23909 and PGP44462
2. PID: 017-529-204  
Block B of District Lot 12104, Cariboo District

**Purchase Date:**

1. 1999
2. 1997

**Location of Property:**

Likely Road

**Size of Properties:**

1. 59.0 ha (The entire property is in the ALR)
2. 28.6 ha (the entire property is in the ALR)

**Present use of the Property:**

The east portion of the proposed lot is currently brush and timber covered and is used for spring livestock grazing. The land is not arable due to rockiness of soil and steepness and irregularity of terrain. The eastern half of the proposed lot is forested/hill. A portion of the proposed lot on the west side of Robertson Road is un-irrigated and fenced off. This approximate 2 acre portion is used for spring livestock grazing. There are no buildings on this lot.

**Surrounding Land Uses:**

**WEST:** Residential and Highway 97  
**SOUTH:** Agricultural/grazing  
**EAST:** Crown Land  
**NORTH:** Residential

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 93B/8  
The majority of the property is identified as having mixed prime and secondary ratings.

**Zoning Bylaw and Designation:**

Central Cariboo Area Rural Land Use Bylaw No. 3503 (1999)  
Designation: District Lot 58 is zoned Resource/Agricultural (R/A) and District Lot 12104 is zoned Rural 1 (RR 1)  
Minimum Lot Size: 4.0 ha

**PREVIOUS APPLICATIONS:**

**Application #30902-0**

**Applicant:** Dunlevy Ranch Ltd  
**Decision Date:** December 13, 1996  
**Proposal:** To exlusion the 67.7 ha property for the purpose of subdividing into 3 lots. 2 x 1.4 ha one of which contains an existing house and a 64.8 ha Remainder. Approximately 59 ha are in the ALR.  
**Decision:** Refused on the grounds that it is not in the best interest of the long term preservation of the land. Would be willing to permit subdivision as proposed within ALR subject to consolidation of 3 properties of the applicant's choice (provided there is a logical rationale for these properties which benefits agriculture) and buffering of the lots from the remainder of the property.

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**Application #08172-0**

**Applicant:** Highways  
**Decision Date:** April 10, 1979  
**Proposal:** Gravel Pit  
**Decision:** Allowed subject to the pit being fenced and rehabilitated with topsoil being stockpiled and weed control maintained.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Cariboo Regional District Board:** The Regional Board forwarded the application with no comments or recommendations.

**STAFF COMMENTS:**

Staff note the following:

- The applicants own 21 other properties in the area.
- Two lots have already been subdivided from the subject property
- Subdivision of these lots was only allowed on the condition that the titles of some of the applicant's other holdings be bound by covenant. As a result of this application, the subject properties and an adjacent property to the south, DL 61, are bound by covenant preventing their separate sale
- The proposed lot is much larger than the lots previously allowed (10 ha as opposed to 1.4 ha); however, the applications states that the prospective owners wish to create a spruce plantation.
- There is no information in the file about the Log Home Building site and this appears to have been added to the application after it was initially made, perhaps to address a non-conforming situation.
- The proposed subdivision would create two lots, both of which hook across Roberston Road. This configuration may lead to requests to subdivide by the road in the future. The Commission should discuss the reasons for the proposed configuration at the site inspection.

Staff recommend a site visit to discuss the application with the applicants, to view the log home building site and to determine the impact of subdivision and if there are any terms and conditions that might be appropriate in this case.

**ATTACHMENTS:**

- Local Government Report – File No. 4035-20-D068- dated January 19, 2007
- Map showing the proposal, the location of previously subdivided lots as well as titles that are bound by covenant
- Letter from the applicant and Commission reply regarding a request to remove the covenant on the properties. The Commission reply led to this application.
- ALC Context Map – 93B.039 – 1:20,000 (created by ALC Staff)
- Airphoto – 1:10,000 (created by ALC Staff)

END OF REPORT

  
Signature

  
Date