



Agricultural Land Commission
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September 21, 2007

Reply to the attention of Simone Rivers
ALC File: # N - 37392

John Molodowich
PO Box 1
McBride, BC V0J 2E0

Dear Sir:

Re: Application to subdivide land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 402/2007 outlining the Commission's decision as it relates to the above noted application. A copy of the plan submitted with the application is enclosed herewith.

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: N. V. Construction Ltd, PO Box 927, McBride, BC V0J 2E0
Regional District of Fraser-Fort George (ALR7218)

Enclosure: Minutes

SBR/ly
37392d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on 9th August 2007 at the offices of the Bulkley-Nechako Regional District in Burns Lake, B.C.

PRESENT: Erik Karlsen Acting Chair, North Panel
 John Kendrew Commissioner
 William Norton Commissioner
 Roger Cheetham Staff

For Consideration

Application: # N- 37392
 Applicant: N. V. Construction Ltd.
 Agent: John Molodowich
 Proposal: To subdivide Lot A and Lot B into four lots of approximately 5 ha each.
 Legal: 1. PID: 024-823-422
 Lot 1, District Lot 7216 and 7219, Cariboo District, Plan PGP45718
 2. PID: 026-924-595
 Lot A, District Lot 7218 and 7219, Cariboo District, Plan. BCP27781
 3. PID: 026-924-609
 Lot B, District Lot 7218 and 7219, Cariboo District, Plan BCP27781
 Location: 5306 Highway 16 - East of McBride

Site Inspection

A site inspection was conducted on 8th August 2007. Those in attendance were:

- Erik Karlsen Acting Chair, North Panel
- John Kendrew Commissioner
- William Norton Commissioner
- Roger Cheetham Staff
- John Molodowich Agent of Applicant
- Victor Bugaychuk Applicant

The Commission noted that the proposed subdivisions are located in an area with very limited agricultural capability where the Commission has previously permitted two subdivisions in terms of Resolution Number 547/2003.

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.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from or to include land into the ALR or to subdivide or use land in the ALR for non-farm purposes.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is rated as Class 7 – Land in this class has no capability for arable or sustained natural grazing.

Assessment of Impact on Agriculture

The Commission considered whether the proposed subdivision would have any impact on adjacent land within the ALR with agricultural capability. In view of the use of such land for non-farm uses previously permitted by the Commission it did not consider that the proposal would have any detrimental impact on existing or potential future agricultural use of surrounding lands.

IT WAS

MOVED BY: Commissioner Erik Karlsen
SECONDED BY: Commissioner William Norton

THAT the application be approved.

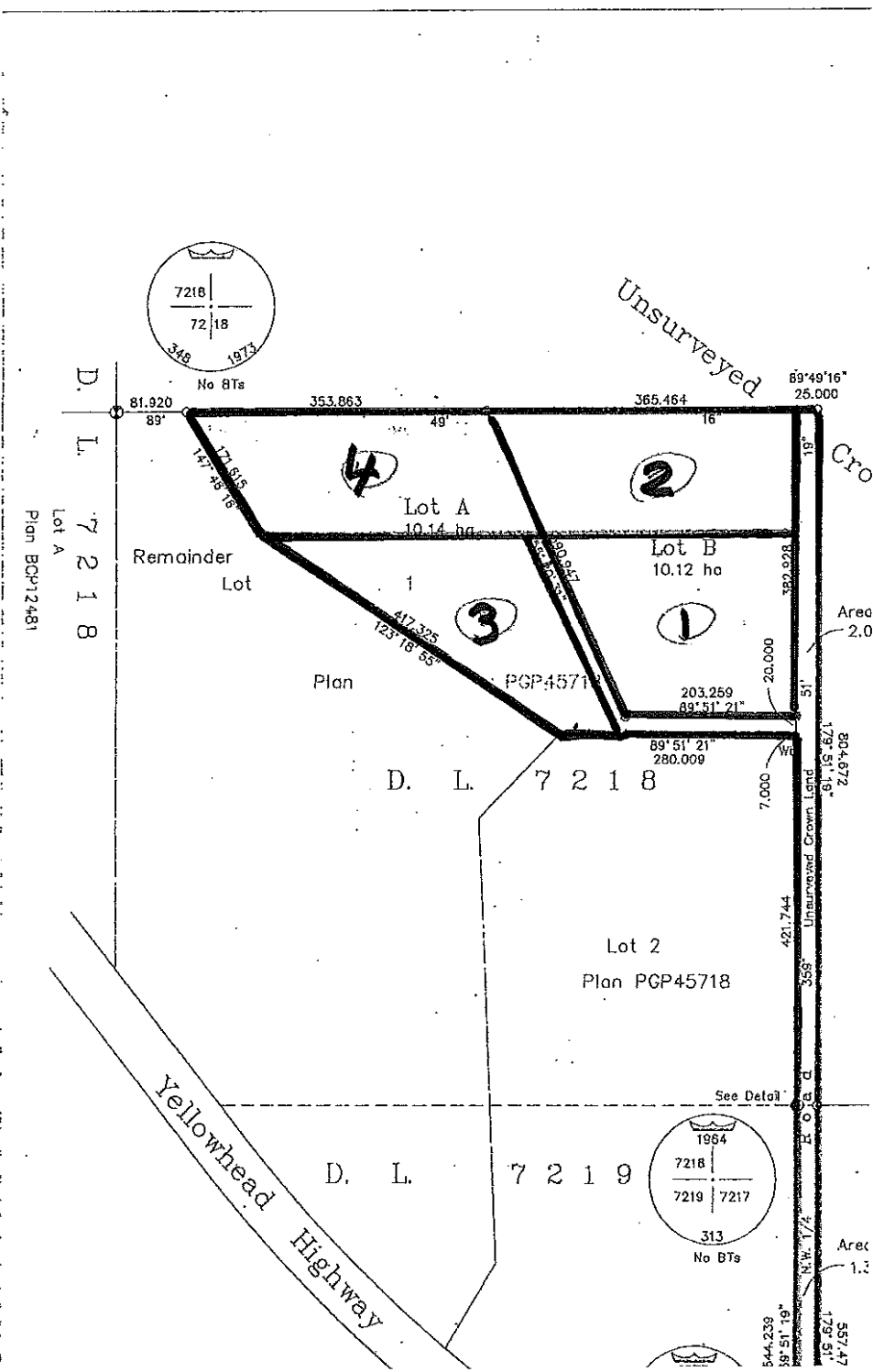
AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision 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 # 402/2007



ALC APPLICATION N - 37392
SUBDIVISION PLAN APPROVED IN TERMS OF RESOLUTION
NUMBER 402/2007



Staff Report
Application # N – 37392
Applicant: N. V. Construction Ltd.
Agent: John Molodowich

DATE RECEIVED: April 30, 2007

DATE PREPARED: July 12, 2007

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide Lot A (10.14 ha) and Lot B (10.12 ha) into four lots of approximately 5 ha each.

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

BACKGROUND INFORMATION:

The original proposal involved three properties owned by the applicants. They proposed to subdivide the properties (approximately 44.6 ha in size) into eight (8) approximately 3 ha lots, two 4.8 ha lots, one 1.6 ha lot, and one approximately 16 ha lot

The northern end of the property is hillside and rated as Class 7. This land has previously been approved for subdivision.

The Regional Board forwarded the application with a recommendation that it be denied. The applicants subsequently revised their proposal to only include limited subdivision of Lots A and B, which are located on the Class 7 land. This request, to divide the two subject properties into four lots is what the Commission is being asked to evaluate at this time. The Regional Board did not comment on the revised proposal.

Local Government:

Regional District of Fraser-Fort George

Legal Description of Properties:

1. PID: 026-924-595
Lot A, District Lot 7218 and 7219, Cariboo District, Plan BCP27781
2. PID: 026-924-609
Lot B, District Lot 7218 and 7219, Cariboo District, Plan BCP27781

Purchase Date:

May, 2005

Location of Property:

5306 Highway 16 - East of McBride

Size of Property:

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

Present use of the Property:

Raw hillside that is Treed and Rocky

Surrounding Land Uses:

WEST: Hay Fields
SOUTH: Golf Course and Yellowhead Highway
EAST: Forested Land
NORTH: Forested Land

Agricultural Capability:

Data Source: Agricultural Capability Map # 93H/1 & 83E/4
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

OCP: Robson Valley-Canoe Downstream
Designation: Recreation Commercial (RC)

Zoning Bylaw and Designation:

Zoning: Bylaw No. 833
Designation: Limited Recreation Commercial Zone (RC2) and Small Holding (SH)
Minimum Lot Size: 30 ha

PREVIOUS APPLICATIONS:

Application #28027-0

Applicant: Shantz, Dave & Gail
Decision Date: September 2, 1993
Proposal: To develop a nine hole golf course with clubhouse, an RV campsite, and U-catch fish pond on the 82.9 ha property.
Decision: That the application be approved in principal subject to 1. confirmation with Transportation and Highways, 2. a detailed site plan being prepared and 3. the installation of a buffer and fencing along the western boundary of the two lots.

Application #30604-0

Applicant: Shantz, David & Gail

Decision Date: June 26, 1996

Proposal: To subdivide the 2 properties which presently are 64 ha and 20 ha in size into 3 lots of 32 ha to contain the existing golf course and club house, 6 ha to contain their home and a 46 ha remainder.

Decision: Refused on the grounds of impact and precedence. The Commission will permit the re-alignment of the property boundaries of the 2 existing lots into 1 lot which would contain the golf course and a remainder.

Application #34753-0

Applicant: Mol-Cap Investments Ltd.

Decision Date: August 12, 2003

Proposal: There are two components to the applicant's proposal on the 53.5 ha property: To subdivide the northern 32.4 ha into 3 rural holdings of some 10.8 ha each in size and to develop the remaining 21.1 ha for cabin-campsite and agricultural endeavours.

Decision: Allow recreational use component of proposal but refuse subdivision.

Application #34753-1

Applicant: Mol-Cap Investments Ltd.

Decision Date: November 25, 2003

Proposal: RECONSIDERATION: Request to subdivide the class 7 lands located at the north end of the subject property comprising approximately 20 ha in size.

Decision: Allow as requested

Notes: The completion of this file created three properties, the two class 7 properties are currently under application for further subdivision.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Fraser-Fort George Regional District Board: The Regional Board forwarded the application with a recommendation of refusal on the basis that the proposal is not consistent with the Robson Valley-Canoe Official Community Plan and because of the land of support from the Ministry of Agriculture and the McBride Farmers' Institute.

STAFF COMMENTS:

Staff recommend that the Commission consider the following:

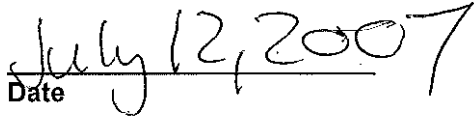
- The agricultural capability of the area requested for subdivision is Class 7TP - with limitations of Topography and Stoniness.
- The Commission has allowed limited subdivision and non-farm use on the properties in the past
- Staff recommend a site visit to evaluate the impact of creating further additional rural residential properties in this location.

ATTACHMENTS:

- Letter from John Molodowich revising the proposal.
- Sketch of revised proposal (submitted by the applicant)
- ALC Context Map – 1:20,000 - 93H.030 & 83E.021 (Created by ALC Staff)
- Airphoto – 1:10,000 (Created by ALC Staff)

END OF REPORT


Signature


Date