



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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July 12, 2007

Reply to the attention of Simone Rivers  
ALC File: # W - 37434

Jamie Giesbrecht  
# 306 10311 96<sup>th</sup> Avenue  
Fort St. John, B.C. V1J 4Y1

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution # 313/2007 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:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written in a cursive style.

Erik Karlsen, Chair

cc: Peace River Regional District (#53/2007)

Enclosure: Minutes/Sketch Plan

SBR/lv  
37434d1

DETAIL II  
SCALE = 1 : 1,000

89° 58' 30"  
251.714

SEE DETAIL G  
REPLACEMENT COVENANT & EASEMENT AREA - PUBLIC WORKS

240.744  
19° 58' 30"

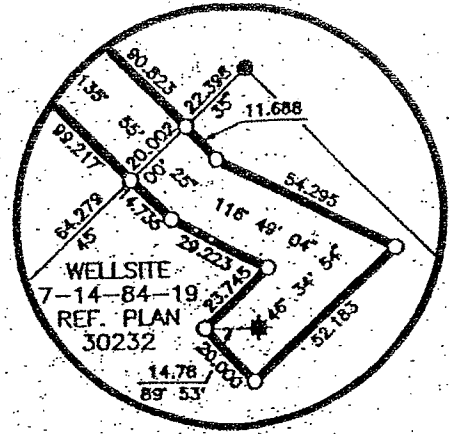
# SUBJECT PROPERTY

HAY/PASTURE LAND

REM.

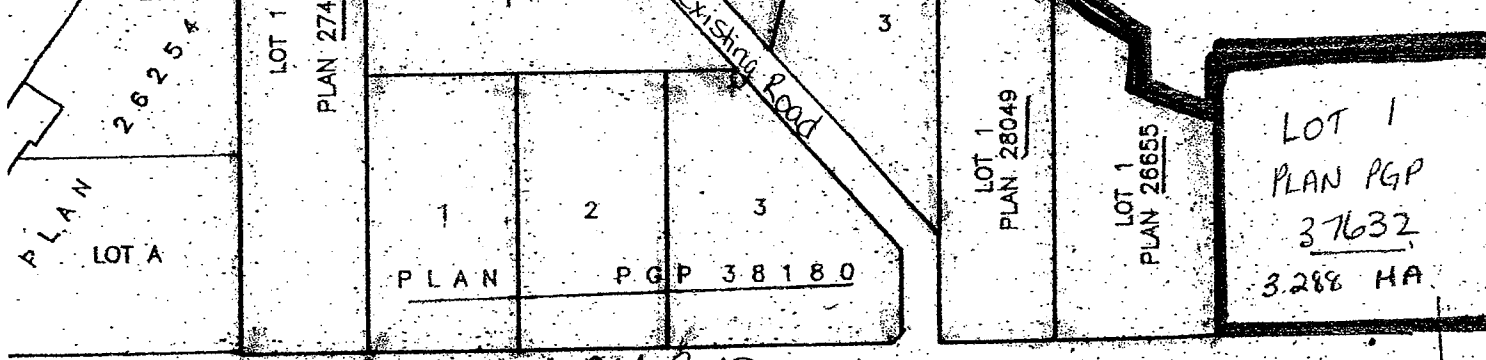
S.E. 1/4

SEC. 14



DETAIL I  
SCALE = 1 : 2,000

Proposed Lot ± 3 ha



Provincial Agricultural Land Commission

Application W-37434  
Resolution # 313/2007

- Subject Property
- Approved subdivision into one ± 3 ha lot

## Subdivision

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on June 26, 2007 at Pouce Coupe, B.C.

<b>PRESENT:</b>	Erik Karlsen	Chair, ALC
	John Kendrew	Commissioner
	William Norton	Commissioner
	Simone Rivers	Staff
	Martin Collins	Staff

### For Consideration

Application: # W - 37434  
Applicant: James and Brenda Van Patten  
Proposal: Subdivision for a Relative: To subdivide a 2.0 - 2.4 ha lot from the 40.8 ha lot in order to provide a residence for the owners' daughter.  
Legal: PID: 004-583-281  
The South East ¼ of Section 14, Township 84, Range 19, W6M, Peace River District, EXCEPT Plans 26655, 27406, 28049, PGP37632, PGP38180 and PGP38181  
Location: Located approximately 1.6km north of the City of Fort St. John boundary that runs along the West Bypass Road, use either 267 Road or 244 Road. Proposed lot is accessible from the Lucas Subdivision Road running north off the 244 Road.

### Site Inspection

A site inspection was conducted on June 25, 2007. Those in attendance were:

- Erik Karlsen Chair, ALC
- John Kendrew Commissioner
- William Norton Commissioner
- Simone Rivers Staff
- Martin Collins Staff
- Jamie Giesbrecht Agent
- James Van Patten Applicant

The Commission viewed the subject property both from above and below. It noted that the proposed lot was surrounded by rural residential subdivision. It also noted that the proposed lot was largely located on a hillside.

Ms. Giesbrecht confirmed that the staff report dated June 4, 2007 was received and no errors were identified.

## **Discussion**

### **Assessment of Agricultural Capability**

The Commission noted that the majority of the subject property had good agricultural capability rated as 70% Class 3C – 40% Class 4T. Most of the property was relatively flat. However it also noted that the area proposed for subdivision was more steeply sloped and did not appear to be as capable as the other parts of the property. The proposed subdivision did not intrude into the cultivated portion of the property.

### **Assessment of Agricultural Suitability**

The Commission did not believe that the area proposed for subdivision was suitable for agricultural use given its location on a hillside, its location next to other small lots and its shape. However, the Commission believes that the remainder of the subject property is suitable for agricultural use and that the subdivision of the proposed will not impact the suitability of the remainder of the property.

### **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 proposed lot was a natural extension of an already existing rural residential subdivision. It also noted that the proposed lot did not intrude upon the part of the subject property with high agricultural capability. The Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands and the remainder.

### **Conclusions**

1. The subject property has agricultural capability and is correctly designated as ALR; however, the proposed lot has less agricultural capability than the remainder of the subject property.
2. The proposed lot is not suitable for agricultural use.
3. That the proposal will not impact agriculture

### **IT WAS**

**MOVED BY:** Commissioner Norton

**SECONDED BY:** Commissioner Karlsen

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- that the new lot be no larger than 3 ha in size.
- 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 # 313/2007**



**Staff Report**  
**Application # W – 37434**  
**Applicant: James and Brenda Van Patten**  
**Agent: Jamie Giesbrecht**

**DATE RECEIVED:** May 16, 2007

**DATE PREPARED:** June 4, 2007

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

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

**PROPOSAL:** Subdivision for a Relative: To subdivide a 2.0 - 2.4 ha lot from the 40.8 ha lot in order to provide a residence for the owners' daughter.

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

**BACKGROUND INFORMATION:**

**Local Government:**

Peace River Regional District

**Legal Description of Property:**

PID: 004-583-281

The South East 1/4 of Section 14, Township 84, Range 19, W6M, Peace River District, EXCEPT Plans 26655, 27406, 28049, PGP37632, PGP38180 and PGP38181

**Purchase Date:**

June, 1999

**Location of Property:**

Located approximately 1.6km north of the City of Fort St. John boundary that runs along the West Bypass Road, use either 267 Road or 244 Road. Proposed lot is accessible from the Lucas Subdivision Road running north off the 244 Road.

**Size of Property:**

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

**Present use of the Property:**

Not cleared or cultivated - too steep

**Surrounding Land Uses:**

**WEST:** Country Residential  
**SOUTH:** Country Residential  
**EAST:** Country Residential  
**NORTH:** Hay field/pasture

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 94A/7  
The majority of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

North Peace OCP Bylaw No. 820 (1993)  
Designation: Rural Resources - Agricultural and Rural Residential

**Zoning Bylaw and Designation:**

Peace River Regional District Zoning Bylaw No. 1343 (2001)  
Designation: A-2 (Large Agricultural Holding Zone)  
Minimum Lot Size: 63 ha

**PREVIOUS APPLICATIONS:**

**Application #26201-0**

**Applicant:** Lucas, Leonard  
**Decision Date:** May 28, 1992  
**Proposal:** To subdivide the 57.3 ha property into one lot of 4 ha and one of 53.3 ha  
**Decision:** Refused

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**Application #26201-1**

**Applicant:** Lucas, Leonard  
**Decision Date:** December 18, 1992  
**Proposal:** To subdivide a 3 ha homesite, 4 lots of 3.5 ha and one of 39.3 ha from the 57.3 ha property.  
**Decision:** Allowed following Commission onsite

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**Application #26201-2**

**Applicant:** Lucas, Leonard  
**Decision Date:** April 29, 1993  
**Proposal:** To reduce the size of 4 previously approved lots to create 6 lots of 1.8 ha to 2 ha  
**Decision:** Allowed, The Commission agreed to rural residential zoning of 2 ha for the area in the OCP

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**Application #10279-0**

**Applicant:** Lucas, Leonard & Candace  
**Decision Date:** May 15, 1980  
**Proposal:** To subdivide the 65 ha parcel into two lots of 2 ha each and one lot of 8 ha.  
**Decision:** Allowed. The Commission noted that the area proposed to be subdivided is Class 5 and Class 6. In reviewing the Fort St. John OSP the Commission had agreed to allow rural-residential development on the lower capability lands.

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**Application #10279-1**

**Applicant:** Lucas, Leonard & Candace

**Decision Date:** March 12, 1981

**Proposal:** To revise the subdivision previously allowed and subdivide one 3.4 ha lot along the extreme westerly boundary of the property.

**Decision:** Allowed. The Commission commented that the approval should not be considered or construed as approval to subdivision the 4.6 ha (which would remain in the area where the 8 ha parcel was originally approved) into smaller lots.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Peace River Regional District Board:** The Regional Board forwarded the application with a recommendation of support on the basis that the proposed use is consistent with the Official Community Plan and Zoning.

**STAFF COMMENTS:**

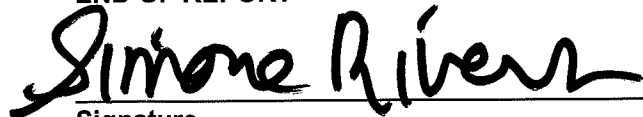
Staff note the following:

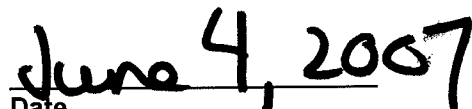
- The proposed subdivision is adjacent to similar sized rural residential lots allowed by the Commission under application # W-10279 and # W-36201.
- The previous subdivision appears to have been allowed due to a change in agricultural capability and a topographic break in the property. These previous applications allowed the subdivision of less capable Class 5 and 6 land from the remainder (current subject property) which is rated 70% Class 3 C and 30% Class 4T.
- Should the Commission approve the subdivision staff recommend that fencing of the northern boundary be considered as a condition of approval.

**ATTACHMENTS:**

- Sketch of proposed subdivision - submitted by the applicant)
- ALC Context Map - 94A/7 - 1:50,000 (created by ALC Staff)
- Airphoto - 1:10,000 (created by ALC Staff)

END OF REPORT

  
Signature

  
Date