



Agricultural Land Commission
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July 5, 2007

Reply to the attention of Simone Rivers
ALC File: # W - 37446

Peter and Barbara Moritz
SS#2 - Site 8 - Comp 4
Fort St. John, BC V1J 4M7

Dear Mr. and Mrs. Moritz:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 315/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: Peace River Regional District (#33/2007)

Enclosure: Minutes/Sketch Plan

SBR/lv
37446d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

For Consideration

Application: # W - 37446
Applicant: Peter and Barbara Moritz
Proposal: To subdivide the 30 ha parcel into two (2) lots of 15 ha each.
Legal: PID: 007-820-313
Lot 3, Section 23, Township 84, Range 21, W6M, Peace River District, Plan 25280
Location: Intersection of Meek and Donis Road and Highway 29N

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
- Peter Moritz Applicant

The Commission met with the applicant on the subject property. The applicant discussed his various agricultural endeavors on the property since he purchased it. The applicant stated that he believed the property is too big to be a hobby farm but too small to be a commercial operation. The Commission noted that only a small portion of the property had been cleared.

Mr. Mortiz confirmed that the staff report dated 30, 2007 was received and no errors were identified.

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 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 cleared land nearby.

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

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

Assessment of Impact on Agriculture

In discussing this application the Commission recalled its reluctance to subdivide other properties in this area and noted that local planning documents do not support subdivision in this area. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands and does not believe that subdivision in this area provides a benefit to agriculture.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the proposal will impact agriculture.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Kendrew

SECONDED BY: Commissioner Norton

THAT the application be refused.

CARRIED

Resolution # 315/2007



Staff Report
Application # W – 37446
Applicant: Peter and Barbara Moritz

DATE RECEIVED: May 22, 2007

DATE PREPARED: June 4, 2007

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide the 30 ha parcel into two (2) lots of 15 ha each.

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: 007-820-313

Lot 3, Section 23, Township 84, Range 21, W6M, Peace River District, Plan 25280

Purchase Date:

May 1987

Location of Property:

Intersection of Meek and Donis Road and Highway 29N

Size of Property:

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

Present use of the Property:

Residence, garden, chicken coop, unused grazing, boiler house, pole shed and outhouse

Surrounding Land Uses:

WEST: Residence, road and bareland
SOUTH: Ranching
EAST: Hobby Farm, horse pasture
NORTH: Highway/hobby farm, horses

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 Peace OCP Bylaw No. 820 (1993)
Designation: Rural Resource - Agricultural

Zoning Bylaw and Designation:

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

PREVIOUS APPLICATIONS:

Application #31650-0

Applicant: Moritz, Peter & Barbara
Decision Date: October 20, 1997
Proposal: To subdivide the 30 ha subject property into one lot of 14 ha and four lots of 4 ha.
Decision: The Commission refused the application on the grounds that the subdivision proposal would reduce the agricultural potential of the property and place residential pressures on large agricultural holdings to the east and south.

Application #31650-1

Applicant: Moritz, Peter & Barbara
Decision Date: January 20, 1998
Proposal: To reconsider the Commission's decision to refuse the original subdivision request.
Decision: The Commission confirmed its previous decision to refuse the proposal on the grounds that it was not prepared to entertain an ad hoc subdivision proposal of this sort in the absence of clear evidence of agricultural benefit.

Application #06517-0

Applicant: Thomson, LJ
Decision Date: August 11, 1978
Proposal: To subdivide the 64 ha property as divided by public roads.
Decision: Allowed subject to the fencing of the entire perimeter of the subject property with number 5 strand barbed wire.
Note: This application created the subject property.

RELEVANT APPLICATIONS:

Application #36136-0

Applicant: Clarke, Kenneth & Myrtle L
Decision Date: September 15, 2005
Proposal: To subdivide the 63 ha property as divided by Donis Road into two lots. One of 14.9 ha and the other 47.8 ha.
Decision: Refused

Application #36347-0

Applicant: Heenan, John & Melody
Decision Date: May 2, 2006
Proposal: To subdivide the 115 ha half section into one 63 ha lot and one 52 ha lot.
Decision: Refused on the grounds that subdivision would reduce the agricultural potential of the property and limit future agricultural options.

Application #36603-0

Applicant: Laduke, Dennis & Joanne
Decision Date: May 2, 2006
Proposal: To subdivide the 10.4 ha parcel into a 6.4 ha lot, and two 2 ha lots.
Decision: Refused on the grounds the property has more agricultural capability as a single property.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: The Regional Board authorized the application to be forwarded to the Commission

Peace River Regional District Planning Staff: Planning Staff recommended that the Regional Board refuse authorization for the application to proceed on the basis that the proposal is not consistent with the OCP policies and zoning regulations.

STAFF COMMENTS:

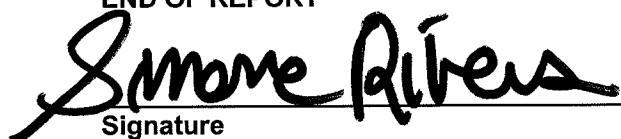
Staff note the following

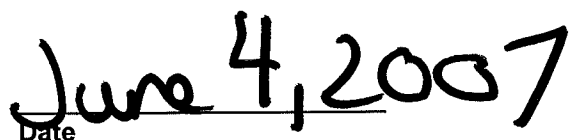
- The Commission has refused three recent subdivision requests in this area. The properties under application varied in size and all had similar agricultural capability to the current subject property.
- Subdivision is not supported by an local government planning documents.

ATTACHMENTS:

- Letter from the applicants outlining their reasons for requesting subdivision
- ALC Context Map – 94A/6 – 1:50,000 (created by ALC Staff)
- Airphoto – 94A.025 – 1:10,000 (created by ALC Staff)

END OF REPORT


Signature


Date