



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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Fax: 604-660-7033
www.alc.gov.bc.ca

September 26, 2007

Reply to the attention of Simone Rivers
ALC File: W-37506

John and Wilma Tash
Box 6571
Fort St. John, BC V1J4J1

Dear Sir/Madam:

Re: Application to subdivide land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 411/2007 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', is written over the printed name.

Erik Karlsen, Chair

cc: Dale Levey, Box 6580, Fort St. John, BC V1J4J1
Peace River Regional District (137/2007)

Enclosure: Minutes/Sketch Plan

SR/eg
i/37506d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on 10th August 2007 at the Northwest Regional Airport, Terrace-Kitimat, Terrace, B.C.

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

For Consideration

Application: # W- 37506
Applicant: John and Wilma Tash
Agent: Dale Levey
Proposal: Upgrading of existing residential access road to Ministry of Highways subdivision standards
Legal: PID: 011-518-901
Lot 1, Peace River District, EXCEPT Part subdivided by Plan BCP20412, Section 3, Township 84, Range 19, W6M, Plan 13020
Location: Alaska Highway, Fort St. John, near McLeod Subdivision

Discussion

The Commission noted that the proposed road dedication entailed the upgrading of the existing access that is located within an area that has been endorsed by the Commission for light industrial use in terms of the Fort St. John Comprehensive Development Plan.

IT WAS

MOVED BY: Commissioner John Kendrew
SECONDED BY: Commissioner William Norton

THAT the application be approved.

AND THAT the road dedication be in substantial compliance with the plan submitted with the application.

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 # 411/2007



REMAINDER LOT 1
PLAN 13020

SE 1/4 SECTION 3, TP 84, R. 15, W 6 M

LOT 1
PLAN BCP26412

PLAN B6110

ALASKA HIGHWAY PLAN A939

15.24M ROAD

25M ROAD 0.51 ha

PROPOSED SUBDIVISION OF
A PORTION OF
LOT 1, PLAN 13020
SECTION 3, TOWNSHIP 84, RANGE 15, W 6 M,
PEACE RIVER DISTRICT

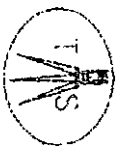


Application # 37506
Resolution 4/11/2007

Provincial Agricultural Land Commission



Approved area for road dedication
10.45 ha



T.J. TRYON LAND SURVEYING LTD.
B.C. & CANADA LAND SURVEYOR
DAWSON CREEK B.C.
FILE NO. 2007-205

RECEIVED
PROV. AGRICULTURAL
LAND COMMISSION
JUN 2 2007



**Staff Report
Application # W – 37506
Applicant: John and Wilma Tash
Agent: Dale Levey**

DATE RECEIVED: June 21, 2007

DATE PREPARED: July 27, 2007

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: Upgrading of existing residential access road to Ministry of Highways subdivision standards – total area 0.4 ha.

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

BACKGROUND INFORMATION:

The applicant is proposing to upgrade the existing residential access road to ministry of transportation subdivision standards.

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 011-518-901

Lot 1, Peace River District, EXCEPT Part subdivided by Plan BCP20412, Section 3, Township 84, Range 19, W6M, Plan 13020

Location of Property:

Alwaska Highway, Fort St. John, near McLeod Subdivision

Size of Property:

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

Present use of the Property:

Livestock hayfield to west of the proposal. Hayfield is not affected by proposed application

Agricultural Capability:

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

PREVIOUS APPLICATIONS:

Application #04225-0

Applicant: Tash, John & Wilma
Decision Date: May 04, 1977
Proposal: To subdivide 1.8 ha from 28.9 ha parcel to construct a vehicle and farm machinery sales outlet on the proposed parcel. New parcel mainly out ALR and used commercially since 1964 for scrap iron and parts.
Decision: Allowed on the condition that the westerly boundary follows along the north extension of the westerly boundaries of Lots 6-9 and subject to chain link fencing on westerly boundary of new parcel.

Application #04225-1

Applicant: Tash, John & Wilma
Decision Date: August 25, 1987
Proposal: Complaint received that subdivision not registered, fence not constructed and scrap iron use expanded onto Class 2 ALR land using approximately 2-4 ha
Decision: Commission viewed property and would consider some expansion onto ALR without subdivision with consultation with the Regional District as to best area for use and type of screening acceptable to Regional District.

Application #21624-0

Applicant: Tash, John & Wilma
Decision Date: December 17, 1987
Proposal: Utilize 6.8 ha at the east end of 29 ha parcel for a salvage and metal business with screening. 4.9 ha is in the ALR.
Decision: Allowed, no industrial buildings to be built on ALR portion, and fencing and vegetative screening to meet standards of R. D.

Application #21624-1

Applicant: Tash, John & Wilma
Decision Date: December 09, 1993
Proposal: Regional District requests the Commission to enforce screening condition, and staff requests enforcement of expansion of auto bodies onto ALR. Staff also recommends screening condition be rescinded and the Regional District enforce under their bylaws
Decision: Turn over for enforcement to take whatever measures necessary incl. court injunction to get applicant to comply with expansion and respectfully request assistance from Regional District regarding screening

Application #35555-0

Applicant: Tash, John & Wilma
Decision Date: March 16, 2005
Proposal: To exclude approximately 7.8 ha on the east side of the subject property from the ALR. Roughly 0.9 ha of the eastern side of the property is outside of the ALR. If the application is successful the combined 8.7 ha will be subdivided into four 2.02 ha lots to be used for light industrial development.
Decision: The application to exclude approximately 7.8 ha from the ALR for subdivision into four (4) approximately 2 ha lots for light industrial use be allowed in principle, subject to the confirmation that the 7.8 ha area has been re-zoned to light industrial uses. The proposal is consistent with Fort St. John CDP.

STAFF COMMENTS:

- This application requests that the Commission allow the dedication of 0.4 ha as a public road.
- This road is currently a driveway to the land owner's home which is to be upgraded to Ministry of Transportation standards.
- The road is currently part of the Remainder of Lot 1, Plan 13020 which is in the ALR.
- The adjacent lot, Lot 1, Plan BCP20412 has been the subject of an exclusion application. The property was excluded in principle subject to confirmation that it had been re-zoned to light industrial. This area is within the area endorsed by the Commission for light industrial use in the Fort St. John and Area Comprehensive Development Plan.
- The property is in an area that was suggested for development in Phase four or five of the CDP.
- The Commission has not received confirmation that the property has been rezoned, therefore it is still within the ALR and the Commission's maps have not been amended.
- Previous applications seem to suggest that a portion of the property (that was excluded) has been used for industrial uses for many years.
- The proposed road is a part of the agricultural remainder, not the area that was approved for exclusion.
- The road, if allowed, and the remainder of Lot 1, Plan 13020 will remain in the ALR as no exclusion applications have been made for this property.
- The Commission has received a complaint about soil being moved from Lot 1 Plan BCP20412, to the Remainder of Lot 1 Plan 13020. This complaint is included for the Commission's information.

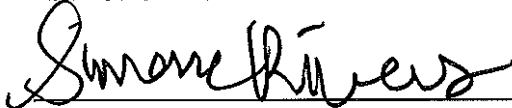
Staff suggest the Commission consider the following:

- That proof that lot 1, Plan BCP 20412 has been rezoned be required as a condition of approval of the road. Staff questions the need for the road to be dedicated if the adjacent property is still in the ALR.

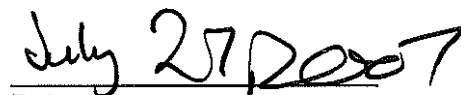
ATTACHMENTS:

- Sketch showing the proposed road
- Letter from Jim Little dated June 27, 2007 alerting the Commission to what he believes is illegal soil placement on land within the ALR. The map he attached to the letter indicates that it is the subject property he is concerned about.
- Decision letter and map for application # W-35555, John and Wilma Tash
- Plan of subdivision showing Lot 1, Plan BCP 20412
- Fort St. John and Area Comprehensive Development Plan Map showing location of subject property and proposed road.
- ALC Context Map – 94A.026 – 1:20,000 (created by ALC Staff)
- Airphoto – 1:5000 (created by ALC Staff)

END OF REPORT



Signature



Date