



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

October 18, 2007

Reply to the attention of Simone Rivers
ALC File: #W - 37606

Jacob Bartsch
PO Box 128
Whitecourt, AB T7S 1N3

Herman Rosenau
PO Box 1429
Chetwynd, BC V0C 1J0

Dear Sirs:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 524/2007 outlining the Commission's decision as it relates to the above noted application.

Attached is an inclusion application form for your use. If you wish to proceed with the provisions of the attached decision please complete and submit the application to the Peace River Regional District. No application fee is required.

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 a white background. The signature is fluid and cursive, with a long, sweeping tail.

Erik Karlsen, Chair

cc: Peace River Regional District (142/2007)

Enclosure: Minutes/Sketch Plan/application form

MC/lv/37606d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 5, 2007 at Pouce Coupe, B.C.

PRESENT:	John Kendrew	Commissioner (Acting Vice Chair)
	David Craven	Commissioner
	William Norton	Commissioner
	Simone Rivers	Staff
	Martin Collins	Staff

For Consideration

Application: # W- 37606
Applicant: Herman Rosenau
Agent: Jacob Bartsch
Proposal: To subdivide 5 ha from the 57 ha property as separated from the remainder of the lot by Highway 97S.
Legal: PID: 014-898-462
District Lot 1983, Peace River District
Location: Located 6km east of the Pine River in the area of East Pine, along Highway 97S approximately 35km east of the District of Chetwynd.

Site Inspection

A site inspection was conducted on October 4, 2007. Those in attendance were:

- David Craven Commissioner
- John Kendrew Commissioner
- William Norton Commissioner
- Simone Rivers Staff
- Martin Collins Staff
- Jacob Bartsch Applicant
- Marge Berknor Agent

Jacob Bartsch confirmed that the staff report dated September 20, 2007 was received and no errors were identified.

The Commissioners noted that the land north of Highway 97 is not cleared for agriculture, and that a hydro electric transmission right of way formed a northern boundary to the triangular 5 ha lot. The remainder of the property lying to the south of Highway 97 is developed for agriculture (pasture).

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

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.

The agricultural capability of the soil of the subject property is 6:3M 4:4W, indicating that the land has good agricultural capability with a variety of limitations, most typically characterized by seasonal drought and on portions of the property, excessive wetness.

Assessment of Agricultural Suitability

The Commission assessed whether the division of the property by Highway 97 caused the 5 ha area to be unsuitable for agriculture. The Commission believed that the size, shape and location of the 5 ha area lying north of the highway provided challenges to its integrated use with the cultivated land south of the highway.

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 believes the 5 ha subdivided area would likely not be used for agriculture, but rather for residential purposes, and in view of this could negatively affect adjoining and nearby farm operations due to conflicts about trespass and typical farm noises and smells.

Assessment of Other Factors

The Commission noted that the ALR boundary did not coincide with the entire arable cultivated area of the parcel. In fact, the location of the gully bisecting the southerly 52 ha, (which was surmised to have never been intended to be within the ALR), lies within the ALR, and approximately 5-6 ha of the high capability field area lies outside the ALR. In view of the challenges to developing and using the 5 ha area north of the highway with the remainder, the Commission was prepared to allow subdivision of the 5 ha area subject to the inclusion, into the ALR, of the 5-6 ha field area lying within the southerly part of the property

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 subdivision proposal will negatively impact agriculture.
4. And that the Commission believes the inclusion of 5-6 ha will balance the negative impacts of the proposed subdivision.

IT WAS

MOVED BY: Commissioner D. Craven

SECONDED BY: Commissioner B. Norton

THAT the application to subdivide the 5 ha lot from the 57 ha property (as divided by Highway #97) be allowed subject to the following conditions;

- the subdivision be in substantial compliance with the attached sketch plan
- The submission of an inclusion application for the 5 – 6 ha field area not in the ALR as shown on the attached sketch plan.
- 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 # 524/2007

121°10'0"W

55°44'0"N



RESOLUTION # 524/2007

1111 ~ 5 Ha INCLUSION AREA

121°10'0"W

ALC File #:	21-07-37606
Mapsheet #:	93P.075
Map Produced:	Sept 17th, 2007
Regional District:	Peace River

Provincial Orthophoto
(1996)

Map Scale: 1:10,000





Staff Report
Application # W – 37606
Applicant: Herman Rosenau
Agent: Jacob Bartsch

DATE RECEIVED: August 10, 2007

DATE PREPARED: September 20, 2007

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide 5 ha from the 57 ha property as separated from the remainder of the lot by Highway 97S.

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: 014-898-462
District Lot 1983, Peace River District

Purchase Date:

December 1973

Location of Property:

Located 6km east of the Pine River in the area of East Pine, along Highway 97S approximately 35km east of the District of Chetwynd.

Size of Property:

57.0 ha (~~The entire property is in the ALR.~~)

Present use of the Property:

North of Highway is treed and south is hayfields

Surrounding Land Uses:

WEST: Treed and gravel pit
SOUTH: Hayfields and pasture
EAST: Hayfields and pasture
NORTH: Hayfields and pasture

Agricultural Capability:

Data Source: Agricultural Capability Map # 93P/11
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

West Peace OCP Bylaw No. 1086 (1997)
Designation: Settlement

Zoning Bylaw and Designation:

Chetwynd Rural Area Zoning Bylaw No. 506 (1986)
Designation: A-2 (Large Agricultural Holdings)
Minimum Lot Size: 63 ha

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 proposal is consistent with the Official Community Plan policies and zoning regulations.

STAFF COMMENTS:

- The applicant has stated that he wishes to sell the 5 ha portion of the subject property located north of the road should it be subdivided.
- Staff notes that according to the airphoto, approximately 6 ha of cultivated land on the property is not within the ALR. The Commission may wish to discuss the option of including this land with the applicant.
- The portion of the property proposed for subdivision is not cultivated and is separated from the remainder of the property by Highway 97

ATTACHMENTS:

- Sketch of proposed subdivision (submitted by the applicant)
- ALC Context Map - 93P.075 - 1:20,000 (created by ALC Staff)
- Airphoto - 1996 - 1:10,000 (created by ALC Staff)

END OF REPORT

Simone Rivers
Signature

Sept 20, 2007
Date