



Agricultural Land Commission
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October 23, 2007

Reply to the attention of Simone Rivers
ALC File: # W - 37474

Steven Rainey and Sarah Davies
PO Box 2229
Chetwynd, BC V0C 1J0

Dear Mr. Rainey and Ms. Davies:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 535/2007 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 'Per:' label. The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

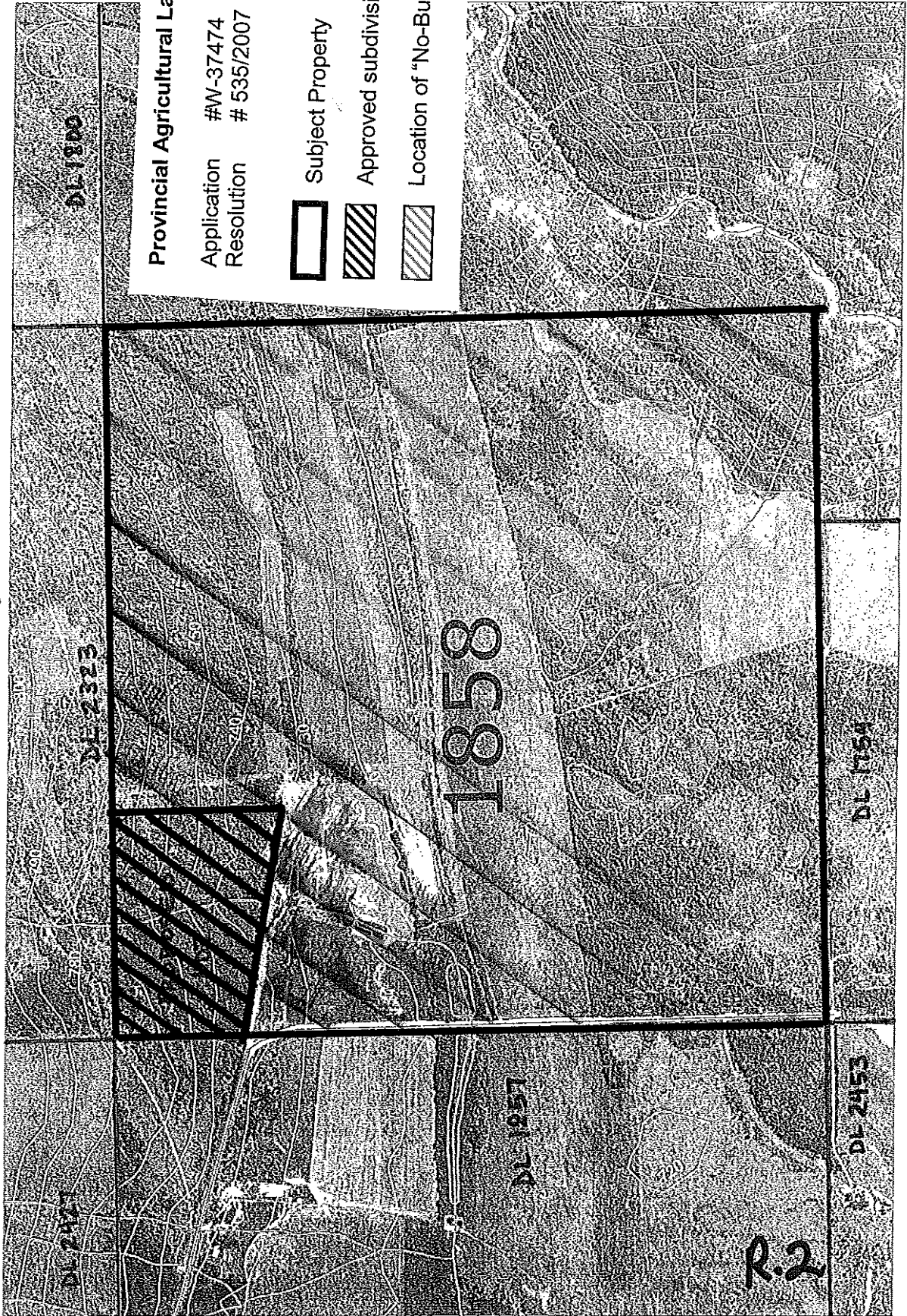
Erik Karlsen, Chair

cc: Peace River Regional District (86/2007)

Enclosure: Minutes/Sketch Plan




SBR/lv
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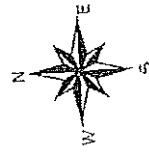
Rainey - DL 1858



Provincial Agricultural Land Commissioner

Application #W-37474
Resolution # 535/2007

-  Subject Property
-  Approved subdivision of one 16 ha lot.
-  Location of "No-Build" covenant



R.2





MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

PRESENT:	John Kendrew	Acting Chair, North Panel
	William Norton	Commissioner
	David Craven	Commissioner
	Simone Rivers	Staff
	Martin Collins	Staff

For Consideration

Application: # W- 37474
Applicant: Steven Rainey and Sarah Davies
Proposal: To subdivide a 16 ha parcel, which includes the homesite, from the existing 256.2 ha lot.
Legal: PID: 008-823-448
District Lot 1858, Peace River District
Location: Located along Lone Prairie Road about 33 km southeast of Chetwynd, between Pine and Murray Rivers.

Site Inspection

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

- | | |
|------------------|---------------------------|
| • John Kendrew | Acting Chair, North Panel |
| • William Norton | Commissioner |
| • David Craven | Commissioner |
| • Simone Rivers | Staff |
| • Martin Collins | Staff |
| • Julie Robinson | MAL Staff |
| • Steven Rainey | Applicant |

The Commission viewed the portion of the property proposed for subdivision. It noted that the ALR boundary is located to the south of the homesite area, but contains non arable hillside. The applicant discussed his plans to improve and expand the family ranching operation, and the reasons for subdivision.

Mr. Rainey confirmed that the staff report dated September 17, 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.

Discussion

Assessment of Agricultural Capability

The agricultural capability of the soil of the non-ALR portion of the subject property is 80% Class 6 TP – 20% Class 5T.

The remainder of the property is given ratings of 70% Class 4M – 30% Class 5T.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses

M: soil moisture deficiency P: stoniness T: topography

The Commission believed that the majority of the property has agricultural capability and is correctly designated as ALR. However, the Commission concurs with the applicant that the ALR boundary does not correctly reflect the where the agricultural capability of the parcel changes. It surmises that the intended ALR boundary was likely intended to be where the hillside meets the valley bottomland, not halfway up the slope. The proposed subdivision does not affect any cultivated land.

Assessment of Impact on Agriculture

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. Although it agrees that subdivision of the existing homesite and non-ALR land from the subject property would have limited impact on the agricultural capability of the subject property, it is concerned that subdivision could result in the construction of another home on the agricultural remnant, potentially reducing the productive capacity of the farm parcel.

The Commission believes that an effective way to mitigate this potential loss of productive capacity is to restrict the construction of a home on the agricultural remnant, through of the registration of a covenant on the title, prohibiting the construction of any habitable structures

Subdivision will also introduce another permanent non farm resident and smaller (16 ha) parcel into an agricultural area that predominantly comprised of large ¼ section parcels. The negative impacts of a non farm resident can be conflict about typical farm noises and smells, and actions associated with trespass and careless behaviour(s) (i.e. by pets and children). It is also likely that the 16 ha residential lot will come under further pressure for rural residential subdivision (due to its location primarily outside the ALR), which, if permitted, will continue to increase the potential for residential/farm conflicts.

Conclusions

1. That the land under application for subdivision has limited agricultural capability due to steep topography and poor soils.
2. That proposed agricultural remnant has good agricultural capability and is appropriately designated as ALR.
3. That the proposal could negatively impact agriculture. However, the registration of a covenant on the ARL remnant prohibiting residential structures will mitigate the negative impact(s) of subdividing a rural residential lot in this agricultural area.

IT WAS

MOVED BY: Commissioner Kendrew

SECONDED BY: Commissioner Norton

THAT the application to subdivide a 16 ha lot 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
- the registration of a covenant restricting the construction or placement of a residential dwelling on the remainder of the property.
- 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 # 535/2007