



Agricultural Land Commission Staff Report

DATE: September 1, 2009
TO: Vice Chair and Commissioners - Interior Panel
FROM: Simone Rivers

RE: Application # 50322
PROPOSAL: To subdivide the 71.4 ha property into four (4) 4 ha lots and a 54.9 ha remainder.

PROPOSAL INFORMATION

Background: The proposed lots are north of the road on the lake shore.
Received Date: July 24, 2009
Applicant: Donald & Barbara MacDonald
Agent: R G (Bob) Holtby
Local Government: Cariboo Regional District

DESCRIPTION OF LAND

PID: 015-040-321
Legal Description: District Lot 728 Cariboo District Except Plan PGP35268
Civic Address: 2803 Dragon Lake Road
Area: 71.3 ha
ALR Area: 71.3 ha
Purchase Date: September 27, 2000
Owner: Donald & Barbara MacDonald

Total Land Area: 71.3 ha
Total ALR Area: 71.3 ha
Current Land Use: Pasture, homesite and associated farm buildings

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
71.3	Prime Dominant	CLI

Number of Lots	Lot Size (ha)
2	4.0
1	4.1
1	4.4
1	54.9

Surrounding Land Uses:

North	Dragon Lake
East	Undeveloped Land; Rural Residence
South	Farm
West	Farmland; Rural Residence

Official Community Plan

Bylaw Name:
Designation:
OCP Compliance:

Zoning

Zoning Bylaw Name:
Zoning Designation:
Minimum Lot Size: ha
Zoning Compliance:

RELEVANT APPLICATIONS

Application #: 43193
Applicant: Richard & Debbie Sales
Proposal: To subdivide the 26 ha property into a 10 ha lot and a 16 ha lot.

Decisions:

Resolution Number	Decision Date	Decision Description
445	September 7, 2006	The Commission allowed the subdivision of the 26 ha lot into two lots (10 ha and 16 ha) on the grounds the land had limited capability for agriculture due to excessive wetness.

Note: Legacy Application # 36734

Application #: 42489
Applicant: Joe and Marinka Novak
Proposal: To subdivide the 6.9 ha parcel into six lots ranging in size from 1.0 ha to 1.22 ha. 0.2 ha would be dedicated as road in order to access the proposed lots.

Decisions:

**Resolution
Number**

48

Decision Date

February 21, 2006

Decision Description

To refuse subdivision of the 6.9 ha property into six lots on the grounds that the property has agricultural capability.

Note: Legacy Application # 36330

Application #: 39014

Applicant: R & F Vaughn

Proposal: 1. To exclude the 47.3 ha property in order to facilitate its subdivision into a 9.7 ha lot and 37.6 ha lot.

2. To exclude 9.7 ha of the 47.3 ha property in order to facilitate the subdivision of the property.

**Decisions:
Resolution
Number**

Decision Date

Decision Description

Note: Legacy Application # 24080
Resolution # 157/1991
Decision Date: March 14, 1990

Decision: Refused on the grounds that the proposed subdivision would adversely affect the property to be used as a viable agricultural operation. Reduction of the subject property into smaller holdings would reduce the options for agriculture and would set a precedent for further subdivision in a area which is predominantly in large acreages.

Resolution # 157/1990
Decision Date: March 14, 1990

Decision: Refused on the grounds that the proposed subdivision would adversely affect the property' s ability to be used as a viable agricultural operation.

Application #: 38829

Applicant: James Dyck

Proposal: To exclude the 35 ha property to subdivide the shoreline into 0.8 ha lots and 2 ha lots for the remainder.

**Decisions:
Resolution
Number**

Decision Date

Decision Description

Note: Legacy Application # 20825
Resolution # 172/1987
Decision Date: March 17, 1987

Decision: Refused on the grounds that the property has excellent agricultural capability, is among the best agricultural land in the Quesnel area and may introduce an urban residential land use which would have negative impacts on the surrounding agricultural community.

Application #: 36262

Applicant: James & Pauline Dyck

Proposal: To subdivide the 35 ha parcel into eleven (11) lots.

Decisions:
**Resolution
Number**

Decision Date

Decision Description

Note: Legacy Application # D-20023
Resolution # 540/1986
Decision Date: June 18, 1986

Decision: Refused on the grounds that the area has good agricultural capability and that further subdivision of the area would have a negative impact on agriculture

Application #: 36242

Applicant: Colleen & Gordon Sales

Proposal: To exclude the 15.6 ha property to subdivide it into four 3.9 ha lots.

Decisions:
**Resolution
Number**

Decision Date

Decision Description

Note: Legacy Application # 19986
Resolution # 534/1986
Decision Date: May 15, 1986

Decision: Refused on the grounds that the property has agricultural capability and that further subdivision of the area will have a negative impact on agriculture.

Application #: 36230

Applicant: Edward L Marshall

Proposal: This application was considered by the Commission three times.

1. To exclude the 23 ha property from the ALR in order to subdivide into rural residential lots. The applicant indicated he was under pressure from the Dragon Lake Improvement District to cease raising cattle on the property because of deleterious effects upon the water quality of Dragon Lake

2. To exclude the 23 ha property from the ALR so that it can be subdivided.

3. To subdivide the remainder of the property into three lots of 2 ha and an 8.8 ha remainder. The application has previously divided the property into a 3.9, 2.2, 2.1 and 14.8 ha lot.

**Decisions:
Resolution
Number**

1259

Decision Date

December 18, 1985

Decision Description

The Commission refused exclusion as proposed, but allowed the subdivision of six lots no smaller than 2 ha in size.

Note:

Legacy Application # 18799

1. Resolution # 327/1985

Decision Date: April 26, 1985

Decision: Tabled until the Commission could gain a fuller understanding of the long term ability and potential of the land based to support agricultural uses and the implications of such uses on the water quality of the lake is necessary prior to making an informed decision on the application.

2. Resolution # 1259/1985

Decision Date: December 18, 1985

Decision: Refused on the grounds that the Commission is of the opinion that the subject property has potential for agriculture. The Commission is willing to consider the subdivision of the property within the ALR. The Commission allowed development of 6 lots no less than 2 ha.

3. Resolution # 1261/1986

Decision Date: December 2, 1986

Decision: Refused on the grounds that further parcelization of this area would be detrimental to the excellent agricultural capability of the property.

Application #: 23901

Applicant: F & B Word

Proposal: To subdivide the four subject properties (44 ha, 38.8 lot, 22 lot and 15.6 ha) into six parcels, two 19.2 ha lots, two 18.4 ha lots, a 22.8 ha lots and a 14.8 ha lot.

**Decisions:
Resolution
Number**

Decision Date

Decision Description

Note:

Legacy Application # D-04963

Resolution # 7590/1977

Decision Date: November 22, 1977

Decision: Refused on the grounds that subdivision of DL 2560 would reduce the agricultural capability of the best agricultural lands included in this proposal. However, the Commission is willing to allow five parcel (two 19.2 ha lots, one, 36.8 ha lot, one 22.8 ha lot and one 22 ha lot)

Application #: 23438

Applicant: H & J / G & T Fiege / Viker

Proposal: To subdivide the 34.4 ha parcel into two 17.2 ha lots.

Decisions:

**Resolution
Number**

Decision Date

Decision Description

Note: Legacy Application # 08972
Resolution # 11820/1979
Decision Date: August 1, 1979

Decision: Refused on the grounds that the proposed subdivision would be an intrusion into the agricultural community. It is essential to retain properties in this area in as large parcels as possible.

Application #: 23409

Applicant: J & P Dyck

Proposal: To subdivide the 69.6 ha lot into a 2 ha lot and a 67.6 ha remainder.

**Decisions:
Resolution
Number**

Decision Date

Decision Description

Note: Legacy Application D-08973
Resolution # 11821/1979
Decision Date: August 1, 1979

Decision: Refused on the grounds that the proposed 2 ha lot would be inconsistent with the surrounding lot sizes and would be an intrusion into the surrounding agricultural community.

Application #: 23217

Applicant: Wm & Helen Annett

Proposal: The Commission considered this application five times. The five proposals are listed below:

1. To subdivide a 6 ha parcel from the subject property.
2. To subdivide a 6 ha parcel from the subject property.
3. To subdivide a 2.4 ha lot under the homesite severance policy.
4. To include the area east of the road into the approved subdivision as it would be alienated from the remainder of the property. The lot would be 3.2 ha in size.
5. To subdivide a 3.2 lot from the property which included the applicant' s home and homesite as well as a portion in the north east corner of the property which is severed by Johnson Road.

**Decisions:
Resolution
Number**

Decision Date

Decision Description

Note: Legacy Application # D-09665

1. Resolution # 62/1980

Decision Date: January 9, 1980

Decision: Refused on the grounds that the property has excellent capability for agricultural use and should be retained in as large a parcel size as possible. However, it appears that Mr. Annett may meet the criteria for Homesite Severance and should be offered a homesite, under these guidelines for a reduced area. The Commission also indicated that it would have no objections, in lieu of homesite Severance to the subdivision of that part of the property lying east of Johnson Road.

2. Resolution # 449/1980

Decision Date: March 12, 1980

Decision: That the Commission reconfirm their original decision and allow EITHER

a – the subdivision of the portion of the property lying east of the road

b – the subdivision of their home and homesite under the homesite severance policy.

3. Resolution # 1642/1981

Decision Date: August 17, 1981

Decision: allowed outright subdivision of a 2.4 ha parcel provided the applicants waive any further subdivision request under the Homesite Severance Policy

4. Resolution # 853/1982

Decision Date: May 6, 1982

Decision: Refused. However, the Commission would allow the outright subdivision of this area if the applicants do not proceed with subdivision of their home and homesite or if they agree to only leasing the home and homesite under the provisions of the leasehold by Explanatory Plan policy

5. Resolution # 473/1983

Decision Date: March 31, 1983

Decision: That the request for the subdivision of a 3.2 ha lot, including the 1.2 ha area east of Johnson Road be allowed. The Commission's previous decision is rescinded.

Application #: 23123

Applicant: W Bar K Cattle Co Ltd

Proposal: To exclude 2.4 ha of the 63 ha property for the purpose of building a retirement homesite.

Decisions:
**Resolution
Number**

Decision Date

Decision Description

Note:

Legacy Application # D-17490

Resolution # 309/1984

Decision Date: February 28, 1984

Decision: Refused on the grounds that exclusion would have a negative impact on surrounding Agricultural Land Reserve lands. Furthermore, the Commission does not wish to encourage further subdivision of adjacent lands which have farming potential. However, the Commission would be prepared to allow the subdivision on the condition that the remainder is legally consolidated with the adjacent property (DL 4518) which is

also part of the applicant's farm operation.

Application #: 22874

Applicant: J & P Dyck

Proposal: To exclude 4 ha of the 32 ha property for the purpose of establishing an overnight campsite.

Decisions:

**Resolution
Number**

Decision Date

Decision Description

Note: Legacy Application # D-13937
Resolution # 823/1982
Decision Date: April 28, 1982

Decision: That the application be refused on the grounds that the proposal represents an intrusion into an active farming area which is located in an extensive area of the ALR. The Commission is opposed to the parcelization of such lands that have a potential for agricultural use.

Application #: 2642

Applicant: Joe & Marinka Novak

Proposal: Subdivide the 7.3 ha parcel into three lots at 2 ha, 2.2 ha and 2.9 ha

Decisions:

**Resolution
Number**

Decision Date

Decision Description

54 January 17, 1995 Refused.

Note: Legacy Application # D-29329
Resolution # 54/1995
Decision Date: January 17, 1995

Decision: Refused.

Application #: 1712

Applicant: D. & L. SALES

Proposal: To subdivide the 8 ha property into a 1.6 ha lot which is separated from the remainder by Highway 97, two 2 ha lots and a 2.4 ha lot.

Decisions:

**Resolution
Number**

Decision Date

Decision Description

Note: Legacy Application # 28418
Resolution # 171/1994
Decision Date: Feb 22, 1994

Decision: Refused as proposed on the grounds that the property has good agricultural capability and subdivision would precipitate conflict and heighten expectations. The Commission allowed subdivision into two lots of 6.4 ha and 1.6 ha as divided by the highway on the grounds that the highway was a significant impediment to the

agricultural utilization of the property.

Committee Recommendations

Type	Recommendation	Description
Board/Council	No Comment	Cariboo Regional District Board: The Regional Board authorized the application for submission to the Commission with a recommendation for approval.
Advisory Planning Committee	Approve	The Advisory Planning Commission for Electoral Area A recommended approval.

STAFF COMMENTS

The agent for the applicant states that the owners have no water rights, therefore that the agricultural capability is less than shown on the CLI map. He further states that the small 4 ha lots proposed could be developed for hobby farms and therefore would be more productive than is currently the case.

The area proposed for subdivision is currently used as pasture.

The Commission has traditionally refused most subdivision and exclusion applications for properties bordering on Dragon Lake on the grounds of the excellent agricultural capability of the majority of these lands as well as the long standing Commission view that the greatest number of agricultural options will be available to the subject properties if they are kept in as large a size as possible. The Commission has also been reluctant to set a precedent by allowing subdivision in this area.

ATTACHMENTS

50322 agent report.pdf
50322 local government report.pdf
50322 previous decisions map.pdf
50322 proposal sketch.pdf
50322_AirphotoMap.pdf
50322_ContextMap20k.pdf

END OF REPORT

Signature

Date