



Agricultural Land Commission Staff Report

DATE: September 8, 2010
TO: Vice Chair and Commissioners - North Panel
FROM: Martin Collins

RE: Application # 51795
PROPOSAL: To subdivide a 2.4 ha lot from the 7.7 ha subject property leaving a remainder of 5.3 ha.

PROPOSAL INFORMATION

Background: The applicants purchased the property in 2007 and wish to subdivide because someone is interested in buying a portion of the property. The property was created in 1980.

Received Date: June 23, 2010
Applicant: Frank & Shelley Garcia
Agent: N/A
Local Government: Peace River Regional District

DESCRIPTION OF LAND

PID: 006-487-033
Legal Description: Lot 1, Section 14, Township 78, Range 17, West of the 6th Meridian, Peace River District, Plan 23079, EXCEPT Plan 26098
Civic Address: South of Highway 97, Near Arras
Area: 7.7 ha
ALR Area: 7.7 ha
Purchase Date: November 28, 2007
Owner: Frank & Shelley Garcia

Total Land Area: 7.7 ha
Total ALR Area: 7.7 ha
Current Land Use: The property is vacant treed land. There are no houses on the property. The property is located south of Highway 97 in the Arras area.

PROPOSAL DETAILS

Subdivision

| Area | Agricultural Capability | Agricultural Capability Source |
|------|---------------------------|--------------------------------|
| 7.7 | Mixed Prime and Secondary | CLI |

| | | |
|-----------------------|----------------------|-----|
| Number of Lots | Lot Size (ha) | |
| 1 | 2.4 | |
| 1 | 5.3 | |
| 7.7 | Prime Dominant | CLI |

| | |
|-----------------------|----------------------|
| Number of Lots | Lot Size (ha) |
| 1 | 2.4 |
| 1 | 5.3 |

Surrounding Land Uses:

North Highway 97, three 10 ha parcels (two of which are cleared)
 East 10 ha rural residential parcel, cleared and used for pasture/hay.
 South Small rural residential lots.
 West 2 ha rural residential parcel, and Highway 97

Official Community Plan

Bylaw Name: Dawson Creek Rural Area OCP Bylaw No. 477 (1986)
Designation: Small Holdings
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: PRRD Zoning Bylaw No. 1343 (2001)
Zoning Designation: R-6 - Residential 6
Minimum Lot Size: 8.0 ha
Zoning Compliance: No

PREVIOUS APPLICATIONS

Application #: 29822
Applicant: G&J Chruikshanks
Proposal:

Decisions:
Resolution
Number

Decision Date **Decision Description**

Note: Legacy Application # 08487
 Decision Date: May 9, 1979
 Decision: Refused on the grounds that the Commission does not want any further subdivision than already exists in this area. Such a proposal would be an intrusion into the ALR.

Reconsideration
 Decision Date: December 19, 1979
 Decision – Allowed
 The decision was reconsidered and allowed on the basis of an onsite inspection by

Rob Kline. The property was completely surrounded by roads and small lots making it less suitable for agricultural use.

This application created the subject property.

Application #: 4152

Applicant: Arthur Young

Proposal: To subdivide the property into a 7.2 ha lot and an 19.2 ha lot as divided by the highway. The parcel south of the highway would be consolidated with adjacent lands.

Decisions:

Resolution

Number

Decision Date

Decision Description

4463

August 16, 1976

Allowed, subject to consolidation.

Note: Legacy Application # 00591

Committee Recommendations

Type

Recommendation

Description

Planning Staff

Refuse

Peace River Regional District Planning Staff: Local Government Planning staff recommended that the Board refuse authorization for the application as the proposal did not meet the zoning requirements.

Board/Council

No Comment

Peace River Regional District Board: The Regional Board authorized the application to proceed to the Commission.

STAFF COMMENTS

Staff note the following:

- 1) The proposal is not consistent with local zoning regulations as the minimum parcel size is 8 ha.
- 2) There are no houses on the subject property, which is forested and has not been cleared or improved for agricultural use.
- 3) Previous subdivision (which created the subject property) was allowed on the basis that the property had limited suitability for agricultural use due to its location between the highway to the north and small lots to the south.
- 4) This intersection area (East Arras Road, Old Hart Highway and Highway 97) is used primarily for rural residential purposes. The agricultural potential of the ~8 ha subject property would be reduced by subdivision. However, overall its value for agriculture is minimal given its relatively small size and location adjacent to smaller parcels.
- 5) If this subdivision is permitted it would be difficult for the Commission to justify refusing other similar applications in the surrounding area.

ATTACHMENTS

51795 ag cap.pdf

51795 air photo.pdf

51795 previous apps.pdf

51795 proposal sketch.pdf

51795_ContextMap20k.pdf

END OF REPORT

Signature

Date