



Agricultural Land Commission
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April 4, 2014

ALC File: #53488

Brian Elliot
Tyron Land Surveying
10201 17th Avenue
Dawson Creek, B.C.
V1G 4C3

Dear Mr. Elliot:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #108/2014 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly. The Commission has also attached a sketch plan depicting the decision.

Please send two (2) copies of the final survey plan 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.

Further correspondence with respect to this application is to be directed to Gordon Bednard.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Chief Tribunal Officer

Enclosure(s): Minutes of Resolution #108/2014
Sketch plan

cc: Peace River Regional District (File #184/2013)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 26, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53488.

COMMISSION MEMBERS PRESENT:

| | |
|-----------------|--------------|
| Richard Bullock | Chair |
| Jennifer Dyson | Vice-Chair |
| Gordon Gillette | Vice-Chair |
| Bert Miles | Commissioner |
| Jim Johnson | Commissioner |
| Jerry Thibeault | Commissioner |
| Lucille Dempsey | Commissioner |

COMMISSION STAFF PRESENT:

| | |
|-------------------|------------------------|
| Gordon Bednard | Planner |
| Lindsay McCoubrey | Planner |
| Colin Fry | Chief Tribunal Officer |

PROPOSAL (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide the ~130 ha subject property into two (2) parcels of approximately 4 ha and 124 ha, as divided by Tumake (196) Road. Approximately 121 ha of the subject property is within the ALR.

PROPERTY INFORMATION:

Owner: Sandra Witherspoon

Legal: PID: 010-644-181
The West 1/2 of Section 16, Township 23, Peace River District

Location: Dawson Creek

Size: 129.4 ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and

- (c) 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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The Commission considered the agricultural capability of the subject property.

Conclusion: The Commission noted that the subject property has a Canada Land Inventory (CLI) soil capability rating of 5C, indicating that the land has capability for agricultural development. The limiting subclass is a severe climate. Though the subject property is not cultivated, nearby lands of similar capability are improved for agriculture.

The Commission also considered the soil capability rating for the ~8 ha non-ALR area of the property, noting its CLI rating of 8:5CT – 2:O7W, improvable to (O5W). The limitations to agricultural development are severe climate, topography and excessive wetness. However, the Commission also recalled that this type of land (O5W) has been improved for agriculture in the Peace River region.

2. The Commission considered the agricultural impacts of the proposed subdivision.

Conclusion: The Commission believes that the subdivision of small rural residential parcels from large farm parcels is generally not supportive of agriculture because subdivision reduces the farmable area available for grazing or cultivation, and because it introduces a permanent, non-farm resident into a farm area. It is the Commission's experience that rural residents and farmers can have conflict over such issues as pets (for example; dogs harassing livestock) and trespass.

3. The Commission assessed the unique, site specific configuration of the subject property.

Conclusion: The Commission did not believe that Tumake (196) Road constituted a significant barrier to agricultural development due to its remote location and limited traffic. However, it noted that one or more rural residential lots could be subdivided along or outside the ALR boundary without ALR approval. As such the Commission was prepared to allow a one lot subdivision south of Tumake Road, subject to the inclusion of the remainder (~8 ha) of the subject property into the ALR. The decision permits the applicant's request, and limits the number of potential residential lots (and the negative impacts noted above).

IT WAS

MOVED BY: Commissioner Bullock
SECONDED BY: Commissioner Thibeault

THAT the proposal to subdivide a ~4 ha lot from the 130 ha property as divided by Tumake (196) Road be allowed.

AND THAT the final approval is subject to:

1. The subdivision be in substantial compliance with the plan submitted with the application;
2. The inclusion of approximately 8 ha (the remainder of the subject property) into the ALR;
3. The subdivision plan (and inclusion) must be completed within three (3) years from the date of this decision;

AND FINALLY THAT 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.

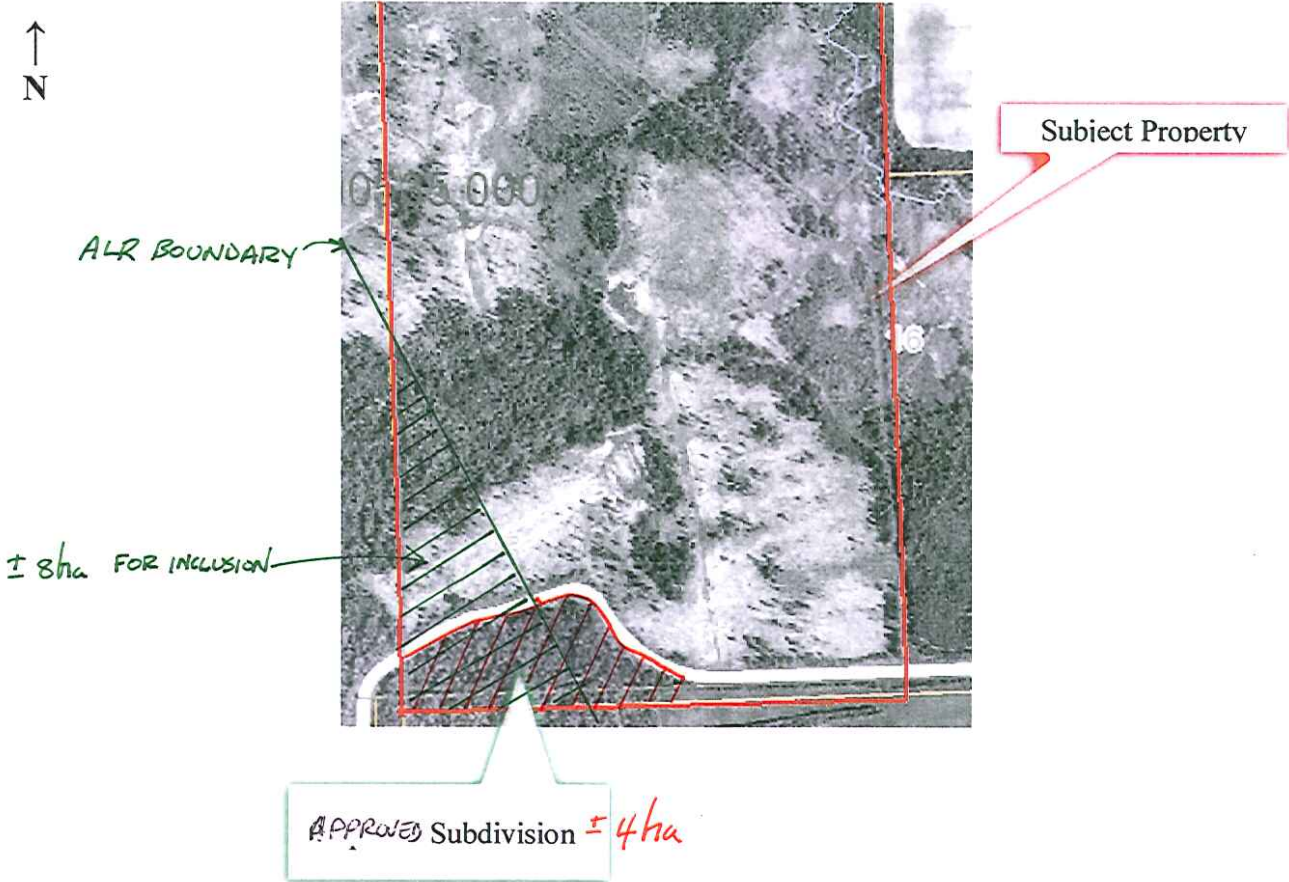
CARRIED

Resolution #108/2014



ALR SUBDIVISION REPORT
MAPS
FILE NO. 184/2013

Air Photo



ALC APPLICATION # 53488
RESOLUTION # 108/2014
SKETCH PLAN