



PEACE RIVER REGIONAL DISTRICT

DAWSON CREEK 1981 Alaska Avenue (Box 810), Dawson Creek, BC (T) 250-784-3200..(F) 250-784-3201
 FORT ST. JOHN 9505 100TH Street, Fort St. John, BC V1J 4N4 (T) 250-785-8084 (F) 250-785-1125
 [Toll Free: 1-800-670-7773]

Receipt # 51948

Application for Development

18-242

1. TYPE OF APPLICATION

	FEE
<input type="checkbox"/> Official Community Plan Bylaw Amendment	\$ 1,000.00
<input checked="" type="checkbox"/> Zoning Bylaw Amendment	650.00
<input type="checkbox"/> Official Community Plan / Zoning Bylaw Amendment combined	1,050.00
<input type="checkbox"/> Temporary Use Permit	350.00
<input type="checkbox"/> Development Permit	165.00
<input type="checkbox"/> Development Variance Permit	165.00
<input checked="" type="checkbox"/> Sign requirement	150.00

In regard to applications for:

- i) an official community plan and/or zoning bylaw amendment;
- ii) temporary use permit;

Sign provided by the PRRD and sign posted pursuant to Section 8 of Bylaw No. 2165, 2016, **attached**.

2. PLEASE PRINT

Property Owner's Name Arthur and Karen Buckley	Authorized Agent of Owner (if applicable) Nathan Mahon (Tryon Land Surveying Ltd)
Address of Owner [REDACTED]	Address of Agent 10201 17 Street
City/Town/Village [REDACTED]	City/Town/Village Dawson Creek
Postal Code [REDACTED]	Postal Code V1G 4C3
Telephone Number: [REDACTED]	Telephone Number: [REDACTED]
Fax Number:	Fax Number: [REDACTED]
E-mail: [REDACTED]	E-mail: [REDACTED]

3. PROPERTY DESCRIPTION

Full legal description of each property under application	Area of each lot
Lot 1 District Lot 2636 Peace River District Plan 33904	314.8 Acres ha./acres
	ha./acres
	ha./acres
	TOTAL AREA ha./acres

Notice of collection of personal information:

Personal information on this form is collected for the purpose of processing this application. The personal information is collected under the authority of the *Local Government Act* and the bylaws of the PRRD. Documentation/Information submitted in support of this application can be made available for public inspection pursuant to the *Freedom of Information and Protection of Privacy Act*.

4. Civic Address or location of property: 3443 Campbell Way Chetwynd

5. PARTICULARS OF PROPOSED AMENDMENT

Please check the box(es) that apply to your proposal:

Official Community Plan (OCP) Bylaw amendment:

Existing OCP designation: _____

Proposed OCP designation: _____

Text amendment: _____

Zoning Bylaw amendment:

Existing zone: A2

Proposed zone: A1/A2

Text amendment: _____

Development Variance Permit – describe proposed variance request:

Temporary Use Permit – describe proposed use:

Development Permit: Bylaw No. _____ Section No. _____

6. Describe the existing use and buildings on the subject property:

Currently the proposed lot 1 is used for a residence, and some haying is also done on this portion of the land.

There are also some buildings associated with the haying activities on this portion of the property. Proposed lot 2 is very steep unsuitable for farming and currently treed.

7. Describe the existing land use and buildings on all lots adjacent to and surrounding the subject property:

(a) North Agricultural land

(b) East Some farm land partially treed

(c) South Treed land and an Industrial use building

(d) West Treed land

8. Describe the proposed development of the subject property. Attach a separate sheet if necessary:

The proposed development is to subdivide the subject parcel into two lots. The west lot will be approximately 43.9 ha in size and the east lot approximately 83.2 ha. The development has been conditionally approved by the Agricultural Land Commission. In order to achieve this the zoning of proposed lot 2 needs to be changed from A2 to A1.

9. Reasons and comments in support of the application. Attach a separate sheet if necessary:

Rezoning needs to be done in order to subdivide the property. The applicant wishes to subdivide in order to sell proposed lot 2. Selling proposed lot 2 means that a new owner can use this area of land more effectively than it is being used currently.

10. Describe the means of sewage disposal for the development:

Currently there is a lagoon for sewage disposal.

11. Describe the means of water supply for the development:

A drilled well is used for water supply.

THE FOLLOWING INFORMATION IS REQUIRED. FAILURE TO PROVIDE MAY DELAY YOUR APPLICATION.

12. Proof of ownership of the subject property or properties. (For example: Certificate of State of Title, BC Land Title Office Property Title Search or recent Property Tax Notice.)
13. A Sketch Plan of the subject property or properties, showing:
 - (a) the legal boundaries and dimensions of the subject property;
 - (b) boundaries, dimensions and area of any proposed lots (if subdivision is being proposed);
 - (c) the location of existing buildings and structures on the subject property, with distances to property lines;
 - (d) the location of any proposed buildings, structures, or additions thereto, with distances to property lines;
 - (e) the location of any existing sewage disposal systems;
 - (f) the location of any existing or proposed water source.

ADDITIONAL OR MORE DETAILED INFORMATION MAY BE REQUESTED BY THE PEACE RIVER REGIONAL DISTRICT FOLLOWING REVIEW OF YOUR APPLICATION.

If it is necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a British Columbia Land Surveyor may be required.

Name: Arthur Buckley
Karen Buckley

Email Address: [REDACTED]

Address: [REDACTED]

Phone Number:

Cellular Phone: [REDACTED]

Postal Code: [REDACTED]

Facsimile:

Date:

To Whom It May Concern:

Re: Subdivision of Lot 1 District Lot 2636 Peace River District Plan 33904

Please accept this letter as my/our authorization for Tryon Land Surveying Ltd. to act as my/our agent in the above captioned subdivision.

Thank you.

Yours truly,

[REDACTED]

Signed by:

[REDACTED]

Signed by: 0



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

December 19, 2017

ALC File: 56436

Aspen Grove Property Services

DELIVERED ELECTRONICALLY

Attention Anne Clayton:

Re: Application 56436 to subdivide land in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the North Panel for the above noted application (Resolution #369/2017). As agent, it is your responsibility to notify the applicant accordingly.

Review of Decisions by the Chair

Under section 33.1 of the *Agricultural Land Commission Act (ALCA)*, the Chair of the Agricultural Land Commission (the Commission) has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to Marli Bodhi at Marli.Bodhi@gov.bc.ca.

Yours truly,

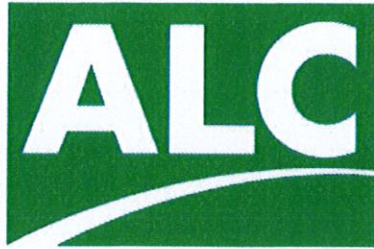
A handwritten signature in black ink that reads 'M. Bodhi'.

Marli Bodhi, Land Use Planner

Enclosures: Reasons for Decision (Resolution #369/2017)
Schedule A: Decision Map

cc: Peace River Regional District (File: 098/2017)

56436d1



AGRICULTURAL LAND COMMISSION FILE 56436
REASONS FOR DECISION OF THE NORTH PANEL

Subdivision application submitted under s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

Arthur Buckley
Karen Buckley

788-5580
788-5582

Agent:

Anne Clayton, Aspen Grove Property Services

Property:

Parcel Identifier: 014-468-107

Legal Description: Lot 1, District Lot 2636, Peace
River District, Plan 33904

Civic: 3443 Campbell Way, District of Chetwynd,
BC

Area: 127.1 ha

Panel:

David Merz, North Panel Chair

Ross Ravelli

James Garnet Berge

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA). The Property is located within Zone 2 as defined in s. 4.2 of the ALCA.
- [2] Due to the topographical characteristics, the Applicants are applying to the Agricultural Land Commission (the "Commission") to subdivide the 127.1 ha Property into three lots of ± 42.9 ha ("Proposed Lot 1"), ± 43.9 ha ("Proposed Lot 2"), and ± 40.3 ha ("Proposed Lot 3"), in order to create three approximately equal-sized lots (the "Proposal").
- [3] The first issue in the Proposal is whether there are topographic limitations that impact the agricultural use of the Property as a single parcel.
- [4] The second issue in the Proposal is whether there are any economic, social, or cultural considerations, or regional and community planning objectives that contribute to the Panel's review of the Proposal, taking into account the priority given to agricultural considerations.
- [5] The issues were considered in the context of s. 4.3 of the ALCA, which states:

When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) The purposes of the commission set out in section 6;*
- (b) Economic, cultural and social values;*
- (c) Regional and community planning objectives;*
- (d) Other prescribed considerations*

The purposes of the Commission, set out in s. 6 of the ALCA, are:

- (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.*

EVIDENTIARY RECORD

- [6] The Proposal along with related documentation from the Applicants, Agent, local government, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.
- [7] On October 23, 2017, in accordance with the *ALC Policy Regarding Site Visits in Applications*, the Panel conducted a walk-around site visit (the "Site Visit"). A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on November 20, 2017 (the "Site Visit Report").

BACKGROUND

- [8] The Applicants purchased the Property in 1989. There is an existing single family dwelling, shop, garden shed, wood shed, and horse corrals located on Proposed Lot 3. The Applicants have leased portions of Proposed Lot 1 and Proposed Lot 3 for hay production in the past.

EVIDENCE AND FINDINGS

Issue 1: Whether there are topographic limitations that impact the agricultural use of the Property as a single parcel.

- [9] To assess agricultural capability on the Property, the Panel referred in part to agricultural capability ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The unimproved agricultural capability ratings applicable to the Property are Class 4, 5, 6, and 7, more specifically:



- The northwest 20% of Proposed Lot 1 is 7:7TP-3:6T and the remaining 80% is 7:4X-3:5W;
- The southeast 20% of Proposed Lot 3 is 6:4TP-4:5TP and the remaining 80% is 7:4X-3:5W; and,
- The northwest 30% of Proposed Lot 2 is 7:4X-3:5W and the remaining 70% is 6:4TP-4:5TP.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

The limiting subclasses associated with this parcel of land are C (adverse climate), P (stoniness), T (topographic limitations), W (excess water), and X (a combination of soil factors).

[10] Based on the agricultural capability ratings, the Property has secondary (Class 4-7) agricultural capability. The Panel finds that the topographic limitations could be overcome with some improvements on Proposed Lot 1 and Proposed Lot 3, but that the steepness of Proposed Lot 2 is an impediment to using the proposed lot for agriculture.

[11] The Application states that there has been hay production on Proposed Lot 1 and Proposed Lot 3. However, the Applicants submit that there are wet areas on Proposed Lot 1. In this regard, the Panel finds that the wetness on Proposed Lot 1 could be overcome with improvements and that Proposed Lot 3 could be further cleared for agricultural use. Further, the Panel finds that subdividing into smaller lots often reduces the range of agriculture that can occur on the Property, and that both Proposed Lot 1 and Proposed Lot 3

would be a stronger agricultural unit together.

[12] For this reason, the Panel is not amenable to subdividing Proposed Lot 1 or Proposed Lot 3 and would prefer to see this area be retained as a single agricultural unit.

[13] Proposed Lot 2 has not been cleared, it is steep and rocky, and the Applicants submit that it will be *"unlikely to have future agricultural use"*. During the Site Visit, the Applicants commented that the cost of renting machinery to clear Proposed Lot 2 is prohibitive. The Panel finds that there are topographic limitations that impact Proposed Lot 2 for agriculture with the remainder of the Property due to its slope. For this reason, the Panel is amenable to subdividing the 43.9 ha area from the 83.2 ha remainder of the Property provided that access can be established from Highway 97 (the "Alternate Proposal").

Issue 2: Whether there are any economic, social, cultural, or regional and community planning objectives considerations that contribute to the Panel's review of the Proposal, taking into account the priority given to agricultural considerations.

[14] The Applicants submit that the Proposal provides an economic benefit because it creates two viable agricultural parcels (Proposed Lot 1 and Proposed Lot 3) within the District of Chetwynd's economy, which *"has a strong agricultural component"*. The Panel considered the Applicants' economic arguments and finds that the argument from the Applicants does not constitute an economic benefit under section 4.3(b) of the ALCA.

[15] The Applicants' submit that the Proposal provides a cultural benefit because it creates three rural lots close to the Rodeo grounds. The Panel considered the Applicants' cultural arguments and finds that the argument from the Applicants does not constitute a cultural benefit under section 4.3(b) of the ALCA.

[16] The Applicants submit that the Proposal provides a social benefit because the addition of rural lots for agricultural use will strengthen the rural nature of the community. The Panel considered the Applicants' social arguments and finds that the argument from the Applicants does not constitute a social benefit under section 4.3(b) of the ALCA.

[17] In addressing the regional and community planning objectives of the Proposal, the Panel considered that the Proposal would require a rezoning for all three Proposed Lots from A-2 (Large Agricultural Holdings) and that a recent and adjacent R4 (Rural Residential) subdivision supports the notion that rural agricultural land use in the Proposal is a planning objective of the PRRD and outweighs the agricultural consideration for the Property. The Panel finds that the regional and community planning objectives submitted by the Applicants does not outweigh the agricultural consideration for the Property.

WEIGHING THE FACTORS IN PRIORITY

[18] The Panel finds that the submissions made by the Applicants with regard to economic, social, cultural, or regional and community planning objectives do not constitute considerations under section 4.3 of the ALCA, and therefore the Panel made its decision based on agricultural considerations alone.

DECISION

[19] For the reasons given above, the Panel refuses the Proposal to subdivide the Property into three lots of ± 42.9 ha (Proposed Lot 1), ± 43.9 ha (Proposed Lot 2), and ± 40.3 ha (Proposed Lot 3).

[20] The Panel approves the Alternate Proposal to create a ± 43.9 ha lot (Approved Lot 2) and ± 83.2 ha remainder (Approved Lot 1) subject to the following conditions:

- a. the submission of a survey plan delineating the area to be subdivided;
- b. the survey plan to be in substantial compliance with Schedule A of this decision;
- c. the survey plan be submitted within three years from the date of release of this decision;
- d. road access to Approved Lot 2 is established through the hydro transmission ROW located on the southeast section of Approved Lot 2; and,
- e. that the rezoning of Approved Lot 2 must allow for agricultural uses and that the ALC review and comment on the proposed rezoning before first reading.



[21] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

[22] 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.

[23] These are the unanimous reasons of the Panel.

[24] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

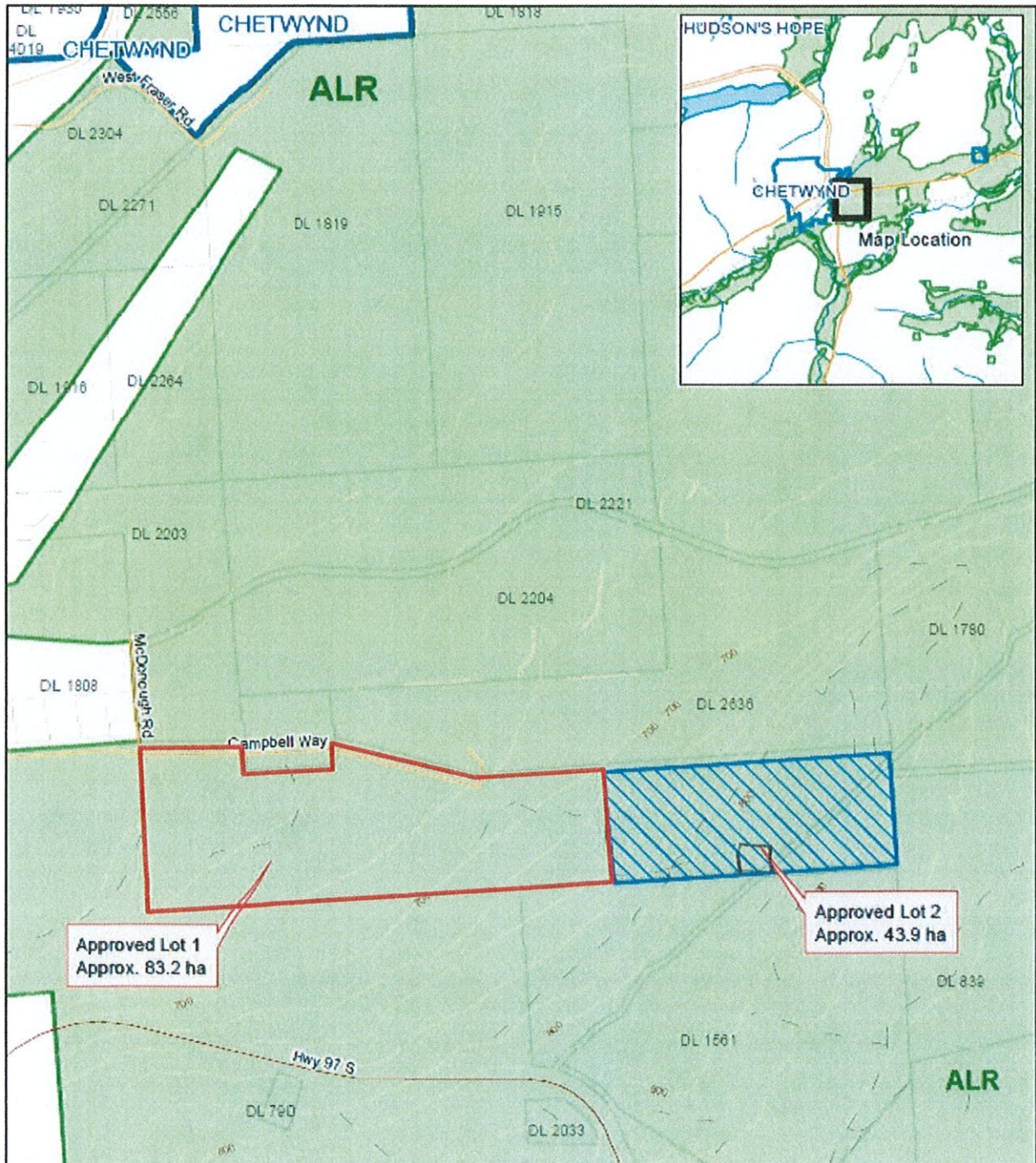
[25] Resolution #369/2017
Released on December 19, 2017

A handwritten signature in black ink, appearing to read 'D. Merz', written in a cursive style.

David Merz, Panel Chair
On behalf of the North Panel



Schedule A: Agricultural Land Commission Decision Map
ALC File 56436 (Buckley)
Conditionally Approved Subdivision
ALC Resolution #369/2017



 Conditionally Approved Subdivision (± 43.9 ha)
 ± 83.2 ha Remainder Lot