



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

May 8, 2007

Reply to the attention of Simone Rivers  
ALC File: B-37032

S Howard & Associates  
P O Box 536  
Smithers, BC V0J 2N0

Dear Sir/Madam:

**Re: Application to subdivide land within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 175/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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:

Erik Karlsen, Chair

cc Regional District of Bulkley-Nechako (1031)

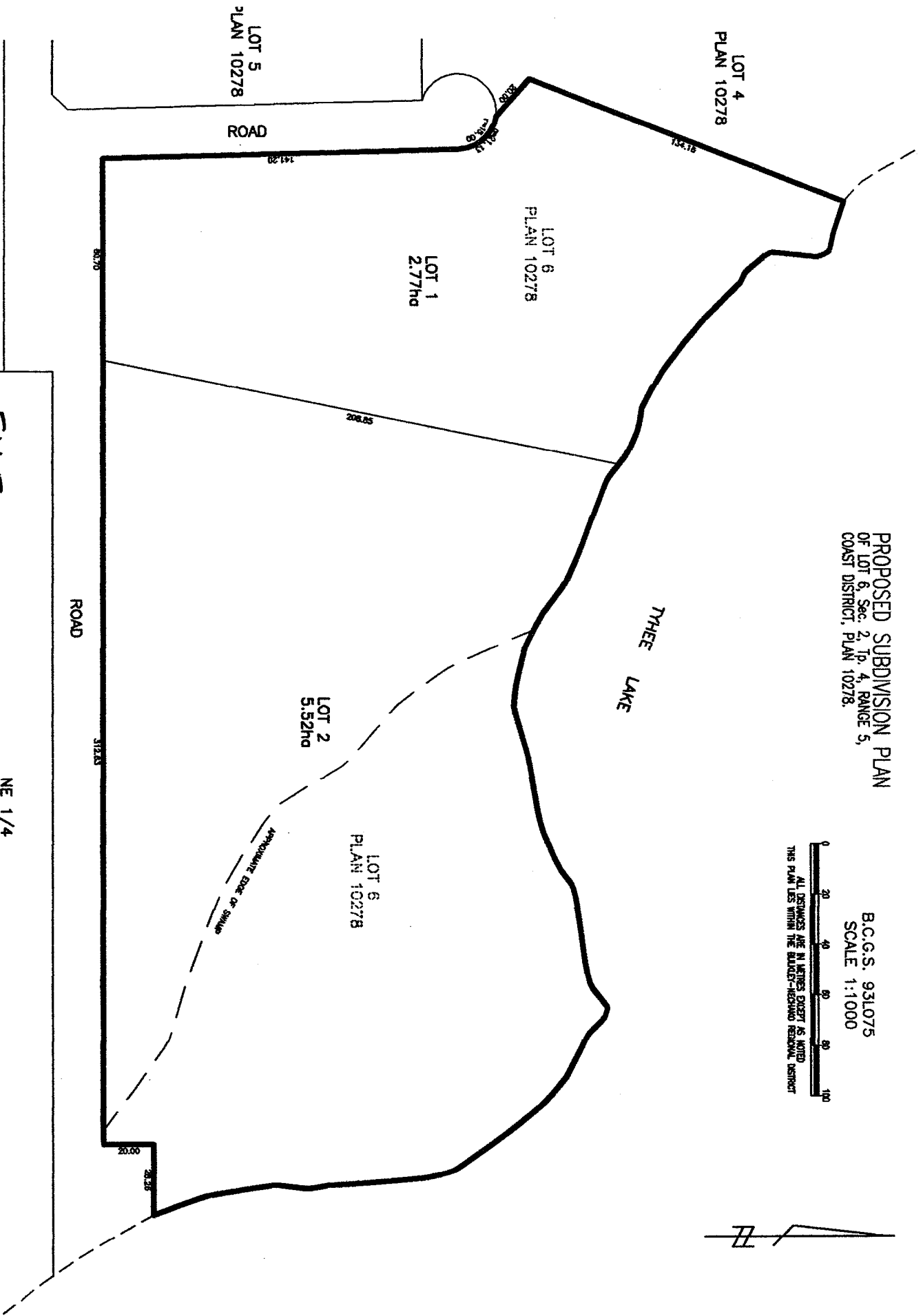
Enclosure: Minutes/Sketch Plan

SR/eg  
i/37032d1

PROPOSED SUBDIVISION PLAN  
OF LOT 6, Sec. 2, Tp. 4, RANGE 5,  
COAST DISTRICT, PLAN 10278.

B.C.G.S. 931075  
SCALE 1:1000

0 20 40 60 80 100  
ALL DISTANCES ARE IN METERS EXCEPT AS NOTED  
THIS PLAN LIES WITHIN THE BALDWIN-WESBURN RESERVATION INSRCT



LOT 5  
PLAN 10278

LOT 4  
PLAN 10278

LOT 6  
PLAN 10278

LOT 1  
2.77ha

LOT 2  
5.52ha

LOT 6  
PLAN 10278

ROAD

ROAD

ROAD

ROAD

REM.  
LOT 23  
PLAN 3212

FILE  
B-37032  
RESOLUTION # 175/2007

NE 1/4  
Sec. 35 Tp. 5

E. NUMBER: 1  
DATE: 22/07/2006  
DRAWN: J. H. LEE  
CHECKED: J. H. LEE  
SCALE: 1:1000  
DATE: 22/07/2006

STEPHEN HOWARD B.C.L.S.  
2005 3RD AWARD  
BCA (SIC) SURVEYORS SOC. (VIA 2ND  
PRIORITY) 1-250-947-5888



## **Discussion**

### **Assessment of Agricultural Capability/Suitability**

In assessing agricultural capability, the Commission confirmed that the prevalent soils on the property are some of the better soils in the region. However, the adjoining and nearby parcels are almost exclusively used for recreational residential or campground uses. The Commission believed the adjoining residential lakeshore parcels made it unlikely that the property would be used for agriculture.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission did not believe the proposal would have a detrimental impact on agricultural production in the region. Smaller parcels (as are proposed) could still be used intensively for soil based cultivation. As there are very few large farm parcels on Tyhee Lake in this area, the Commission also did not believe that the application would have the effect of heightening expectations of further subdivision in the ALR.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application has limited suitability for agricultural use due to adjoining non farm uses, its size and location.
3. That subdivision will not substantially affect the agricultural utility of the parcel.

### **IT WAS**

**MOVED BY:** Commissioner Frank Read

**SECONDED BY:** Commissioner Bill Norton

THAT the application to subdivide the 8.3 ha property into a 2.8 ha and 5.5 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 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 # 175/2007**



**Staff Report**  
**Application # B – 37032**  
**Applicant: Morris and Sheila Rauch**  
**Agent: S Howard & Associates**

**DATE RECEIVED:** October 26, 2006

**DATE PREPARED:** December 7, 2006

**TO:** Chair and Commissioners – North Panel

**FROM:** Simone Rivers, Land Use Planner

**PROPOSAL:** To subdivide the 8.3 ha subject property into a 2.8 ha lot and a 5.5 ha

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of Bulkley-Nechako

**Legal Description of Property:**

PID: 005-384-001  
Lot 6, Section 2, Township 4, Range 5 Coast District, Plan 10278

**Location of Property:**

Located on Tyhee Lake just outside of the Village Of Telkwa at the corner of Tyhee Road and Kilpatrick Road

**Size of Property:**

8.3 ha (The entire property is in the ALR).

**Present use of the Property:**

Bare Land

**Surrounding Land Uses:**

**WEST:** Residential  
**SOUTH:** Provincial Park  
**EAST:** Tyhee Lake  
**NORTH:** Tyhee Lake

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 93L/11  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

Smithers-Telkwa Rural Official Community Plan Bylaw No. 546 (1987) designates the property Rural Agriculture - (Ru-A)

**Zoning Bylaw and Designation:**

Regional District of Bulkley-Nechako Zoning Bylaw No. 700 (1993) designates the property Small Holdings (H1)  
Minimum Lot Size: 2 ha

**PREVIOUS APPLICATIONS:**

**Application #10363-0**

**Applicant:** Kilpatrick, Bernard & Francis  
**Decision Date:** June 12, 1980  
**Proposal:** To subdivide two lots of 2 ha from the 19 ha property  
**Decision:** Allowed, one of the lots contained an existing 13 site mobile home park

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**Application #10363-1**

**Applicant:** Kilpatrick, Bernard & Francis  
**Decision Date:** July 23, 1980  
**Proposal:** To subdivide two additional parcels from the subject property, the revised proposal would result in a total of 3 lots of 2 ha each, one 4 ha parcel and a 9 ha parcel  
**Decision:** Allowed as proposed.

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**Application #10363-2**

**Applicant:** Kilpatrick, Bernard & Francis  
**Decision Date:** October 8, 1981  
**Proposal:** To revise the subdivision plans and to subdivide four 2 ha lots and one 8.3 ha lot and to adjust the boundary of the adjacent cemetery lot to create a 4.0 ha parcel.  
**Decision:** Allowed as proposed.  
**Note:** The 8.3 ha lot created by this application is the lot now under application

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Bulkley-Nechako Regional District Board:** The Regional Board forwarded the application with recommendations of support

**ATTACHMENTS:**

- Letter from S. Howard & Associates describing the proposal - Dated September 22, 2006
- Letter from Leah Sheffield - Resource Stewardship Agrologist, Ministry of Agriculture and Lands - Dated October 2, 2006
- Sketch showing proposed subdivision
- ALR Application # 1031 - General Location and CLI Agricultural Capability (Submitted by RDBN)
- Air photo - (Submitted by RDBN)
- ALC Context Map - 93L.075 - 1:10,000 (Created by ALC Staff)

**END OF REPORT**

*Simone Rivers*

Signature

*Dec 8, 2006*

Date