



Agricultural Land Commission Staff Report

DATE: February 3, 2010
TO: Vice Chair and Commissioners - North Panel
FROM: Simone Rivers

RE: Application # 51178

PROPOSAL: To remove restrictive Covenant K18630 which prevents the separate sale of the 64.5 and 53.3 ha properties and to allow for a boundary adjustment to create a 37.3 ha lot and an 79.9 ha lot. the applicants wish to sell the land located south of Jollymore Road (37.3 ha).

PROPOSAL INFORMATION

Background: The decision that resulted in the covenant was made in 1980.
Received Date: December 16, 2009
Applicant: William & Louise Flint
Agent: N/A
Local Government: Regional District of Bulkley-Nechako

DESCRIPTION OF LAND

PID: 015-088-693
Legal Description: The NorthEast 1/4 of District Lot 1203 Range 5 Coast District
Civic Address: 1012 Telkwa High Road 4 km east of Town of Smithers
Area: 64.6 ha
ALR Area: 64.6 ha
Purchase Date: March 17, 1964
Owner: William & Louise Flint

PID: 015-098-731
Legal Description: The SouthEast 1/4 of District Lot 1203 Range 5 Coast District Except Portions in Plans 10246 and BCP13078
Civic Address: 10012 Telkwa High Road, 4 km east of Smithers
Area: 52.6 ha
ALR Area: 52.6 ha
Purchase Date: March 17, 1964
Owner:

Total Land Area: 117.2 ha
Total ALR Area: 117.2 ha

Current Land Use: SE Lot 1203 - 5.6 ha hayfield, pasture and homesite (5.6 ha)
NE Lot 1203 - 8.08 Ha hayfield, 1.21 ha hayfield, farm buildings site and pasture

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
117.2	Mixed Prime and Secondary	CLI

Number of Lots	Lot Size (ha)
1	37.3
1	79.9

Surrounding Land Uses:

North	Forested
East	Lot 6661: 2.83 ha hayfield, 5.66 hay field, pasture and canyon. Lease: Private: pasture and homesite. Crown grazing licence: Lot 268: 25 cow/calf pairs graze 10 days, twice during summer
South	Forested
West	Agriculture

Official Community Plan

Bylaw Name: Smithers Telkwa Rural OCP Bylaw No. 1425 (2007)
Designation: AG (Agricultural)
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: RDBN Zoning Bylaw No. 700 (1993)
Zoning Designation: Ag1 (Agricultural)
Minimum Lot Size: 16.0 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 35495
Applicant: William & Louise Flint
Proposal: To remove gravel up to a maximum depth of 6 metres from a 9.7 hectare area of the subject property

Decisions:

Resolution Number	Decision Date	Decision Description
412	April 4, 1989	Allowed with conditions.

Note: Legacy Application # B-23077

Application #: 22458
Applicant: William & Lyle Flint
Proposal: To subdivide one lot of 2 ha from the 64 ha property. The proposed lot contains the

existing homesite.

**Decisions:
Resolution
Number**

Decision Date

Decision Description

Note:

Legacy Application # 10215
Decision Date: July 23, 1980
Decision: Allowed subject to the condition that the remainder of the property is consolidated with the adjacent ¼ section to the north being Northeast ¼, District Lot 1203

RELEVANT APPLICATIONS

Application #: 42317

Applicant: Edward and Laverne Walton

Proposal: To subdivide 9.1 ha from the two 64 ha parcels as a homesite severance.

**Decisions:
Resolution
Number**

Decision Date

Decision Description

585

October 31, 2005

To allow the subdivision of 9.1 ha from the two 64 ha parcels subject to consolidation of the remainder of the two subject properties. The subdivision is allowed on the grounds that the applicant qualifies for consideration under the homesite severance policy and this subdivision is allowed on the understanding that the applicant will not be given further consideration under this policy.

Note:

Legacy Application # B-36240
(this property is directly west of the subject property).

Committee Recommendations

Type

Recommendation

Description

Board/Council

Approve

Regional District of Bulkley-Nechako Board: The Regional Board forwarded the application with a recommendation of approval provided that the remainder of the South East 1/4 of District Lot 1203 is consolidated with the North East 1/4 of District Lot 1203, Range 5, Coast District.

Advisory Planning
Committee

Approve

The APC supports the application as it see the request as a boundary adjustment.

STAFF COMMENTS

The applicants wish to adjust the boundaries of the two properties so that the property is divided by the road. As there is a covenant on the properties preventing their separate sale.

The covenant was placed on the properties as a condition of approval of a subdivision that allowed the creation of a 2 ha homesite from one of the subject properties in 1980.

The applicants state that they have owned the property since prior to December 21, 1972; however, documentary evidence was not provided.

The previous application for a homesite was not considered under the Commission's Homesite Severance Policy.

ATTACHMENTS

- 51178 ag cap.pdf
- 51178 applicant letters.pdf
- 51178 local gov maps.pdf
- 51178 local government report.pdf
- 51178 previous app-10215.pdf
- 51178_ContextMap50k.pdf

END OF REPORT

Signature _____

Date _____