



## Agricultural Land Commission Staff Report

**DATE:** May 4, 2010  
**TO:** Vice Chair and Commissioners - North Panel  
**FROM:** Simone Rivers

**RE:** Application # 51620

**PROPOSAL:** To subdivide the 89.3 ha property into a 16 ha lot and a 73.2 ha remainder.

### PROPOSAL INFORMATION

**Background:** The applicants wish to retire and sell thier cattle operation. They propose to keep the 16 ha lot in order to keep small number of recreational livestock. The remainder would be put up for sale.

The current configuration of the subject property was created by way of a boundary adjustment in 2005.

**Received Date:** March 5, 2010  
**Applicant:** Raleigh and Carma Millard  
**Agent:** W.D. McIntosh Land Surveying Ltd  
**Local Government:** Regional District of Bulkley-Nechako

### DESCRIPTION OF LAND

**PID:** 026-361-990  
**Legal Description:** Lot 1 Section 31 Township 12 Range 5 Coast District Plan BCP18778  
**Civic Address:** End of Pinetree Drive in the Braeside area, approx. 8 km west of Vanderhoof  
**Area:** 89.4 ha  
**ALR Area:** 89.4 ha  
**Purchase Date:** August 5, 2005  
**Owner:** Raleigh and Carma Millard

**Total Land Area:** 89.4 ha  
**Total ALR Area:** 89.4 ha  
**Current Land Use:** Pasture, Sand Pit and Residence

### PROPOSAL DETAILS

#### Subdivision

Area	Agricultural Capability	Agricultural Capability Source
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89.4            Secondary                            CLI

**Number of Lots    Lot Size (ha)**

1                    16.0  
1                    73.2

**Surrounding Land Uses:**

North            Brieside Road  
East             Beetle kill pine  
South            Nechako River  
West             Unimproved forest

**Official Community Plan**

**Bylaw Name:**

**Designation:**        AG (Agricultural)

**OCP Compliance:** Yes

**Zoning**

**Zoning Bylaw Name:**

**Zoning Designation:** Ag1 (Agricultural)

**Minimum Lot Size:**    16.0 ha

**Zoning Compliance:** Yes

**PREVIOUS APPLICATIONS**

**Application #:** 14150

**Applicant:**        Raleigh & Carma Millard

**Proposal:**        The owners are proposing to subdivide a 1 ha lot and a 2 ha lot off of the 60.8 ha property.

**Decisions:**

**Resolution**

**Number**

**Decision Date**

**Decision Description**

293

July 22, 1999

Refused on the grounds that the creation of two additional residential lots would reduce the agricultural usefulness of the property.

**Note:**              Legacy Application # 32717

**RELEVANT APPLICATIONS**

**Application #:** 44849

**Applicant:**        Teamwork Enterprises

**Proposal:**        To subdivide the two half sections into four quarter sections. Lease holder intends to purchase the farm operation and the two half sections.

**Decisions:**

**Resolution Number**

278

**Decision Date**

May 6, 2008

**Decision Description**

Refused as proposed, but would allow subdivision of the E1/2 of Section 12 into two quarter sections, provided that a no-build covenant be placed on the southern lot. Subdivision of N1/2 of Section 7 was refused.

**Note:** Legacy Application # 38009

**Application #:** 40655

**Applicant:** Werner & Frieda Bartel

**Proposal:** To subdivide the 6.0 ha property into two lots of 0.8 ha and a 5.2 ha remainder under the provisions of the Homesite Severance Policy. The applicants wish to use the 0.8 ha for a homesite to retire on while selling the remaining portion to their son who plans to operate a tree farm.

**Decisions: Resolution Number**

466

**Decision Date**

September 19, 2003

**Decision Description**

Allowed subject to:  
1) the homesite lot being kept to 0.4 ha in size or as small as possible while still satisfying the Fraser Health Authorities sewage disposal field requirements,  
2) fencing and a vegetative buffer being constructed around the homesite lot.

**Note:** Legacy Application # 35022

**Committee Recommendations**

**Type**

Board/Council

**Recommendation**

Partial

**Description**

Regional District of Bulkley-Nechako Council: the Regional Board forwarded the application with a recommendation for approval on the condition that a legal notification is first placed on the title of the property in accordance to Section 57 of the Community Charter"

Advisory Planning Committee

Refuse

The APC has the following comments regarding the application  
- there is concern that the proposed lot line cuts through the middle of a field  
- there is concern that the proposed new lot is bisected by a road and that the stage is being set for the property owner to apply to subdivide the proposed new lot in the future along the road.

There is no objection to the covenant on title advising future purchasers that the dwellings on site were built without building permits.

## **STAFF COMMENTS**

The agents note that the soil of the area proposed for subdivision is sandy and rocky as well as having topographical challenges. A soils report for the area as well as a contour map showing 2 m contours were submitted with the application.

The applicants currently operate a cow calf operation with 90 breeding cows on the property. The applicants do not own any other lands in the area.

Regional District Planning staff noted that a previous ALC application to divide a 1 ha lot and a 2 ha lot from the property was refused in 1998. At that time, there were four dwellings on the property which had been constructed unlawfully without building permits.

In 2005 the property was subdivided by way of a boundary adjustment under Section 10 of the ALR Use, Subdivision and Procedure Regulation. The original properties were 30.5 ha and 60.8 ha in size and the resulting properties were 89.7 ha and 2.3 ha in size. The 2.3 ha property has since been sold and the current proposal is to divide 16 ha from the 89.7 ha lot.

Local Government Planning Staff does not believe that the proposal would have a negative impact on agriculture provided that the 16 ha lot, which conforms with zoning, is not subdivided further. However, it is concerned about the remaining illegal buildings on the properties. It believes that future owners should be informed that the houses were built without the required approvals and building code review and therefore would require that notation be placed on both titles to this effect (should the property be subdivided). This would inform future property owners of both lots that the dwellings were built without reference to local building permits or inspections.

The proposed lot is separated by a road allowance and the shape of the lot appears to have been created in order to meet the minimum parcel size (16 ha) and therefore avoid the necessity of rezoning the property.

## **ATTACHMENTS**

51620 2 m contour map.pdf  
51620 ag cap.pdf  
51620 airphoto.pdf  
51620 local government report.pdf  
51620 property context maps.pdf  
51620 proposal description.pdf  
51620 proposal sketch.pdf  
51620\_ContextMap20k.pdf

## **END OF REPORT**

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**Signature**

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**Date**