



April 13, 2006

**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

Reply to the attention of Simone Rivers

Timothy and Gladys Lemky  
#19 R.R. #1  
South Hazelton, B.C. V0J 2R0

Dear Mr. and Mrs. Lemky:

**Re: Application # P-36294-0  
Block A, District Lot 1376, Cassiar District, Except thereout a Strip of Land  
Being the Most Northerly 20 Metres in Parallel Width Thereof.**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the 16 ha parcel into two 8 ha lots. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on April 3, 2006. The Commission noted that your property had limited agricultural capability due to stoniness.

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan.
- compliance 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. The Commission suggests you contact Kitimat-Stikine Regional District at your earliest convenience.

The decision noted above is recorded as Resolution #147/2006.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

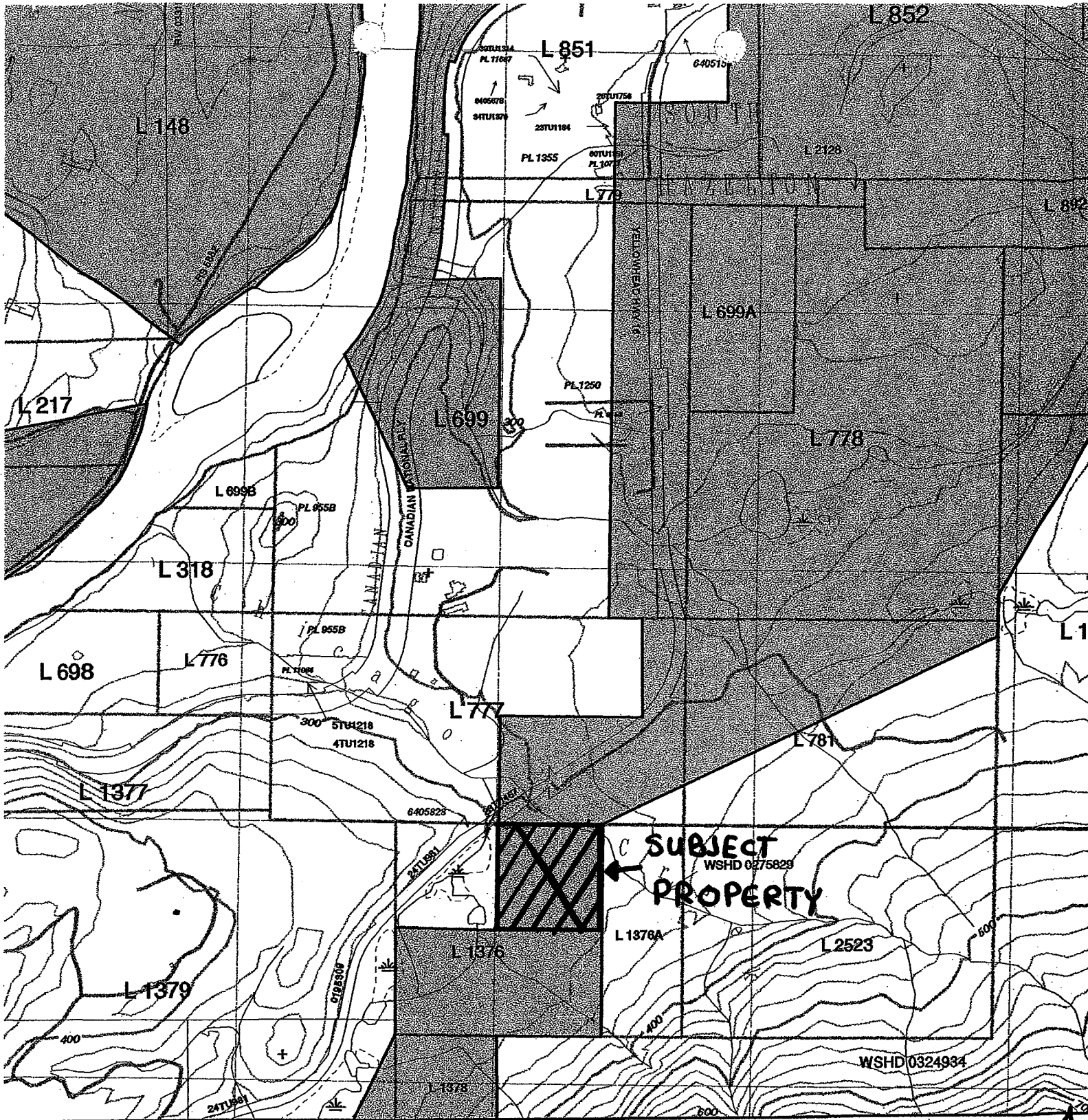
Per:

Erik Karlsen, Chair

cc: Regional District of Kitimat-Stikine (File # 3370 20 #271)  
Resource Stewardship Agrologist: Ministry of Agriculture and Lands, Smithers.

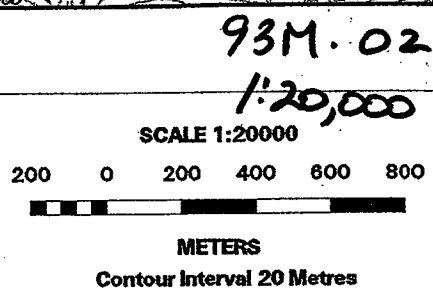
SR/eg/Enclosure

I/36294d1



Provincial Agricultural Land Commission  
 Application: P-36294-0  
 Resolution # 147/2006

 Subject property.



Block A, DL1376, Cassiar District, Except Thereout a Strip of Land Being the Most Northerly 20 metres in Parallel Width Thereof





**Staff Report**  
**Application # P – 36294 – 0**  
**Applicant: Timothy and Gladys Lemky**

**DATE RECEIVED:** October 8, 2005

**DATE PREPARED:** January 17, 2006

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

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To subdivide the 16 ha parcel into two 8 ha lots. The applicants wish to provide a homesite for their daughter and her family.

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

**BACKGROUND INFORMATION:**

The application was submitted with a letter from Graeme Johnstone, P.Ag who offered the following opinion of the property and its agricultural capability: the entire lot is within the ALR probably because it is classed as 4MW on the CLI map. The lot is adjacent to a large swamp extending northeast from Seeley Lake and the growth indicates that water is very close to the surface at all times, a situation which is increased by beaver activity. Numerous large boulders were evident in the areas where it was drier. There are 7 creeks running through the property which in my opinion would inhibit any development of the land for agriculture. Adjacent capabilities are 5PW and 7T. In my opinion, although the climate is probably class 4, the soils are 5W and 6W, with areas which are 5 P and 6P. The area around the residence is probably the only true 4MW. In my opinion this lot does not have potential to be developed for any kind of agricultural enterprise. The nearest farm operation is approximately 1 km to the east."

**Local Government:**

Regional District of Kitimat-Stikine

**Legal Description of Property:**

PID: 013-988-867

Block A, District Lot 1376, Cassiar District, Except Thereout a Strip of Land Being the Most Northerly 20 Metres in Parallel Width Thereof

**Location of Property:**

South Hazelton

**Size of Property:**

16.0 ha (The entire property is in the ALR)

**Present use of the Property:**

Home and associated outbuildings, one small garden and bushlands

**Surrounding Land Uses:**

**WEST:** Seeley Lake, marsh land and outfall creek.  
**SOUTH:** Vacant area, timbered area and wet land.  
**EAST:** Logging contractors shop and buildings  
**NORTH:** Sawmill

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 93M/4  
The majority of the property is identified as having secondary ratings.

**Official Community Plan and Designation:**

Hazelton's Vicinity Official Community Plan designates the parcel as Agricultural.

**Zoning Bylaw and Designation:**

South Hazelton Zoning Bylaw No. 326, (1992) designates the parcel as Ru1 (Rural Agriculture)  
Minimum Parcel Size 8 ha.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Kitimat-Stikine Regional District Board:** The Regional Board considered the application at its regular meeting of September 16/17, 2005. "Reference was made to the low potential for agricultural production on this property, that no nearby agricultural operations would be impacted by additional residential development, and determined to recommend no objections to subdividing the property into two parcels."

**OTHER COMMENTS:**

**Resource Stewardship Agrologist, Ministry of Agriculture and Lands:** the Resource Stewardship Agrologist recommends approval of the application and made the following comments, "given the fact that the property is traversed by seven creeks alone dictates that livestock operations would be severely compromised. The land capability rating and marginal soils assessment (Johnstone) and topography also dictates that horticultural operations are limited. Greenhouse operations are also likely better located outside the influence of Roche de Boule Mountain.

**STAFF COMMENTS:**

**Agricultural Capability:** The entire parcel is rated as 4MW. The application was submitted with a letter from a professional agrologist who was of the opinion that the soils should be classified 5W and 6W with areas of 5P and 6P. His opinion was that the area around the residence is "probably the only true 4MW" area.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses:

W excess water

P stoniness

**Agricultural Suitability:** There are seven creeks running through the property and the majority of the property appears to be quite swampy.

**Agricultural Impact:** The application states that the nearest agricultural operation is located 1 km away.

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END OF REPORT

  
Signature

Jan 30, 2006  
Date