



Agricultural Land Commission
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April 12, 2006

Reply to the attention of Simone Rivers

Colin and Shawna Brook
18553 Yellowhead Highway
Telkwa, B.C. V0J 2X2

Dear Mr. and Mrs. Brook:

**Re: Application # B-36466-0
District Lot 773, Range 5, Coast District, Except Plan 4758**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above mentioned property into a 5.3 ha lot and a 57.6 ha lot as divided by Highway 16. 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 found the meeting and site visit informative. In particular the Commission noted that the subject property has good agricultural capability and is located within an area of generally large parcels.

The Commission considered that the highway is not a sufficiently serious impediment to agriculture to justify the approval of the subdivision and was of the view that the subdivision is not in the interests of agriculture having regard to the type of agriculture carried on in the area. Furthermore it considered that the subdivision would set a precedent for smaller parcels in an area where parcel sizes are generally large.

For these reasons, the Commission refused your application as proposed.

The decision noted above is recorded as Resolution #152/2006.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Bulkley-Nechako (File # ALR-1017)
Resource Stewardship Agrologist: Ministry of Agriculture and Lands, Smithers.

SR/eg
I/36466d1



Staff Report
Application # B – 36466-0
Applicant: Colin & Shawna Brook
Agent: S Howard & Associates

DATE RECEIVED: January 30, 2006

DATE PREPARED: March 23, 2006

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 62.9 ha property into a 5.3 ha lot and a 57.6 ha lot as divided by Highway 16.

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

BACKGROUND INFORMATION:

The purpose of the application is to subdivide the subject property into two parcels as divided by Highway 16. The owners' homesite is located on the proposed 57.6 ha lot and the owners' parents have expressed an interest in purchasing the proposed 5.31 ha lot.

The applicants state that the highway makes it difficult to move animals back and forth across the road and they believe that the terrain is too wet to allow for a cattle underpass to be built in this location. They further state that they would like to expand their current agricultural operation but that this portion of the property has limited agricultural use because of its location on the far side of the road.

Local Government:

Regional District of Bulkley-Nechako

Legal Description of Property:

PID: 012-469-777
District Lot 773, Range 5 Coast District, EXCEPT Plan 4758

Location of Property:

8 km east of Telkwa on Highway 16 and Juniper Road.

Size of Property:

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

Present use of the Property:

Residential and agricultural.

Surrounding Land Uses:

- WEST:** Hay, pasture, house, shop (ALR)
- SOUTH:** Hay, homesite (ALR)
- EAST:** Hay pasture, cattle, 2 house,s barn (ALR)
- NORTH:** Hay pasture, horses, 2 houses and barn (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 93/10
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

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

Zoning Bylaw and Designation:

Regional District of Bulkley-Nechako Zoning Bylaw No. 700 (1993) designates the property Agricultural (Ag1).
Minimum parcel size 16 ha.

RELEVANT APPLICATIONS:

Application #32322-0

- Applicant:** Ministry of Transportation & Highways
- Decision Date:** September 3, 1998
- Proposal:** To utilize 0.453 ha of property within the ALR to re-align the intersection of Round Lake Road and Highway 16.
- Decision:** The Commission approved the application provided the superfluous portion of the right-of-way be rehabilitated to an agricultural standard compatible with the surrounding lands.

Application #22283-0

- Applicant:** Thomsen, V. B.
 - Decision Date:** October 18, 1988
 - Proposal:** To subdivide 10 ha from the parent parcel under the provisions of the Commission's Homesite Severance Policy.
 - Decision:** Allowed subject to the understanding that no future subdivision of the homesite parcel will be permitted.
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LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Planning Department: Recommend approval: *...It would be unlikely that the users of this property would never be able to utilize this small portion of land separated from the parent parcel by Highway 16, which experiences high volume of traffic that is likely only to increase in the future. Therefore the Planning Department has no objections to the proposal.*

Regional District of Bulkley-Nechako Board: recommend approval.

Advisory Planning Commission: recommend approval.

OTHER COMMENTS:

Shirley Hamblin: Resource Stewardship Agrologist: Ministry of Agriculture and Lands:

- *This application does not show how or why a subdivision of D.L. 773 is in the best interests of agriculture. Many agricultural operations along Highway 16 operate on both sides of the highway. By allowing this subdivision it would set precedence that would encourage further fragmentation of viable agricultural parcels into "hobby parcels"*
- *It should also be noted that many ALR landowners could justifiably use revenue from small parcels of land to provide badly needed capital injections into their operation but this is not addressed within the intent of the ALR.*
- *I would also like to point out that most beef operations require more land, not less in order to operate an environmentally friendly farm.*

STAFF COMMENTS:

Agricultural Capability:

The property is rated 100% Class 3D

Class 3 - Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Subclass

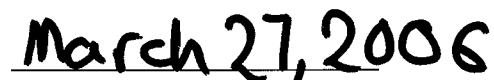
D- Undesirable Soil Structure.

Impact on Agriculture: Although the applicants state that they previously ran a hog farming operation from the proposed 5.3 ha lot, the creation of this parcel is likely to result in a rural residential intrusion in this area of large agricultural holdings.

Staff recommend a site visit in order to evaluate the nature of surrounding agricultural operations and the degree to which the proposed subdivision is alienated from the remainder of the property.

END OF REPORT


Signature


Date