



Agricultural Land Commission Staff Report

DATE: September 9, 2010
TO: Vice Chair and Commissioners - North Panel
FROM: Simone Rivers

RE: Application # 51854
PROPOSAL: To divide a 16 ha lot from the approximately 128 ha subject property. The applicant is asking for consideration of the subdivision under the Commission's Homesite Severance Policy and states that he has owned the land since 1962.

PROPOSAL INFORMATION

Background: There have been three previous applications for the subject property. All were denied by the ALC with the motivation that the property has good agricultural value as a large parcel. Previously the applicant did not ask for consideration under the Homesite Severance Policy.

Received Date: July 21, 2010
Applicant: James & Darlene Russell
Agent: Jeremy Penninga
Local Government: Regional District of Bulkley-Nechako

DESCRIPTION OF LAND

PID: 011-765-135
Legal Description: District Lot 1233, Range 5, Coast District, Except Plan 4758
Civic Address: The subject property is located approximately 10 km southeast of Telkwa on

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
128.1	Secondary	BCLI

Number of Lots	Lot Size (ha)
1	16.0
1	112.1

Surrounding Land Uses:

North Highway 16 - Right-of-Way - Hay field
 East Small beef farm and residence

Highway 16.

Area: 128.1 ha
ALR Area: 128.1 ha
Purchase Date: July 19, 1965
Owner: James & Darlene Russell

Total Land Area: 128.1 ha
Total ALR Area: 128.1 ha
Current Land Use: There is some hay and pasture on approximately 12 ha. The majority is treed land and swamp. There is one house, 3 graneries a small barn, garden and a creek through part of the property.

South Agricultural (hobby farm and residences)
West Beef Farm

Official Community Plan

Bylaw Name:
Designation: A (Agricultural)
OCP Compliance: No

Zoning

Zoning Bylaw Name:
Zoning Designation: Ag1 (Agricultural)
Minimum Lot Size: 16.0 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 13342
Applicant: James & Darlene Russell
Proposal: To subdivide the south half of the parcel into four parcels of 16.2 ha. The applicant would like to give each of his daughters 16.2 ha.

Decisions:

Resolution Number	Decision Date	Decision Description
513	May 16, 1986	Refused as the subject property has good agricultural potential and is located in an active agricultural area which is comprised of large holdings.

Note: Legacy Application # 20013

Application #: 13335

Applicant: James Russell
Proposal: To subdivide the south half of the 128 ha parcel into four parcels of 16 ha each.

Decisions:

Resolution Number	Decision Date	Decision Description
8705	April 20, 1978	Refused on the grounds that the parcel has good capability for agriculture, particularly forage crops and should be retained as a large parcel.

Note: Legacy Application # 06253

Application #: 12527

Applicant: James Russell

Proposal: The owner/applicant is proposing to subdivide the subject property into two lots of 64 ha each. The south half would be sold to the applicant's daughter while the north half would be retained for a homesite.

Decisions:

Resolution Number	Decision Date	Decision Description
149	February 16, 1999	Refused as subdivision would reduce the property's agricultural potential.

Note: Legacy Application # 32429

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.
Agricultural Advisory Committee	Approve	Advisory Planning Commission: "APC supports this application as presented. APC agrees that wetlands are not suited to agriculture [sic] purposes and have no concerns re the 40 acre severance"
Ministry of Agriculture and Lands	Approve	Ministry of Agriculture and Lands Staff: "I support this application for subdivision on this parcel under the ALC's Homesite Severance Policy"

STAFF COMMENTS

The applicant is applying for consideration of subdivision of 16 ha from the 112 ha property under the Commission's Homesite Severance Policy. The title submitted by the applicant has a date of 2007 on it, however Commission staff was able to trace the title back to 1980. The 1980 title lists a previous title but it is not available on "BC online". The applicant submitted a copy of a water licence for the property which was issued April 1, 1972 but is back dated to July 19, 1965. Therefore the applicant has had some sort of interest in the property since 1965. It is not clear exactly when he purchased the property. The local government report states that the applicant has owned the property for 40 years, which means that he may have owned it since 1970. Based on the evidence presented he likely qualifies for consideration under the Commission's homesite severance policy.

The 16 ha homesite is much larger than the Commission usually allowed for a Homesite Severance; however, this large size is supported by the Regional District, the APC and MAL staff on the grounds that much of the 16 ha is swampy land and therefore has limited agricultural capability.

The Commission has refused three previous requests for subdivision of this property on the grounds that larger properties have greater agricultural capability. It does not appear that the applicant previously asked for consideration under the Homesite Severance Policy.

ATTACHMENTS

- 51854 local government report.pdf
- 51854 maps.pdf
- 51854 proposal description.pdf
- 51854 proposal sketch.pdf

END OF REPORT

Signature

Date