



Agricultural Land Commission Staff Report

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

RE: Application # 51864

PROPOSAL: To subdivide the 31.6 ha property into an 8 ha lot and a 23.6 ha lot.

PROPOSAL INFORMATION

Background: The applicant runs a market garden on the property and has previously applied to put a second dwelling on the property for farm help. As this request was denied, he is now requesting subdivision of an 8 ha lot (lot A) to meet the same goal. The applicant wishes to keep the remainder and sell Lot A to a specific family who wishes to continue using the land for agricultural reasons

Received Date: July 26, 2010
Applicant: Mark Fisher
Agent: N/A
Local Government: Regional District of Bulkley-Nechako

DESCRIPTION OF LAND

PID: 005-311-187
Legal Description: Lot A, District Lot 791, Range 5 Coast District, Plan 10435
Civic Address: 10668 Hislop Road, southeast of Smithers
Area: 31.6 ha
ALR Area: 31.6 ha
Purchase Date: April 10, 2007
Owner: Mark Fisher

Total Land Area: 31.6 ha
Total ALR Area: 31.6 ha

Current Land Use: Proposed Lot A contains a field and some forested land. The proposed remainder contains the main residence, a guest cabin, a greenhouse, pole barns, a chicken coop, a well house, hayfield and a 1.2 ha market garden. It is proposed to be 23.6 ha in size.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
31.6	Secondary	On-Site

Number of Lots	Lot Size (ha)
1	8.0
1	23.6

Surrounding Land Uses:

North	Residential?
East	Residential?
South	Residential Subdivision - 4.4-10 ha lots
West	Residential

Official Community Plan

Bylaw Name: Smithers Telkwa Rural OCP
Designation: A (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: No

PREVIOUS APPLICATIONS

Application #: 45977

Applicant: Mark Fisher

Proposal: To construct a second dwelling for farm use. The applicant has completed a 10-year business plan outlining a 4-5 acre market garden with livestock, some agri-tourism, and small area for a cash crop to be farmed organically using a community supported agriculture approach.

Decisions:

Resolution Number	Decision Date	Decision Description
316	June 19, 2009	Refused

Note: Legacy Application # 39001

RELEVANT APPLICATIONS

Application #: 51648

Applicant: Andrew & Darlene Smith

Proposal: To subdivide the 64.7 ha property into two 16 ha lots and a 33 ha lot.

Decisions:

**Resolution
Number**

2464

Decision Date

June 4, 2010

Decision Description

Allow subject to the construction of a perimeter fence which meets forestry and range guidelines.

Note:

Application #: 45594

Applicant: Truman and Patricia Bradley

Proposal: To subdivide the 32.0 ha property into two parcels of 18.0 ha and 13.0 ha for a family subdivision.

Decisions:

**Resolution
Number**

315

Decision Date

June 19, 2009

Decision Description

Approved

Note:

Legacy Application # 38665

Application #: 45289

Applicant: Leonhard and Josefine Zach

Proposal: Subdivision For a Relative: To subdivide the 32.4 ha subject property to create three (3) parcels along Hislop Road and Van Horn Road. Applicants would like to provide their two (2) children with a home-site each.

Decisions:

**Resolution
Number**

480

Decision Date

June 19, 2009

Decision Description

Approve as proposed

709

October 24, 2008

Refused as proposed.

Note:

Legacy Application # 38390

Application #: 45289

Applicant: Leonhard and Josephine Zach

Proposal: Subdivision For a Relative: To subdivide the 32.4 ha subject property to create three (3) parcels along Hislop Road and Van Horn Road. Applicants would like to provide their two (2) children with a home-site each.

Decisions:

**Resolution
Number**

480

Decision Date

June 19, 2009

Decision Description

Approve as proposed

709

October 24, 2008

Refused as proposed.

Note:

Legacy Application # 38390

Committee Recommendations

Type

Board/Council

Recommendation

Partial

Description

Regional District of Bulkley-Nechako Board: The Regional Board recommended that the application

be forwarded to the Commission with the request that the ALC consider the appropriate location of the subdivision line in relation to the hayfield on the property.

Advisory Planning
Committee

No Comment

Advisory Planning Commission: The APC could not reach a consensus on this application. APC supports the concept of small scale agricultural enterprises and recognizes that there are a number of recently approved subdivided properties in the Hislop Road Area. However, we are not confident that the rationale for this application warranted approval, particularly since subdividing would compromise the grazing potential of the hayfield. Perhaps the application should reconsider realigning the proposed boundary to ensure the integrity of the hayfield is maintained. We also had general concerns re the precedent of general development in the Bulkley Valley. Where will this ALR fragmentation lead?

Ministry of Agriculture and Refuse
Lands

Ministry of Agriculture and Lands Staff: MAL Staff made the following comments: "I do not support the application for subdivision on this parcel as it is currently presented for the following reasons:

- the suggested new lot lines would restrict future agriculture earning capacity of the land by dividing the large hay field
- The lot sizes propose do not meet the minimum size for the current zoning
- addition of another lot in this area increases the possibility of future conflict with surrounding agriculture.

STAFF COMMENTS

Staff note the following:

The Commission refused the same applicant's request for a second dwelling in 2009. Since that time and at the same time it has approved three subdivision requests for neighbouring properties. The applicant has an agricultural plan and is using the property for agricultural purposes. The neighbouring properties were not being used for agriculture.

The Commission's reconsideration policy does not allow applicants to present a new proposal as part of a reconsideration request and therefore the applicant had to make a new application in order for the Commission to consider allowing a subdivision rather than a second dwelling. However, the Commission may revisit the idea of allowing the second dwelling in this case in light of its approval of subdivision of three adjacent properties and the fact that the applicant has had one more year of agricultural experience on the property.

ATTACHMENTS

51864_ContextMap50k.pdf
51864_AgCapabilityMap.pdf
51864_agrologist report.pdf
51864 airphoto.pdf
51864 local government report.pdf
51864 proposal description.pdf
51864 proposal sketch.pdf

END OF REPORT

Signature

Date
