



Agricultural Land Commission Staff Report

DATE: February 24, 2010
TO: Vice Chair and Commissioners - North Panel
FROM: Simone Rivers

RE: Application # 50889
PROPOSAL: To exclude the 37.6 ha property from the ALR.

PROPOSAL INFORMATION

Background: The property is located south of Smithers and was created in 1984 when the Commission approved subdivision of the property.
Received Date: October 27, 2009
Applicant: Greg & Robin Burns
Agent: HBH Land Surveying Inc
Local Government: Regional District of Bulkley-Nechako

DESCRIPTION OF LAND

PID: 015-630-048
Legal Description: The Fractional SouthWest 1/4 of Section 4 Range 5 Coast District Except Plans: 11348 PRP14394 and PRP41187
Civic Address: 6105 Highway 16 East, 3 km northwest of the Village of Telkwa
Area: 37 ha
ALR Area: 37 ha
Purchase Date: October 29, 1997
Owner: Greg & Robin Burns

Total Land Area: 37 ha
Total ALR Area: 37 ha
Current Land Use: Extraction of gravel materials, paving plant, house (with caretaker), shop, septic field

PROPOSAL DETAILS

Exclusion

Area	Agricultural Capability	Agricultural Capability Source
37.0	Secondary	On-Site

Surrounding Land Uses:

North Highway 16
East Dump & Meat Plant (across road); gravel extraction (adjacent)
South Bulkley River; mostly treed land (adjacent)
West Residential Subdivision (large parcels)

Official Community Plan

Bylaw Name: Smithers Telkwa Rural OCP Bylaw No. 1425 (2007)

Designation: Agricultural (AG)

OCP Compliance:

Zoning

Zoning Bylaw Name: RDBN Zoning Bylaw No. 700 (1993)

Zoning Designation: Agricultural (Ag1)

Minimum Lot Size: 16.0 ha

Zoning Compliance:

PREVIOUS APPLICATIONS

Application #: 27328

Applicant: Tom Vandenberg

Proposal: To subdivide the 64 ha property into one 24 ha lot and one 40 ha lot. The 24 ha lot was to be sold to a greenhouse producer.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: Legacy Application # B-17700
Decision Date: March 7, 1984
Decision: Approved on the basis that the 24 ha lot was to be used for silviculture purposes.
NOTE: This application created the subject property.

Application #: 22666

Applicant: T & M Vandenberg

Proposal: To subdivide the approximately 64 hectare property into two parcels of 8 hectares and to subdivide the proposed remainder into 2 hectare homesite lots.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: Legacy Application # 21-B-13488
Decision Date: March 11, 1982
Decision: Refused. Although the applicant does not feel that he can use the property, there is no justification to subdivide the property. This parcel is located in a farming area and could perhaps be used in association with other lands lying on the same side of the highway. Since it is a farming area, the parcel might also be suitable for various types of non-soil bound agriculture.

Application #: 22665

Applicant: Tom Vandenberg
Proposal: To construct a barn and locate a mobile home on the property.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: Legacy Application # 21-B-01501
Decision Date: June 1976
Decision: Allowed

RELEVANT APPLICATIONS

Application #: 45958

Applicant: Triantha Ent. Ltd

Proposal: To install a wood grinder and possibly a debarker on the property.

Decisions:

Resolution Number	Decision Date	Decision Description
317	June 19, 2009	Approved

Note: Legacy Application # 21-B-38986

Application #: 41794

Applicant: Village of Telkwa

Proposal: To subdivide approximately 6 ha from the 43 ha subject property for the development of an abattoir and meat processing facility.

Decisions:

Resolution Number	Decision Date	Decision Description
213	May 9, 2005	Allow - subject to fencing

Note: Legacy Application # B-35840

Application #: 35996

Applicant: Tom Vandenberg

Proposal: To exclude the 24 ha property from the ALR for the purpose of developing the property into a light industrial park.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: Legacy Application # 02-B-19716
Decision Date: May 16, 1986
Decision: Refused, however, the Commission indicated that it was prepared to consider individual requests for specific light industrial uses, and specific parcels sizes as the applicant secures tenants /or purchasers. The Commission also indicated that it would be willing to consider a request to utilize the subject property as the new Smither Telkwa landfill site if the Regional District's studies show it to be suitable.

Application #: 11814

Applicant: M. of Lands, Parks and Housing
Proposal: To legalize a waste disposal site which has existed on the property for the past ten years.

Decisions:

Resolution Number	Decision Date	Decision Description
153	January 19, 1984	Allowed provided the waste disposal site meets the standard requirements of the Pollution Control Act.

Note: Legacy Application # B-17370

Application #: 9540
Applicant: Adam Gagnon
Proposal: To remove 10,000 m3 of gravel up to a depth 6 m.

Decisions:

Resolution Number	Decision Date	Decision Description
269	April 24, 1998	The Commission approved the request to extract approximately 10,000 cubic metres of gravel from the property subject to standard conditions including bonding in the order of \$5,000.

Note: Legacy Application # 30-B-31914
The Commission still holds a \$5000 bond on this application.

Committee Recommendations

Type	Recommendation	Description
Board/Council	Partial	Regional District of Bulkley- Nechako Board: The Regional Board forwarded the application with a recommendation of support for exclusion of the portion of the property currently used for gravel extraction.
Advisory Planning Committee	Approve	The APC states that it supports the application but acknowledged that 30% of the property is arable land. It also states that the APC understood that the gravel pit portion of the land is not able to be farmed.

STAFF COMMENTS

The applicants provided an agrologist report prepared in June 2009 by Wendy Siemens. The report confirms the agricultural capability rating given the property by the CLI map. The property is 70% Class 5 MP and 40% Class 4M with limitations of stoniness and low moisture.

Staff could not find any record of previous approval for the gravel extraction operation on the property. No information about how long the extraction has been taking place was submitted with the file.

The applicants wish to continue with the extraction of aggregate from the property until it is no longer feasible. In the future they propose an RV park or other non-farm use of the property. The applicant has no immediate plans to develop these uses.

The Commission has approved gravel extraction from three nearby properties located to the east and

north of the subject property.

The subject property is surrounded by ALR and much of the surrounding lands appear to have been cleared and improved for agricultural use. However, the Commission approved a proposal to develop an abattoir and meat processing plant on lands located east of the subject property.

ATTACHMENTS

50889_AgCapabilityMap.pdf
50889_ContextMap50k.pdf
50889_agrologist report.pdf
50889_airphoto.pdf
50889_local government report.pdf
50889_previous apps map.pdf

END OF REPORT

Signature

Date