



Provincial Agricultural Land Commission - Staff Report

Application: 52166

Applicant:

Agent: Dediluke Land Surveying Inc
Local Government: Regional District of Kitimat-Stikine

Proposal:

SUBDIVISION -Proposal for boundary adjustment between DL 1115 (Pintea), DL 1114 Lot B (Thompson), and DL 1114 Lot 5 (Webb) so that DL 1115 will have frontage on the east side of Merkley Road. Pintea then proposes to subdivide DL 1115 into six 4.0 ha to 5.6 ha parcels and one 38.5 ha remainder.

BACKGROUND INFORMATION

The main property subject to this subdivision is DL 1115, a vacant 64.6 ha parcel. However, portions of DL 1114 Lot B and Lot 5 are situated between DL1115 and frontage on Merkley Road including a 0.75 ha portion of Lot B and a 1.0 ha portion of Lot 5. Pintea intends to buy those portions of Lot B and Lot 5 in order to have road frontage.

21 ha of the total 64.6 ha of DL 1115 are within the ALR boundary. The remaining 43.5 ha outside of the ALR are steep mountainside which is likely the reason for the ALR boundary bisecting the property.

PROPERTY INFORMATION

PID: 005-439-213
Legal Description: District Lot 1115 Range 5 Coast District Except Plan 11665
Property Area: 64.6 ha
ALR Area: 21.0 ha
Purchase Date: February 8, 2011
Location: Merkley Road
Owner: Christine Pintea

PID: 007-700-873
Legal Description: Lot 5 District Lot 1114 Range 5 Coast District Plan 8492
Property Area: 14.8 ha
ALR Area: 5.4 ha
Purchase Date: March 29, 1996
Location:
Owner: Brent & Alison Webb

PID: 005-812-844
Legal Description: Lot B, District Lot 1114, Range 5 Coast District, Plan 9800
Property Area: 11.8 ha
ALR Area: 7.8 ha
Purchase Date: March 20, 2007
Location: Located at 5151 Merkley Road, Terrace
Owner:

Total Land Area: 91.2 ha
Total ALR Area: 34.2 ha

LAND USE

Current Land Use:

DL 1115 - Vacant
DL 1114 Lot B - Residential
DL 1114 Lot 5 - Residential

Surrounding Land Uses:

North: Non- ALR - 65 ha Residential
East: Crown Land - 65 ha+ Vacant
South: ALR - 60 ha Residential
West: ALR/Non-ALR - 14 ha Residential/Hobby farm

PROPOSAL DETAILS

Subdivision - ALR Area: 66.4 ha

| Number of Lots | ALR Area of Lot (ha) |
|----------------|----------------------|
| 1 | 39.3 |
| 1 | 4.0 |
| 1 | 4.5 |
| 1 | 5.6 |
| 2 | 4.4 |
| 1 | 4.2 |

Agricultural Capability:

The majority of the area under application is rated as: Secondary

Source: CLI

Mapsheet: 103I/10

PREVIOUS APPLICATIONS

Application ID: 3745

Legacy #: 14882

Applicant: BC Timber Ltd.

Proposal: S/d property into two 32 ha lots - 19.3 ha is within the A.L.R.

Decision:

| Resolution # | Decision Date | Decision Description |
|--------------|-----------------|----------------------|
| 1731/1982 | August 19, 1982 | allow |

Note: Previous on DL 1115

Application ID: 3742

Legacy #: 06540

Applicant: Thomson

Proposal: S/d property into one 8.1 and two 4.0 ha parcels

Decision:

| Resolution # | Decision Date | Decision Description |
|--------------|---------------|----------------------|
| 9134/1978 | July 11, 1978 | allow |

Note: Previous on DL 114 Lot B.

RELEVANT APPLICATIONS

RELEVANT APPLICATIONS

Application ID: 8498

Legacy #: 12592

Applicant: Guy Pratt

Proposal: To subdivide the subject property (64.8 ha) into a maximum of eleven rural residential lots provided that the subdivision layout is acceptable to the Regional District.

Decision:

| Resolution # | Decision Date | Decision Description |
|--------------|---------------|---|
| 1070/1982 | June 3, 1982 | Allowed provided layout is acceptable to the Regional District. |

Note: The decision to allow the subdivision by the Commission was in part due to the poor capability of clay soils in the area, as well as the area already being heavily subdivided for rural residential lots.

Application ID: 3739

Legacy #: 10315

Applicant: Clift

Proposal: S/d the 19.8 ha property into four lots

Decision:

| Resolution # | Decision Date | Decision Description |
|--------------|---------------|----------------------|
| 844/1980 | May 16, 1980 | allow |

Note: May 1980 - The applicant proposed to subdivide 19.8 ha into 4 lots ranging from 4 ha to 5.8 ha. The regional Agrologist stated that he prefers to concentrate this type of development rather than on higher capability agricultural land. It is noted that numerous similar application in the area have been considered and most have been allowed.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: N/A

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Greater Terrace Zoning Bylaw No. 37

Zoning Designation: R2 - Low Density Rural

Minimum Lot Size: 4.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

Board/Council

The Regional District of Kitimat-Stikine Board determined to recommend no objection to the application for subdivision provided that the Commission determines that the ALR portion is not suitable for agricultural use. However if this subdivision is approved, the Regional District reserves judgment on the lot configuration until the application is reviewed by other regulatory agencies through the subdivision referral process.

Planning Staff

The Kitimat-Stikine Planning Staff recommend that the application requires further review at the subdivision stage.

ALC STAFF COMMENTS

It is recommended that the Commission consider the following:

- 1) The CLI rating of the ALR portion of DL 1115 is 5MD 4DM. and is flanked to the east by an escarpment on the property but outside of the ALR boundary The CLI rating of Lot B and Lot 5 is 8:7T 2:5T.
- 2) The RD of Kitimat-Stikine Planning Staff state that agriculture in this area is limited by clay soils and difficult tillage due to restricted rooting. However, the RD Planning Staff also question whether the proposed rural residential development will be hindered by the same soil, drainage, and topographic issues.

ALC STAFF COMMENTS

3) All of the proposed subdivided lots on DL 1115 and the three remainder parcels meet the minimum lot requirement bylaw of 4 ha in a Low Density Rural zone.

4) Numerous similar applications for subdivision in the area have been considered, and many of them have been approved.

5) The Regional District notes that given the presence of watercourses, potential drainage issues and topography, the final subdivision configuration may change from that submitted with the application.

ATTACHMENTS

52166_Proposal Sketch.pdf

52166_ContextMap50k.pdf

52166_AirphotoMap.pdf.jpg

END OF REPORT

Prepared by: Liz Sutton

128°40'0"W

128°38'0"W

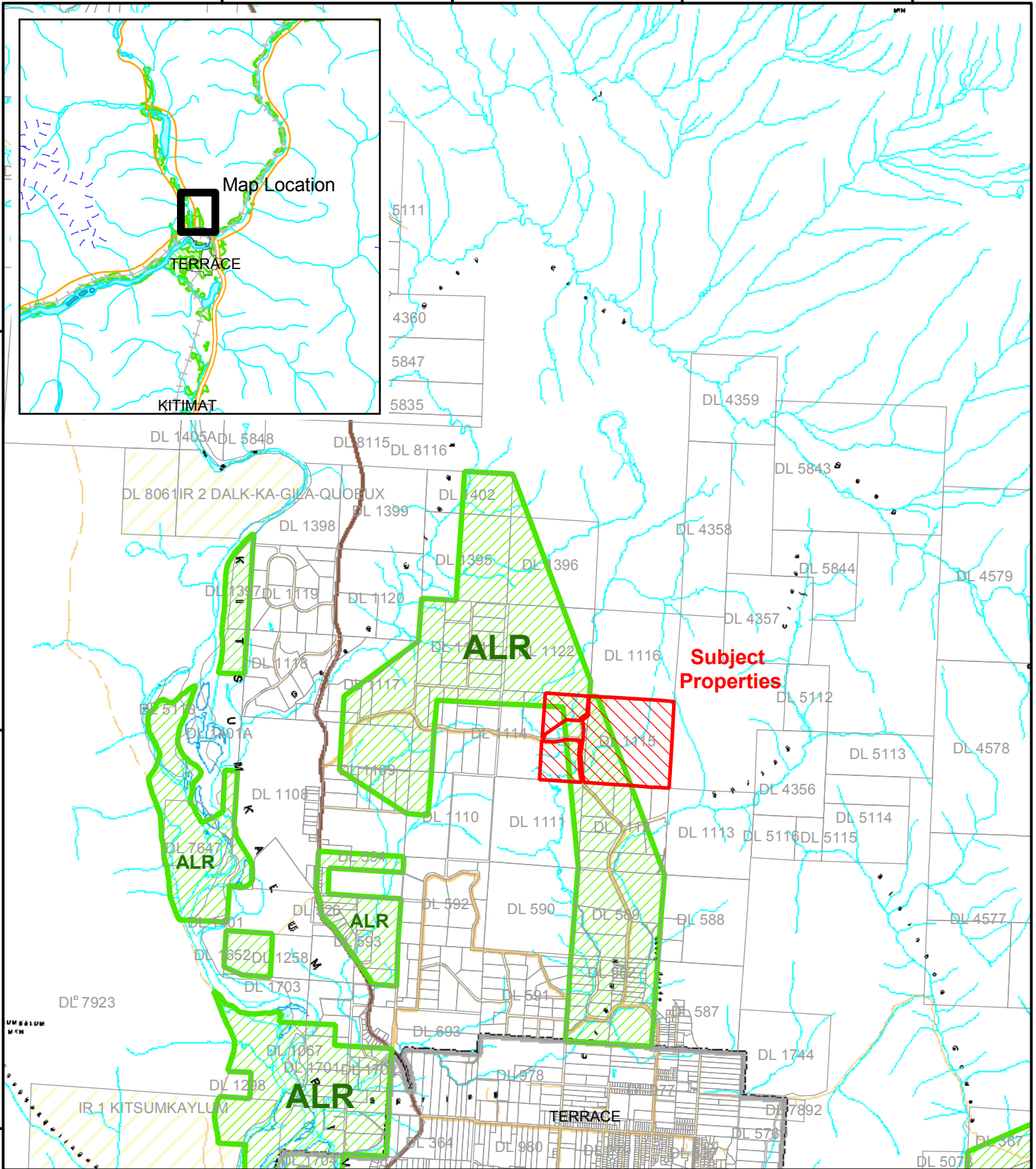
128°36'0"W

128°34'0"W

54°36'0"N

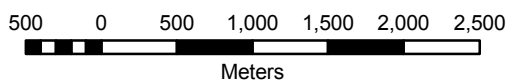
54°34'0"N

54°32'0"N

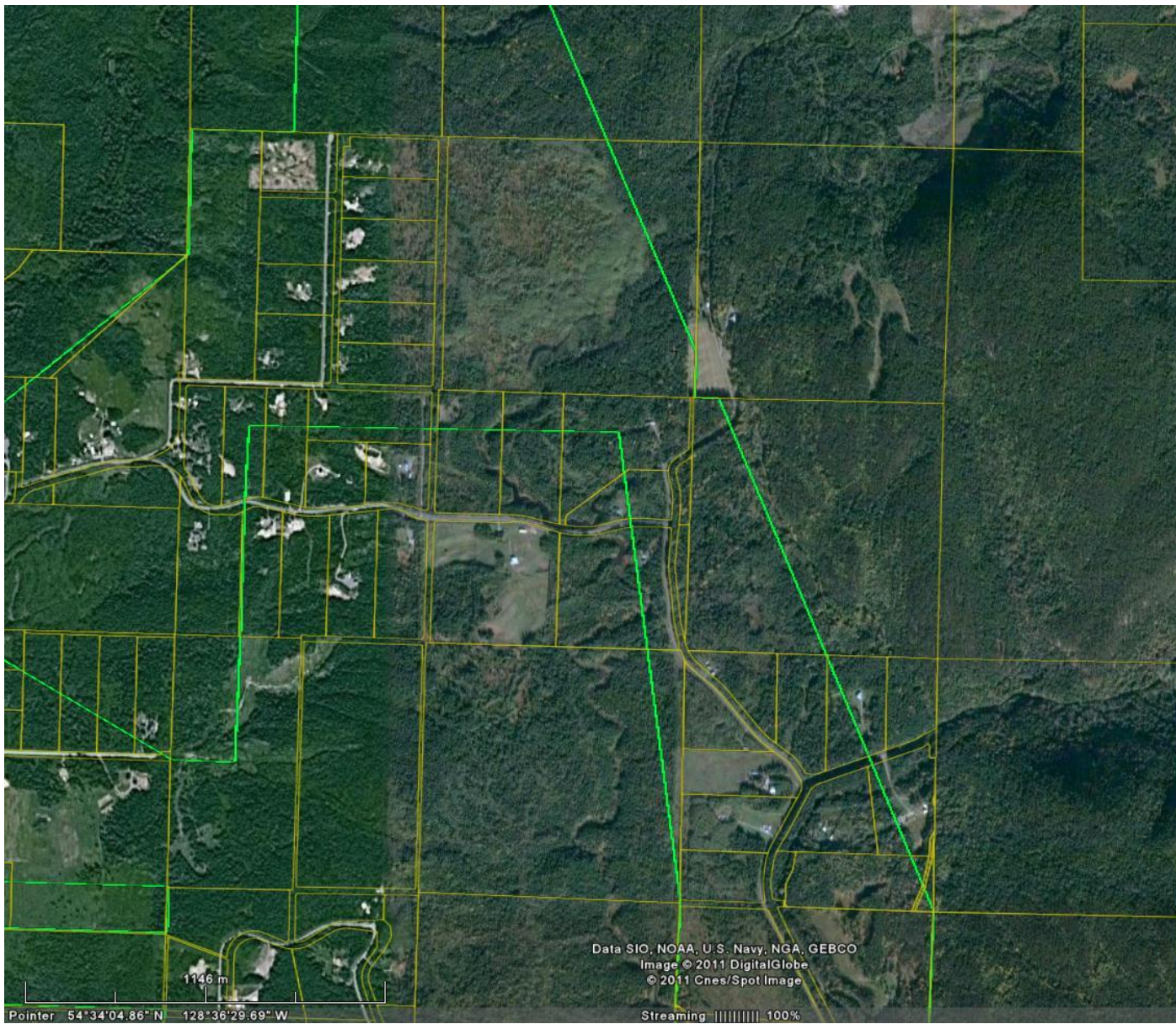


ALC Context Map

Map Scale: 1:50,000

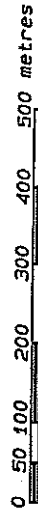


| | |
|--------------------|-----------------|
| ALC File #: | 52166 |
| Mapsheet #: | 1031/10 |
| Map Produced: | Feb 16, 2011 |
| Regional District: | Kitimat-Stikine |



PLAN OF PROPOSED SUBDIVISION OF
 PARTS OF DISTRICT LOT 1115
 EXCEPT PLAN 11665,
 PART OF LOT B, DL1114, PLAN 9800
 AND
 PART OF LOT 5, DL 1114, PLAN 8492,
 ALL IN RANGE 5, COAST DISTRICT.
 (NORTH TERRACE)

SCALE 1:7500



DIMENSIONS APPROXIMATE ONLY -
 SUBJECT TO LEGAL SURVEY

NORTH, SOUTH AND EAST BOUNDARIES OF DL 1115
 ARE IMPRACTICAL FOR CONSTRUCTION OF THROUGH-ROADS.

LOT 1 DESIGN ALLOWS FUTURE SUBDIVISION OF NW PORTION
 LEAVING 4.0 ha PORTION OF EAST SIDE OF ROAD.

VARIANCE FOR ROAD FRONTAGE REQUIRED FOR LOTS 2-6 AND REM.

PROPOSAL: NOV. 17, 2010
 DEDILUKE LAND SURVEYING INC.
 TERRACE AND NANA#MO, B.C.
 F 2264Y10
 C 2264D.DAT

