



**Agricultural Land Commission**  
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March 7, 2014

ALC File: #53390

Martin Hennig  
8265 Tyhee Lake Rd  
Telkwa, B.C. V0J 2X1

Dear Mr. Hennig:

**Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #38/2014 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
  - (b) all or part of the original decision was based on evidence that was in error or was false.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #38/2014

cc: Regional District of Bulkley Nechako (File #1146)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53390.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Planner
Liz Sutton	Planner
Jennifer Carson	Planner
Colin Fry	Executive Director

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**PROPOSAL** (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide the 45.9 ha subject property into two (2) 18.5 ha parcels and one remainder parcel of 8.9 ha.

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### PROPERTY INFORMATION:

**Owner:** Martin Hennig and Andrea Edith Hennig (As Joint Tenants)

**Legal:** PID:011-727-446  
The Fractional Southeast ¼ of Section 36, Township 5, Range 5, Coast District  
Except any portion of the Right of Way of the Dominion Telegraph Line Having a  
Width of 100 Feet Which May Lie Within the Boundaries of These Lands and Except  
Plans 4521, 5233, 5817 and 6737

**Location:** Telkwa

**Size:** 45.9 ha

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### LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
  - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.
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## COMMISSION CONSIDERATION

The Commission reviewed two previous applications involving the subject property:

Application #27311 (Hennig, 1992) To subdivide the property along Tyhee Lake Road to create a 9 ha and 37 ha parcel. This application was refused in light of the previous application and due to the District Agrologist's opinion that it would not benefit agriculture to subdivide the property. Resolution #303/1993.

Application #38462 (Olson, 1990) To subdivide the property along Tyhee Lake Road to create a 9 ha and 37 ha parcel. This application was refused due to subdivision adversely impacting the potential for agricultural use in the future. The Commission at that time wrote, "*This soil/climate capability and large size are particularly suited to forage production, dairying and/or beef farming*". Resolution #176/1991

After considering the information the Commission concluded as follows:

1. In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system.

The improved agricultural capability ratings identified on Canadian Land Inventory (CLI) map sheet 92L/11 for the subject property are approximately 85% Class 4TP and 15% Class 3X

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with this parcel of land are P (stoniness) and T (topographic limitations), and X (combination of soil factors).

### **Conclusion:**

The subject property has good agricultural capability and in its present size can support a range of crops.

2. With respect to subdivision along Tyhee Lake Road, there have been two previous refusals of similar proposals due to the Commission's concern that the creation of smaller parcels would reduce the agricultural options available for the future use of the land.



**Conclusion:**

The Commission concurs with the 1990 and 1992 decisions.

3. The Commission noted the comments provided by Mr. John Stevenson, Regional Agrologist, Ministry of Agriculture:

*From an agricultural perspective, it is my opinion that severing that productive hay land on the East side of Tyhee Lake Road in half as proposed would impede agricultural operation viability and also limit future options for agricultural activities, particularly when both of these parcels (2 and 3) are proposed to be severed from the current home farm infrastructure (proposed lot 1). Therefore I do not support this application for subdivision as proposed by the applicants.*

**Note:** Mr. Stevenson's comments were forwarded to the Commission by the Regional District of Bulkley-Nechako under cover of its letter dated August 16, 2013. The applicants were provided a copy of said letter.

**Conclusion:**

The Commission concurs with Mr. Stevenson.

**IT WAS**

**MOVED BY:            Commissioner Gillette**

**SECONDED BY:        Commissioner Dyson**

THAT the proposal to subdivide the subject property be refused.

**CARRIED**

**Resolution #38/2014**