



**REGIONAL DISTRICT OF BULKLEY-NECHAKO
PLANNING DEPARTMENT REFERRAL REPORT
FILE NO. ALR 1269**

APPLICATION SUMMARY

Name of Agent/Owner: Valena Vuohijoki

Electoral Area: Area F (Vanderhoof Rural)

Subject property: 28323 Sturgeon Point Rd, Lot A, District Lot 5398, Cariboo District, Plan 34476 (PID 015-876-454)

Property size: 2.076 ha (5.13 ac)

OCP Designation: Agriculture (AG) in "Regional District of Bulkley-Nechako Vanderhoof Rural Official Community Plan Bylaw No. 1963, 2021 (the OCP)

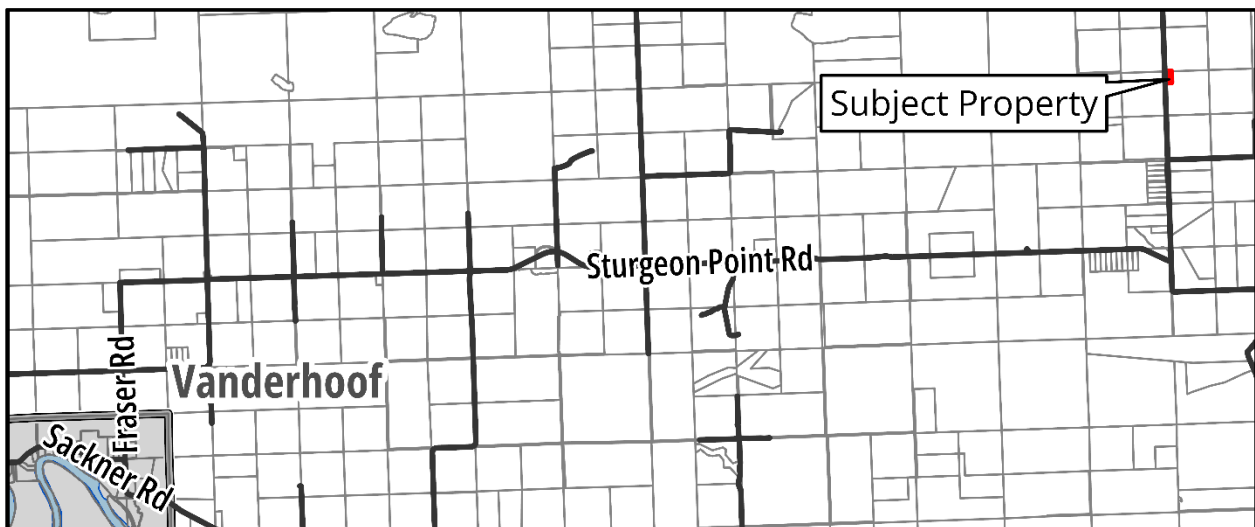
Zoning: Agricultural (Ag1) in "Regional District of Bulkley-Nechako Zoning Bylaw No. 1800, 2020" (the Zoning Bylaw)

Existing Land Use: Residential

Location: Accessed from Sturgeon Point Road, approximately 19 km northeast of the District of Vanderhoof (see Location Map below).

Non-Farm Use Area: 196 m² (2109.7 ft²)

Location Map:



PROPOSAL

The applicant is requesting Agricultural Land Commission (ALC) approval for a Non-Farm Use (NFU) application to remove a restrictive covenant on title to legalize an existing Single Family Dwelling. The dwelling has a Total Floor Area of 196 m².

The applicant and their husband purchased the subject property in 2019 and converted the former church into a Single Family Dwelling contrary to Covenant PD14427 (the Covenant), which does not allow the residential use of the property.

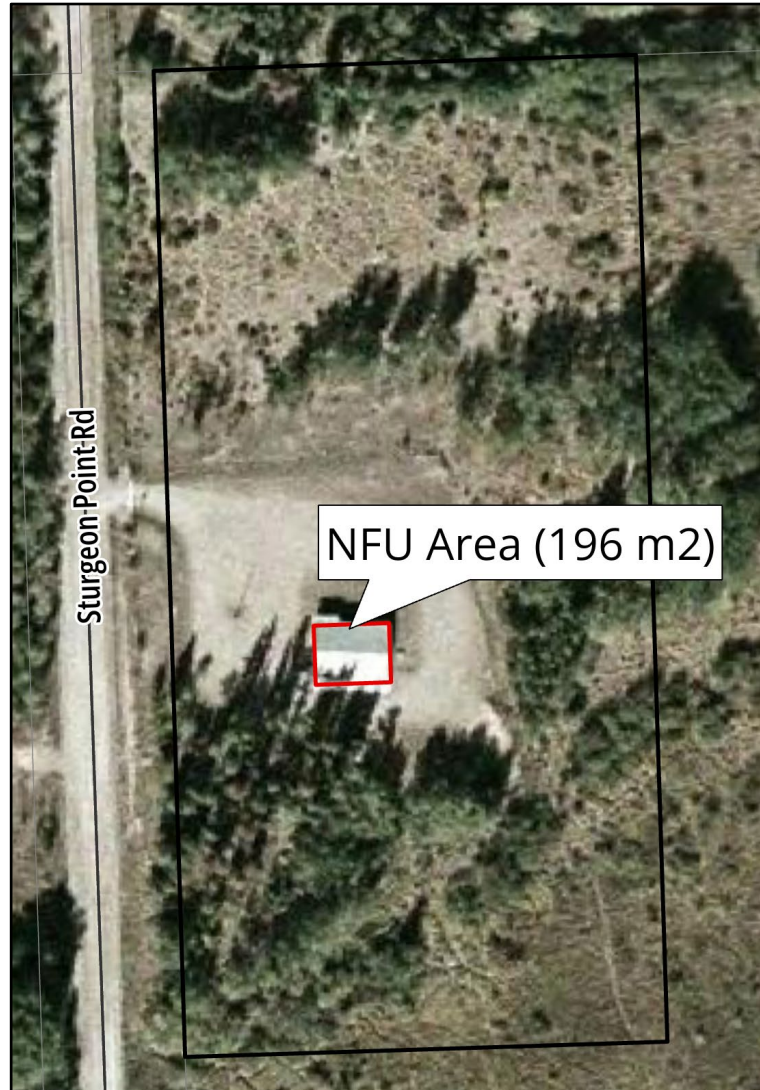
DISCUSSION

Restrictive Covenant

In 1985, the ALC approved an application to create the subject property through subdivision for use as a church. The Covenant was registered on title in 1990 as a condition of the ALC. The Covenant restricts the permitted uses of the property to only agriculture and/or a church and prohibits residential, commercial and industrial uses. The ALC advised the applicant to submit a Non-Farm Use application to consider the removal of the Covenant.

Site and Location Details

The subject property contains a Single Family Dwelling, storage shed and lagoon. No agriculture takes place on the property and no improvements have been made by the applicant. The property is in an agricultural area and surrounded by active farms and pasture.



Official Community Plan (OCP)

The subject property is designated Agriculture (AG) under the OCP. The intent of this designation is to preserve these lands for the purposes of farming and other related activities. Section 3.1.2 contains the following OCP policies relevant to the application:

- “(6) Severances for small lot residential (other than home site severances approved by the Agricultural Land Commission), institutional, commercial or industrial development shall be avoided. However, application for subdivisions, non-farm uses and non-adhering residential uses within the Agricultural Land Reserve (ALR) may be supported if the proposed subdivision or use will not have a net negative impact on the agricultural use of the subject lands or surrounding agricultural lands.*
- (16) The conversion of small parcels created to accommodate institutional uses such as churches and community halls to residential development shall be discouraged.”*

Zoning

The subject property is zoned Agricultural (Ag1) pursuant to the Zoning Bylaw. The removal of the Covenant would align the current use of the property with the Ag1 Zone as the permitted uses include a Single Family Dwelling but not a church.

BC Assessment indicates the former church was constructed in 1990, before the zoning of the property was changed from the Rural II Zone to the Ag1 Zone; therefore, the former church could have continued as a legal-non conforming use subject to the conditions of the *Local Government Act*.

Agricultural Capability

Canada Land Inventory mapping indicates that the subject property has an agricultural capability of 99.9% class 5D and 5T, limited by undesirable soil structure and topography (see Appendix A for more details).

Referrals

This application has been referred to the Ministry of Agriculture and Food, the Electoral Area F Advisory Planning Commission, the RDBN Agriculture Coordinator and the District of Vanderhoof.

ATTACHMENTS

- Appendix A – Agricultural Capability
- Appendix B – Surrounding ALR Applications
- Applicant ALC Submission ([Link](#))
- Site Visit Photos ([Link](#))

Appendix A

Agricultural Capability based on Canada Land Inventory Mapping

99.9% of the subject lands are:

50% Class 5D (limited by undesirable soil structure).

50% Class 5T (limited by topography).

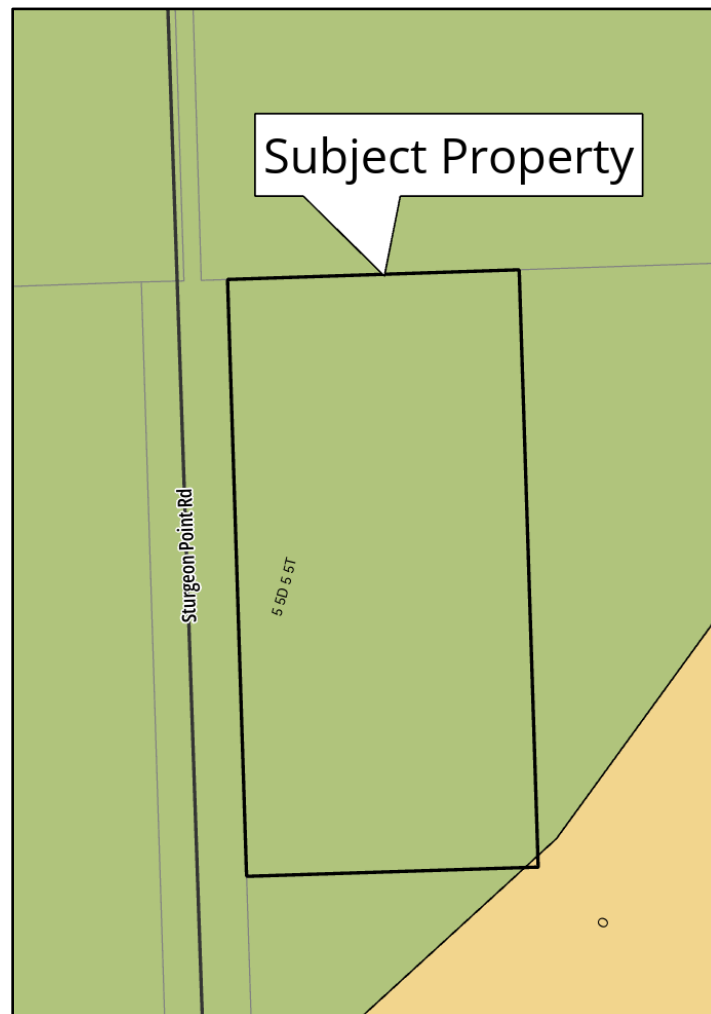
0.1% of the subject lands are:

100% Class O (organic soils)

Class 5 Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class O Land in this category is not placed in a capability class.

Agricultural Capability Map



APPENDIX B:

Surrounding Applications

ALR Application	Legal Description	Summary	Recommendation
623 (Subject Property)	NW 1/4 of DL 5398, Cariboo District	Application to subdivide off 1.33 ha parcel for a church.	Staff: Approval
			Board: Approval
			ALC: Approved (Conditions)
716	Block A of DL 1106, Cariboo District; E 1/2 of DL 1170, Cariboo District; Block B of Sec 23, Tp 15, R5, Coast District	Application for inclusion into the ALR.	Staff: Approval
			Board: Approval
			ALC: Approved
725	Not available	Application for mass inclusion of parcels into the ALR.	Staff: Approval
			Board: Approval
			ALC: Approved
737	NE 1/4 of DL 5399, Cariboo District & NW 1/4 of DL 5405 Cariboo District	Application for inclusion into the ALR.	Staff: Approval
			Board: Approval
			ALC: Approved
1115	Part of SW 1/4, DL 5392, Cariboo District	Application for inclusion into the ALR.	Staff: N/A (Interests unaffected)
			Board: N/A (Interests unaffected)
			ALC: Approved
1116	Part of DL 5386, Cariboo District	Application for inclusion into the ALR.	Staff: N/A (Interests unaffected)
			Board: N/A (Interests unaffected)
			ALC: Approved

Surrounding Applications Map

