



## REGIONAL DISTRICT OF BULKLEY-NECHAKO

### Planning Department Referral Report

File No. ALR 1274

Written By: Cameron Kral, Planner

#### APPLICATION SUMMARY

**Name of Agent / Owner:** Sean Rowell, Perry & Company Barristers and Solicitors (agent) Catharina and Harvey Tremblay, and Barbara and Christoph Luther (owners)

**Electoral Area:** A (Smithers Telkwa Rural)

**Subject Properties:** **Lot A:** 4060 McCabe Road, legally described as Lot A, District Lots 1190, 1191 and 1192, Range 5 Coast District, Plan PRP41664, Except Parts in Plans BCP16335 and EPP49078 (PID 023-893-435)

**Lot B:** 3105 McCabe Road, legally described as The South 1/2 of District Lot 1190, Range 5, Coast District (PID 015-099-733)

**Property Size:** **Lot A:** ≈44.71 ha

**Lot B:** ≈64.94 ha

**OCP Designation:** **Lot A:** Agriculture (AG) in "Regional District of Bulkley-Nechako Smithers Telkwa Rural OCP Bylaw No. 1704, 2014" (the OCP)

**Lot B:** Agriculture (AG) and Commercial (C) in the OCP

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

**Lot B:** Agricultural (Ag1) and Tourist Commercial (C1) in the Zoning Bylaw

**Existing Land Uses:** **Lot A:** Residential

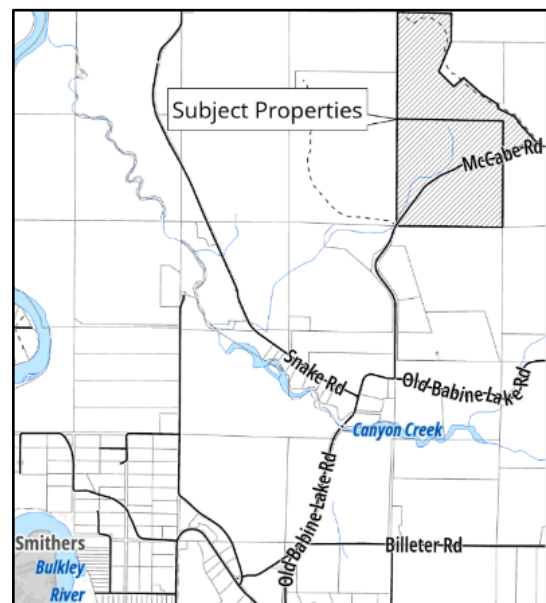
**Lot B:** Residential, agriculture and commercial

**Location:** 3.5 km northeast of the Town of Smithers. The surrounding lands are a mix of hay fields, forest and residences.

**Proposed Subdivision:** **Lot A:** 48.96 ha

**Lot B:** 58.2 ha

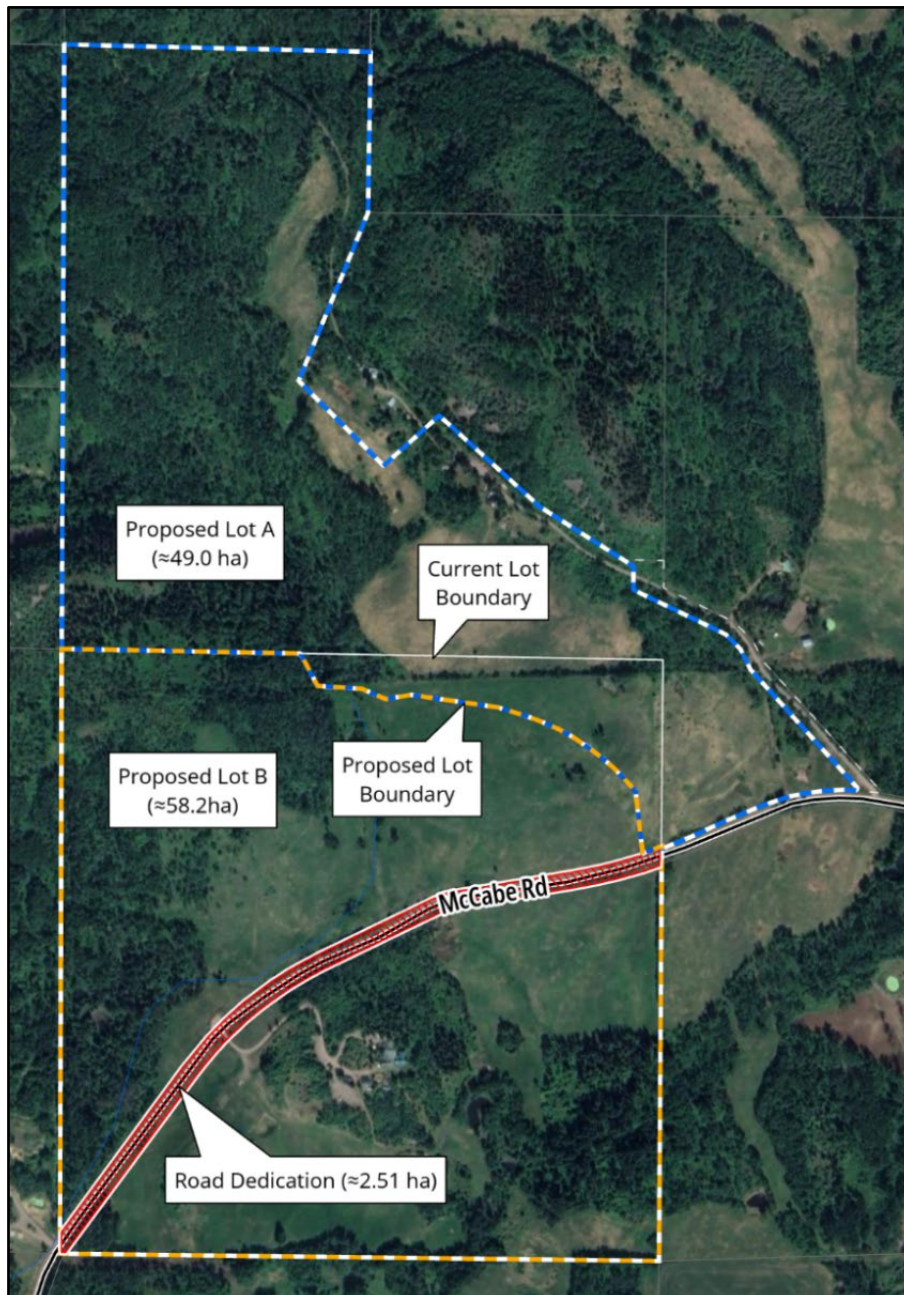
**Road:** 2.512 ha



## PROPOSAL

The applicant is requesting Agricultural Land Commission (ALC) approval for 2.512 ha of road dedication for McCabe Road as required by the Ministry of Transportation and Transit (MoTT). The purpose of the application is to allow a parcel boundary adjustment between the subject properties. The boundary adjustment is a condition of a previous ALC decision to relocate the Malkow Lookout Trail and matches the new trail route. The proposed road dedication area is shown on the map below and on the attached subdivision plan (see Applicant Submission).

### Proposed Boundary Adjustment



## DISCUSSION

### Background

The Malkow Lookout Trail is an important public recreational walking trail that is widely used by area residents and tourists. However, the location of the trail has resulted in disruptions to the residence on Lot A, a neighbouring residence, and the agricultural operation on Lot B. The trail was previously relocated without ALC approval but did not adequately resolve these issues. The applicants have now received ALC approval to relocate the Malkow Lookout Trail again on the condition that a boundary adjustment between the subject properties is completed that matches the new trail route (see attached ALC Resolution #223/2020 and map to the right).

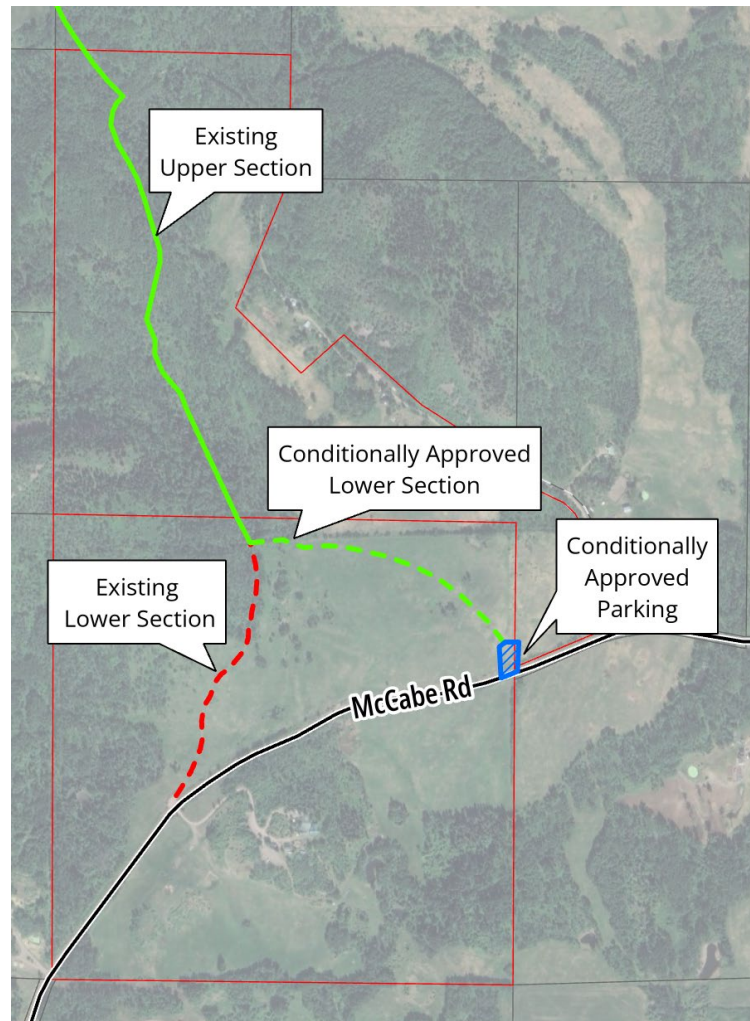
The applicants applied to the MoTT for a boundary adjustment under Section 3 of the ALR General Regulation which permits subdivision without ALC approval if the MoTT Approving Officer considers the boundary adjustment will “enhance farming on the agricultural land or permit better use of structures used for farming”. However, as a requirement of the boundary adjustment process, the MoTT Approving Officer is requiring the proposed road dedication for McCabe Road, and the road dedication requires ALC approval.

The application area is already used as a public road. The application indicates MoTT requires the proposed road dedication due to the informal nature in which McCabe road was historically established.

### Official Community Plan and Zoning

Most of the subject lands, including the application area, are designated Agriculture (AG) under the OCP and zoned Agricultural pursuant to the Zoning Bylaw. A small portion of Lot B is designated Commercial (C) and zoned Tourist Commercial (C3) for the purpose of operating a guest lodge. This guest lodge is not part of this application.

### Malkow Lookout Trail



The intent of the AG Designation is to protect and preserve farm land and soil having agricultural purposes. In general the AG designation follows the boundaries of the Agricultural Land Reserve (ALR). Section 3.1.2 contains the following policies relating to the application:

- (3) *A minimum parcel size of 16 hectares (39.5 acres) is supported [...].*
- (6) *Non-farm use of agricultural land shall be avoided. Applications for exclusions, subdivisions, and non-farm uses within the Agricultural Land Reserve may only be considered under the following circumstances.*
  - a) *There is limited agricultural potential within the proposed area.*
  - b) *Soil conditions are not suitable for agriculture.*
  - c) *Neighbouring uses will not be compromised.*
  - d) *Adequate provisions for fencing are provided, where a proposed development is adjacent to an existing agricultural use.*
  - e) *The application is in the best interest of the community.*
  - f) *The proposed development considers and addresses potential impacts and potential improvements to recreational features and the environment, including wildlife habitat.*
  - g) *And, traffic management issues will be considered and addressed appropriately.*
- (8) *The voluntary consolidation of legal parcels which form part of the same farm unit will be encouraged. Boundary adjustments and consolidations which permit more efficient use of arable land for agricultural purposes will also be supported.*

Lot A contains a residence. Lot B contains a residence, agriculture (grazeland) and a commercial guest lodge. The proposed size of Lot A and B comply with the Ag1 Zone's minimum parcel area at subdivision of 16 ha (39.5 ac).

### **Agricultural Capability**

Canada Land Inventory mapping indicates the proposed road dedication is located on a portion of Lot B with an agricultural capability class that is 30 per-cent Class 3X (limited by cumulative and minor adverse conditions), 50 per-cent Class 4PT (limited by stoniness and topography), and 20 per-cent Class 6T (limited by topography). See Appendix A for more details on the agricultural capability of both subject properties.

## **Referrals**

This application is being referred to the Ministry of Agriculture and Food, the RDBN Agriculture Coordinator, the Town of the Smithers, and the Electoral Area A Advisory Planning Commission.

## **ATTACHMENTS**

- Appendix A – Agriculture Capability
- Appendix B – Surrounding ALR Applications
- [Applicant ALC Submission](#) (Link)
- [ALC Resolution #223/2020](#) (Link)

## Appendix A

### Agricultural Capability based on Canada Land Inventory Mapping

72.3% of the subject lands are:

- 30% Class 3X (limited by cumulative and minor adverse conditions)
- 50% Class 4PT (limited by stoniness and topography)
- 20% Class 6T (limited by topography)

18.2% of the subject lands are Class 6T (limited by topography)

6.7% of the subject lands are:

- 80% Class 4PT (limited by stoniness and topography)
- 20% Class 6T (limited by topography)

2.8% of the subject lands are:

- 70% Class 4TP (limited by stoniness and topography)
- 30% Class 5PM (limited by stoniness and soil moisture deficiency)

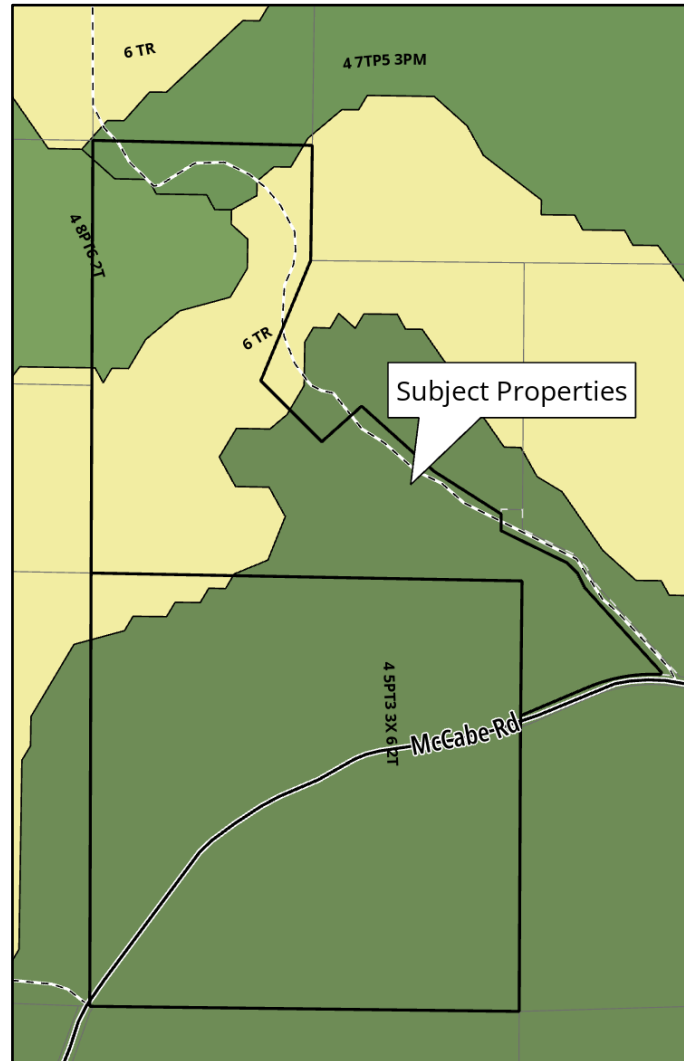
**Class 3** Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

**Class 4** Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

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

**Class 6** Land in this class is nonarable but is capable of producing native and or uncultivated perennial forage crops.

### Agricultural Capability



## Appendix B

### Surrounding Applications

ALR Application	Legal Description	Summary	Recommendation
159	SW ¼ Section 17, Township 2A, Range 5, Coast District	Application to place a mobile home on ±160 ac.	Staff: Approval
			Board: Approval
			ALC: Approved
163	Lot 851	Application to subdivide ±5.3 acres from 320 ac	Staff: Approval
			Board: Approval
			ALC: Approved
170	District Lot 1196, Range 5, Coast District	Application to subdivide off 5 ac to consolidate with another parcel.	Staff: Approval
			Board: Approval
			ALC: Approved
188	Block A, SW ¼ Section 5, Township 2A, Range 5, Coast District, Plan 1373	Application to subdivide subject property	Staff: Denial
			Board: Denial
			ALC: Denied
279	Fractional SW ¼ Section 4, Township 2A, Range 5, Coast District	Application to subdivide subject property	No need for approval
296	Block C, Section 5, Township 2A, Range 5, Coast District, Plan 6225, except Plan 7109	Application to exclude 29 ac from the ALR and subdivide into 5 ac parcels	Staff: Denial
			Board: Approval
			ALC: Denied exclusion but approved subdivision
425	E ½ District Lot 1195, Range 5, Coast District	Application to subdivide 16 ha from 64 ha parcel	Staff: Denial
			Board: Denial
			ALC: Approved
440	Fractional SW ¼ Section 4, Township 2A, Range 5, Coast District, except part included in Plan 4085	Application to subdivide two parcels of 2 ha and one parcel of 12.7 ha from 16.7 ha.	Staff: Denial
			Board: Denial
			ALC: Denied
478	Fractional SW ¼ Section 4, Township 2A, Range 5, Coast District	Application to subdivide 16.73 ha into 5.26 and 11.46 parcels	Staff: Denial
			Board: Denial
			ALC: Denied
519	NE ¼ Section 8, Township 2A, Range 5, Coast District	Application to build a permanent residence instead of a mobile home as second dwelling	Staff: Denial
			Board: Approval
			ALC: Approved
536	Lot B, Section 5, Township 2A, Range 5, Coast District, Plan 6208	Application to exclude 13.22 ha to be subdivided into 6 parcels of 2 ha each.	Staff: Denial
			Board: Approved
			ALC: Denied

<b>541</b>	Fractional SW ¼ Section 4, Township 2A, Range 5, Coast District, except part included in Plan 4085	Application to exclude 16.96 ha to be divided into two parcels of 5.261 and 11.699 ha	Staff: Denial
			Board: Denial
			ALC: Denied
<b>598</b>	SW ¼ Section 25, Township 6, Range 4, Coast District	Application to include subject property into ALR	Staff: Approval
			Board: Approval
			ALC: Approved
<b>667</b>	Lot 4, Section 5, Township 2A, Range 5, Coast District, Plan 4743, except Plan 5845	Application to place a mobile home as a second dwelling on subject property	Staff: Approval
			Board: Approval
			ALC: Approved
<b>740</b>	NW ¼ Section 4, Township 2A, Range 5, Land District 14 and Part West ½ District Lot 1195, Range 5, Land District 14, except southerly 41.52 ac	Application to subdivide NW ¼ Section 4 into two parcels of 32.35 ha and subdivide West ½ District Lot 1195 into two parcels of 23.05 ha each	Staff: Denial
			Board: Denial
			ALC: Denied
<b>742</b>	Block B, Section 5, Township 2A, Range 5, Coast District, Plan 1373, except Plans 4875, 5836, 7099	Application to subdivide 5.3 ha into two parcels	Staff: Denial
			Board: Denial
			ALC: Denied
<b>810</b>	Block B, Section 5, Township 2A, Range 5, Coast District, Plan 1373, except Plans 4875, 5836, 7099	Application to place a mobile home on the subject property as a second dwelling	Staff: Approval
			Board: Approval
			ALC: Approved
<b>847 (Subject Properties)</b>	Part South ½ District Lot 1190, Range 5, Coast District	Application to develop 372 m <sup>2</sup> guest lodge on the subject property	Staff: Approval
			Board: Approval
			ALC: Approved
<b>869</b>	Part NE ¼ Section 8, Township 2A, Range 5, Coast District	Application to subdivide off home to meet Ministry of Health requirements	Staff: Denial
			Board: Denial
			ALC: Approved
<b>1025</b>	Part W ½ District Lot 1195, Range 5, Coast District, except Parcel A (See J10999) & except Plan 6801	Application to subdivide 2.56 ha homesite from 44 ha under Homesite Severance policy	Staff: Approval
			Board: Approval
			ALC: Approved
<b>1088</b>	NW ¼ Section 5, Township 2A, Range 5, Coast District, except Plan 4975	Application to subdivide 1.6 homesite from 57.5 under Homesite Severance policy	Staff: Approval
			Board: Approval
			ALC: Approved
<b>1089</b>	District Lot 1188, Range 5, Coast District	Application to subdivide parcel into two 32.5 ha parcels.	Staff: Denial
			Board: Approval
			ALC: Approved
<b>1104</b>			Staff: Approval



	NE ¼ Section 5, Township 2A, Range 5, Coast District, except Plans 6605, 12742 and PRP13673	Application to subdivide property into two parcels	Board: Approval ALC: Approved with conditions
<b>1117</b>	Lot 1 Sections 4 and 5, Township 2A, Range 5, Coast District, Plan BCP15942	Application to subdivide subject property into two parcels	Staff: Approval Board: Approval ALC: Approved
<b>1151 (Subject Properties)</b>	Lot A, District Lots 1190, 1191 and 1192, Range 5, Coast District, Plan PRP41664	Application to subdivide property into two parcels	Staff: Approval Board: Approval ALC: Approved
<b>1153</b>	W ½ District Lot 1195, Range 5, Coast District, except Parcel A (See J10999), Plans 6801, BCP24965, BCP32740 and EPP1500, and Lot B, Sections 4 and 5, Township 2A, Range 5, Coast District, Plan EPP3487	Application to subdivide two parcels into three parcels.	Staff: Approval Board: Approval ALC: Refused as proposed. Would consider alternative subdivision
<b>1155</b>	NW ¼ Section 17, Township 2A, Range 5, Coast District, except Part in District Lot 854 and except Plan EPP10186	Application to subdivide property into two parcels under ALC Homesite Severance Policy	Staff: Approval with conditions Board: Approval with conditions ALC: Refused as proposed. Approved alternative parcel size
<b>1195</b>	SW ¼ District Lot 844, Range 5, Coast District, except Plan PRP13319	Application to remove restrictive covenants on District Lot 1151 and 1154 to allow a boundary adjustment	Staff: Denial Board: Approval ALC: Denied after reconsideration
<b>1208</b>	W 1/4 District Lot 1195, Range 5, Coast District, except Parcl A (See J10999) and except Plan 6801, BCP24965, BCP32740 and EPP1500; and Lot B, Sections 4 and 5, Township 2A, Range 5, Coast District, Plan EPP3487	Application to subdivide two parcels into 3 parcels of 10.27 ha, 14.58 ha and 14.17 ha	Not authorized to send to ALC
<b>1220 (Subject Properties)</b>	Lot A, District Lots 1190, 1191 and 1192, except Part in Plan BCP16335	Application for non-farm use to relocate Malkow Lookout trail	ALC: Approved with conditions (did not require Local

			Government approval)
1260	Parcel A, Sections 2 and 3, Township 2A, Range 5, Coast District, Plan PRP46267	Application to subdivide subject property into two parcels	Staff: Approval
			Board: Approval
			ALC: Denied

### Surrounding Applications Map

