



REGIONAL DISTRICT OF BULKLEY-NECHAKO

Planning Department Referral Report

File No. ALR 1278

Written By: Cameron Kral, Planner

APPLICATION SUMMARY

Name of Agent / Owner: Jason McGrath

Electoral Area: A (Smithers Telkwa Rural)

Subject Properties **Property 1:** The Fractional Northwest $\frac{1}{4}$ of Section 35, Township 8, Range 5, Coast District, Except Plan Attached to 5204-I and Plans 1450, PRP44452, EPP30393 and EPP36986 (PID 011-923-881)

Property 2: That Portion of the Fractional Northeast $\frac{1}{4}$ of Section 34, Township 8, Range 5, Coast District, Lying Northeast of the Bulkley River (PID 011-923-857)

Property Sizes: **Property 1:** \approx 37.9 ha (\approx 93.6 ac)

Property 2: \approx 9.83 ha (24.3 ac)

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

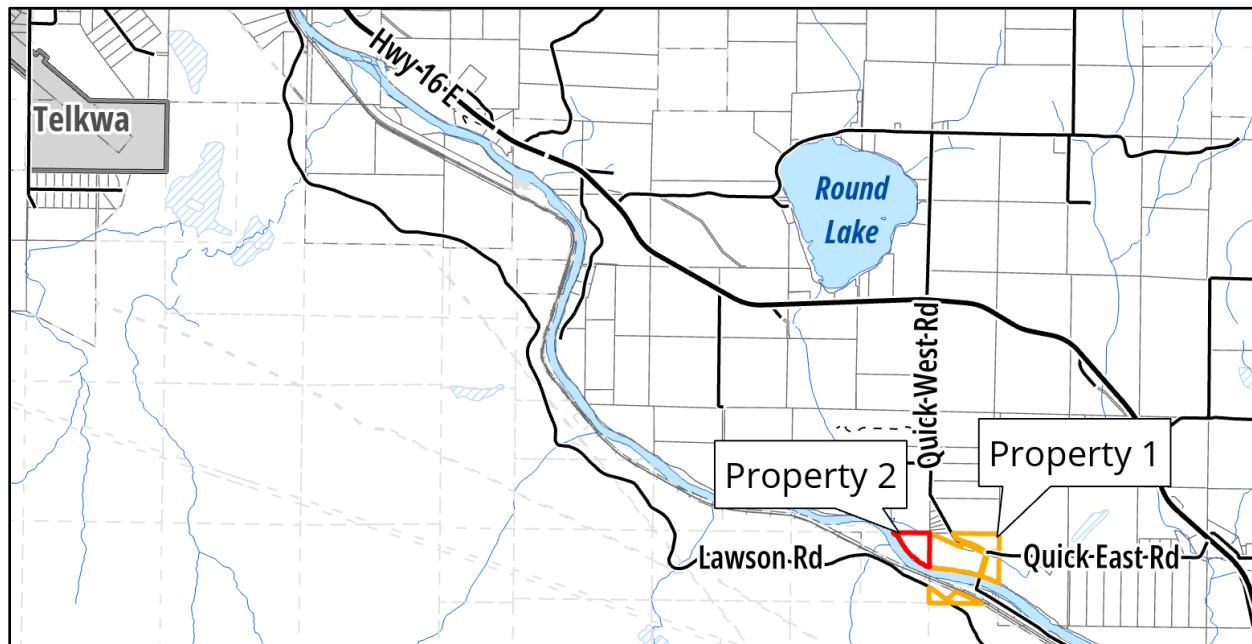
Zoning: Agricultural (Ag1) in "Regional District of Bulkley-Nechako Zoning Bylaw No. 1800, 2020" (the Zoning Bylaw)

Existing Land Uses: **Property 1:** Agricultural / Residential

Property 2: Agricultural

Location: The subject properties are accessed from Quick West Road, approximately 10.5 km southeast of the Village of Telkwa. The surrounding lands consist of large agricultural parcels to the north and east; a larger parcel containing a residence to the north; several small residential parcels to the north and across the Bulkley River to the south; and undeveloped Crown Land across the Bulkley River to south and west. Property 1 is fragmented by multiple roads, the Bulkley River and a railway. Two small segments of Property 1 lie south of the Bulkley River.

Location Map



PROPOSAL

The applicant is requesting Agricultural Land Commission (ALC) approval for a Non-Adhering Residential Use (NARU) to construct an Additional Residence with a Total Floor Area up to 186 m² (2,002 ft²) on Property 1. The requested TFA is 96 m² (1,033 ft²) larger than permitted by the ALC due to the size of Property 1.

ALC regulations allow properties to have up to two Single Family Dwellings:

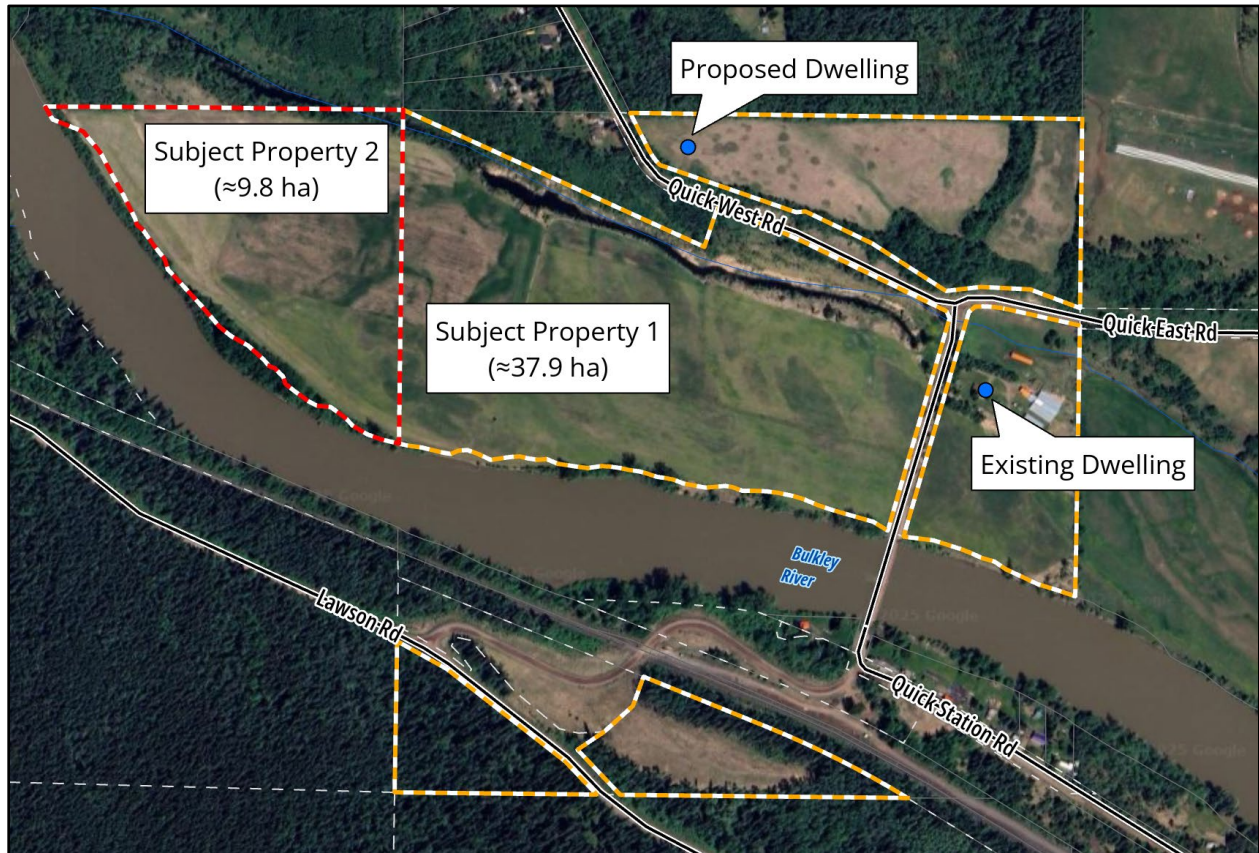
- 1) One Principal Residence with a TFA up to 500 m² (5,381 ft²), and
- 2) One Additional Residence with a TFA up to 90 m² (968 ft²) on properties 40 ha (98.9 ac) or less, or up to 186 m² (2,002 ft²) on properties larger than 40 ha.

The applicant has a 39+ha (96+ac) farm operation on the subject properties that consists of several hay fields, approximately 6 cows, a shop, a barn, multiple accessory farm buildings, and various farm equipment. Property 1 contains an existing 107 m² (1,152 ft²) Single Family Dwelling and all the farm infrastructure. Property 2 is a hay field and is bound to Property 1 by Restrictive Covenant PN26305 (the Covenant). The applicant and two of their children reside in the existing Single Family Dwelling as a single-parent household, while the applicant's parents are temporarily residing in a Camping Vehicle on Property 1.

The applicant purchased the subject properties in 2024 as part of their long-term plan to operate a multi-generational farm involving the applicant, their children, and the applicant's parents working on the farm. The applicant wants to construct a second Single

Family Dwelling with a TFA up to 186 m² (2,002 ft²) on the northern section of Property 1 for use as the Additional Residence to accommodate their parents living and working on the farm (see Site Map below). Additional rationale for the proposal is discussed in the attached Application. Preliminary building plans were provided by the applicant which they intend to revise based on the ALC's definition of TFA (see Attachments).

The applicant stated to staff the existing Single Family Dwelling is a 1977 manufactured home that will eventually need to be replaced by a new Principal Residence to accommodate they and their children.



DISCUSSION

Restrictive Covenant

In 1995, the ALC approved an application to subdivide a 2.2 ha (5.4 ac) parcel from Property 1 (not part of this application) on the condition that Property 1 and Property 2 be consolidated by Restrictive Covenant. In 1998, the Covenant was registered on the subject properties as a condition by the ALC. The Covenant prohibits the transfer of the subject properties separately from each other, meaning they cannot be sold separately (see Attachments for Covenant).

The applicant stated they have discussed the feasibility of consolidating the subject properties by subdivision with the Ministry of Transportation and Transit (MoTT), and

multiple surveyors, to meet the ALC's 40+ ha requirement two allow a 186 m² (2,002 ft²) Additional Residence. However, the time and cost of subdivision would be too prohibitive for the applicant due to the complex layout of the lands and lack of existing survey records.

As an alternative to consolidating the subject properties through subdivision, the applicant stated to staff they are open to amending the existing Covenant, by restricting non-agricultural development on Property 2, as a condition of allowing the proposed 186 m² (2,002 ft²) Additional Residence on Property 1.

Both staff and the applicant discussed this option with the ALC. ALC staff stated that the wording of Section 25(1.1)(b) of the *ALC Act* prohibits the ALC from approving an Additional Residence greater 90 m² on a property 40 ha or less, unless it is necessary for farm use, and that "necessary" generally means that the intensity of the current farm operation requires more labour than can be housed in what is permitted (the 90 m² Additional Residence). After speaking with the ALC, the applicant confirmed with staff their desire to continue with their ALC application.

Official Community Plan

The subject properties are designated Agriculture (AG) under the OCP. Policy 3.1.2(6) states applications for NARUs 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.*

Zoning

The subject properties are zoned Agricultural (Ag1) under the Zoning Bylaw. The Ag1 Zone permits a density of up to two Single Family Dwellings unless additional dwellings are permitted pursuant to the *Agricultural Land Commission Act*. The Ag1 Zone does not regulate the TFA of Single Family Dwellings and their size limits are determined by the ALC.

Agricultural Capability

Canada Land Inventory mapping indicates the subject properties have agricultural capability that is approximately 68 per cent Class 3C limited by adverse climate, 23.6 per

cent Class 4TD limited by topography and undesirable soil structure, and 7.4 per cent Class 4D limited by undesirable soil structure. Class 3 soils are considered a prime soil class in B.C. (see Appendix A for more details).

Planning Department Comments

RDBN records indicate there have been three previous ALC applications involving the subject properties, which have cumulatively contributed to a reduction in size of Property 1 from 47.5 ha (117.3 ac) in 1995 to its current size (see Appendix B for more details):

1. **RDBN File ALR 858 (1995):** In Resolution #927/95, the ALC approved an application to subdivide Property 1 into two lots of 2.2 ha and a 45.5 ha remainder, and to consolidate Property 1 and 2 by Restrictive Covenant.
2. **RDBN File: 896 (1998):** In Resolution #463/98, the ALC approved an application by CN Rail to exclude 12 ha of land from Property 1 and five other properties along Quick Station Road.
3. **ALC File: 53525 (2014):** In Resolution #83/2014, the ALC approved an application by the MoTT under Section 6 of BC Regulation #171/2002 to dedicate 2.06 ha of Property 1 as road after CN Rail purchased the land from Property 1 for rail siding purposes. Staff note this application encompasses a portion of road from Lawson Road to the CN Rail track.

Referrals

This application is being referred to the Electoral Area A Advisory Planning Commission, the RDBN's Agricultural Coordinator, the Ministry of Agriculture and Food and the Village of Telkwa.

ATTACHMENTS

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