



REGIONAL DISTRICT OF BULKLEY-NECHAKO
PLANNING DEPARTMENT REFERRAL REPORT
FILE NO. ALR 1260

APPLICATION SUMMARY

Name of Agent/Owners: John Perry (agent/owner) and Wendy Perry (owner)

Electoral Area: Electoral Area A (Smithers Telkwa Rural)

Subject Properties: Parcel A, Sections 2 and 3, Township 2A, Range 5, Coast District, Plan PRP46267 (PID 024-925-578)

Property Size: 96.66 ha (238.84 ac)

OCP Designation: Agriculture (AG) in the “Smithers Telkwa Rural Official Community Plan” (the OCP)

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

Existing Land Use: Agricultural and residential

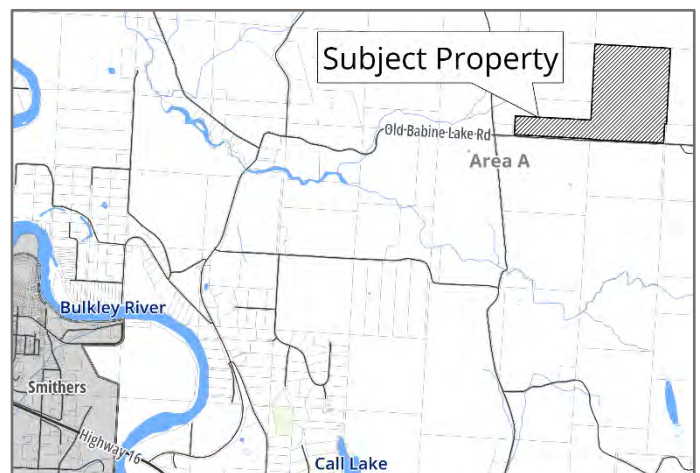
Location: 9362 Old Babine Lake Rd, approximately 4.5 km east of the Town of Smithers. The land to the north is crop fields/residential. The land to the south is lodge/hayfield. To the west are residences/crop fields, and to the east is a horse facility/second growth forest.

Proposed Subdivision: ~32.3 ha (~80 ac)
~64.4 ha (~159 ac)

PROPOSAL

The applicant is requesting Agricultural Land Commission (ALC) approval to subdivide the 96.66 ha subject property into a ~32.3 ha parcel and a ~63.4 ha parcel (see Proposed Subdivision Plan).

The purpose of the proposed subdivision is to allow the owners of the subject property to transfer ownership of the ~32.3 ha parcel to their child’s family so they may build a home and farm the land (see Attachments for ALC Submission).



DISCUSSION

The property owners live on the subject property and state they will not be able to farm the ~32.3 ha portion of their parcel. Their application states they would give their child access to farm equipment and a nearby relative also has underutilized farm equipment.

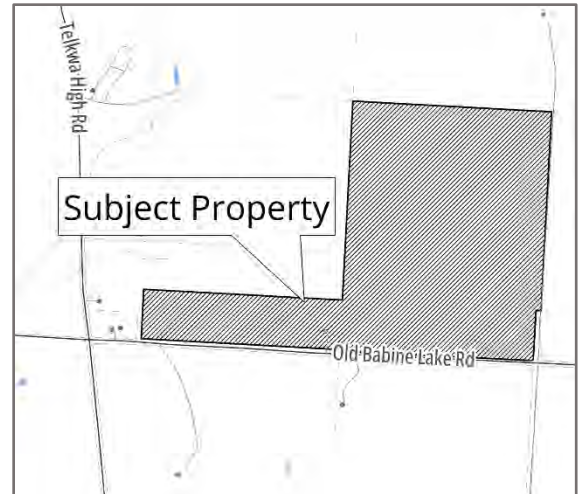
Official Community Plan (OCP)

The lands are designated Agriculture (AG) under the OCP. The intent of this designation to protect and preserve farm land and soil having agricultural capacity, and facilitate the appropriate utilization of that land for agricultural purposes. Section 3.1.2 of the OCP has the following subdivision policies:

"(3) A minimum parcel size of 16 hectares (39.5 acres) is supported. Applications to permit smaller parcels may be considered where the requirements of Section 3.4.2(9) are adequately met, and the proposed subdivision will not have a net negative impact on the agricultural use of the lands being subdivided or surrounding agricultural lands."

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.*



Proposed Subdivision Plan



(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.

(5) New roads and utility and communication corridors required in the Plan area should minimize the negative impact on existing and potential agricultural operations.

(9) The subdivision of lands that form viable farm units is discouraged unless there is a clear benefit to agriculture.”

Zoning

The subject property is zoned Agricultural (Ag1). The proposal complies with the minimum parcel size at subdivision for the Ag1 zone, which is 16 ha (39.5 ac).

Road easement and proposed access

The access easement on the subject property that provides a private road access on the east parcel line of the subject property. This is used as the access for their neighbour's landlocked property. The applicant wants to use this same access for the proposed ~32.3 ha parcel. The Ministry of Transportation and Infrastructure's Provincial Approving Officer determines the adequacy of road access to proposed parcels as part of the subdivision review process, which is based on subdivision requirements outlined in the *Land Title Act*.

Agricultural capability soil classifications

The soil classifications for the subject property are ~30 per cent 3X and ~70 per cent 4PT (see Appendix A for details).

Referrals

This application has been referred to the Ministry of Agriculture and Food; the RDBN Agriculture Coordinator; and the Electoral Area A Advisory Planning Commission.

ATTACHMENTS

1. Appendix A – Agriculture Capability
2. Appendix B – Surrounding ALR Applications
3. ALC submission

Appendix A

Agricultural Capability based on Canada Land Inventory Mapping

99.4% of the subject lands are:

30% Class 3X (limited by cumulative and minor adverse conditions).

70% Class 4PT (limited by stoniness and topography).

0.6% of the subject lands are:

30% Class 3X (limited by cumulative and minor adverse conditions).

50% Class 4PT (limited by stoniness and topography).

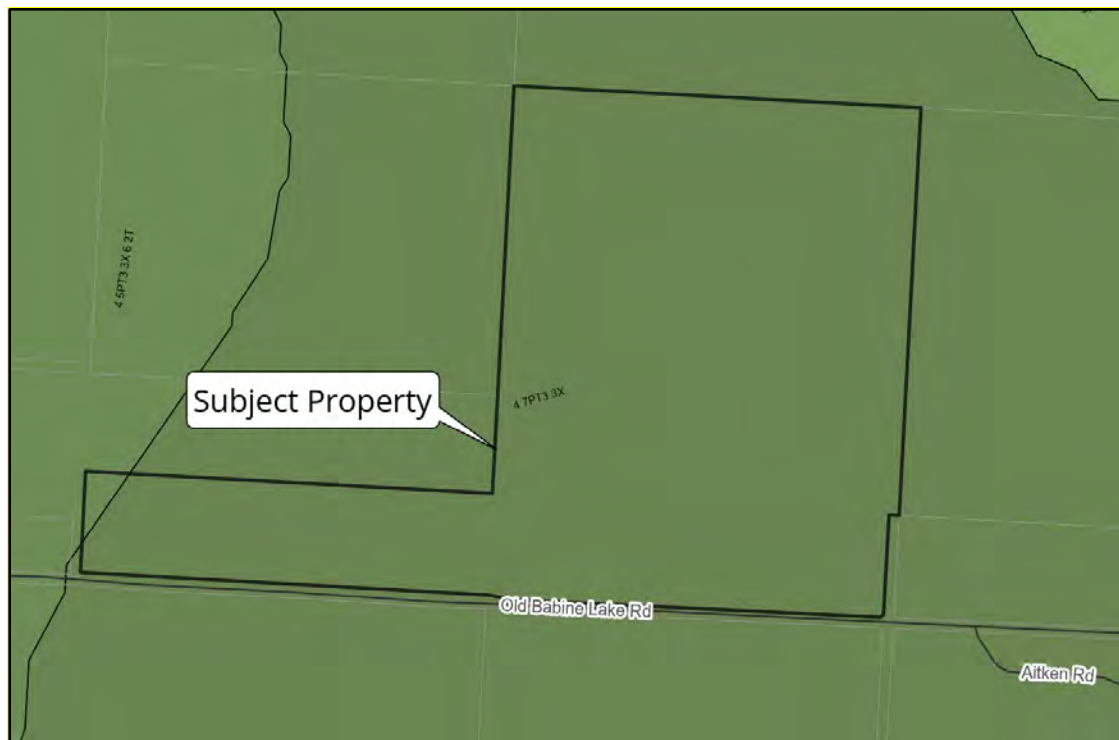
20% Class 6T (limited by topography).

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

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

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

Agricultural Capability Map



APPENDIX B:

Surrounding Applications

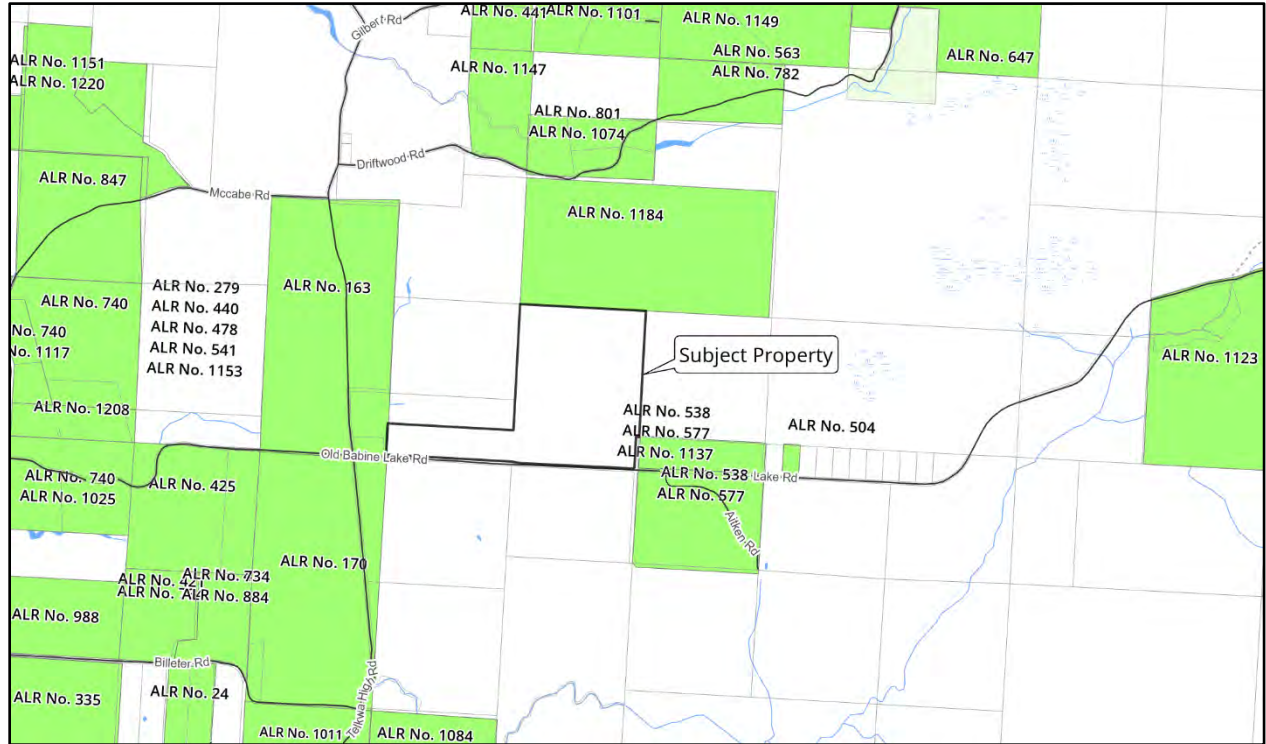
ALR Application	Legal Description	Summary	Recommendation
24	Lots 2 & 3, District Lots 1191 & 1299, Range 5, Coast District, Plan 7161	Application to subdivide ±24.68 ha into eight lots of ±2 ha each.	Staff: Approval
			Board: Approval
			ALC: Denied
163	Lot 851	Application to subdivide ±5.3 ac from 320 ac.	Staff: Approval
			Board: Approval
			ALC: Approved
170	District Lot 1196, Range 5, Coast District	Application to subdivide 5 ac parcel, subject to its consolidation with the south 1/2 of District Lot 1997.	Staff: Approval
			Board: Approval
			ALC: Approved
279	Fractional SW 1/4, Section 4, Township 2A, Range 5, Coast District	Application to subdivide the subject property.	Staff: No approval needed
			Board: No approval needed
			ALC: No approval needed
335	SW 1/4, Section 33, Township 4, Range 5, Coast District	Application to construct a road on subject property.	Staff: Approval
			Board: Approval
			ALC: Approved
421	Lot 1 & 5, District Lots 1199 & 1200, Range 5, Coast District, Plan 6668	Application to subdivide ten parcels of ±2 ha and one ±44.7 ha parcel from subject property.	Staff: Denial
			Board: Denial
			ALC: Denied, amended and Approved
425	E 1/2, District Lot 1195, Range 5, Coast District	Application to subdivide 16 ha from 64 ha property.	Staff: Denial
			Board: Denial
			ALC: Approved
440	Fractional SW 1/4, Section 4, Township 2A, Range 5, Coast District, except Plan 4085	Application to subdivide two 2 ha parcels and one 12.7 ha parcel from 16.7 ha property.	Staff: Denial
			Board: Denial
			ALC: Denied
441	Section 15, Township 2A, Range 5, Land	Application to subdivide one 2 ha parcel from ±12.5 ha subject property.	Staff: Denial
			Board: Approval
			ALC: Denied

	District, except Plans 5934 & 8253		
478	Fractional SW 1/4, Township 2A, Range 5, Coast District	Application to subdivide 16.73 ha property into 5.26 ha and 11.46 ha.	Staff: Denial
			Board: Denial
			ALC: Denied
504	Lot 2, Section 1, Township 2A, Range 5, Coast District, Plan 7359	Application to subdivide 2.08 ha property into two 1.04 ha parcels.	Staff: Denial
			Board: Denial
			ALC: Denied
538	S 1/2, Section 2, Township 2A, Range 5, Coast District	Application to subdivide 129.5 ha parcel into two parcels.	Staff: Approval
			Board: Approval
			ALC: Denied
541	Fractional SW 1/4, Section 4, Township 2A, Range 5, Coast District, except Plan 4085	Application to exclude 16.96 ha from the ALR.	Staff: Denial
			Board: Denial
			ALC: Denied
563	N 1/2 of the NE 1/4, Section 11, Township 2A, Range 5, Coast District	Application to subdivide 2 ha from 32.4 ha subject property.	Staff: Denial
			Board: Approval
			ALC: Denied
577	S 1/2, Section 2, Township 2A, Range 5, Coast District	Application to subdivide subject property into two ±64 ha parcels	Staff: Approval
			Board: Denial
			ALC: Approved
647	SE 1/4, Section 13, Township 2A, Range 5, Coast District, except Plan 4806	Application to subdivide ±0.89 ha from 57.76 ha property.	Staff: Denial
			Board: Denial
			ALC: Denied
740	NW 1/4, S4, Tp 2A, R5, LD 14, except Plan 6801 Part W 1/2, DL 1195, R5, LD 14, except southerly 41.52 ac	Application to subdivide NW 1/4 into two parcels of 32.35 ha and the W 1/2 into two lots of 23.05 ha.	Staff: Denial
			Board: Denial
			ALC: Denied
782	N 1/2 of the NE 1/4, Section 11, Township 2A, Range 5, Coast District	Application to subdivide 32.38 ha into two 16 ha parcels.	Staff: Denial
			Board: Denial
			ALC: Denied
801	S 1/2 of the NW 1/4, Section 11, Township 2A, Range 5, Coast District	Application to subdivide subject property into 26 ha and 6 ha.	Staff: Denial
			Board: Denial
			ALC: Denied
847		Application to operate a 372 m2 guest lodge.	Staff: Approval
			Board: Approval

	Part S 1/2, District Lot 1190, Range 5, Coast District		ALC: Approved
884	Lot 5, District Lot 1199, Range 5, Coast District, Plan 7161, except Plan 12629	Application to subdivide ±2.5 ha from ±21.96 ha for consolidation.	Staff: Approval
			Board: Approval
			ALC: Denied
988	W 1/2, District Lot 1199, Range 5, Coast District, except Plan 11805	Application to subdivide ±2.02 ha from subject property (homesite severance).	Staff: Approval
			Board: Approval
			ALC: Approval
1011	NW 1/4 & SW 1/4, District Lot 1203, Range 5, Coast District	Application to subdivide ±9.1 ha from subject property (homesite severance).	Staff: Approval
			Board: Approval (Conditions)
			ALC: Approved (Conditions)
1025	Part W 1/2, District Lot 1195, Range 5, Coast District, except Parcel A (see J10999) & except Plan 6801	Application to subdivide ±2.56 ha from ±44 ha (homesite severance).	Staff: Approval
			Board: Approval
			ALC: Approved
1074	S 1/2 of the NW 1/4, Section 11, Township 2A, Range 5, Coast District	Application to subdivide subject property into 11 ha, 9 ha and 10 ha parcels.	Staff: Denial
			Board: Approval
			ALC: Approved
1084	NE 1/4 & SE 1/4, District Lot 1203, Range 5, Coast District	Application to remove restrictive covenant on separate sale of two properties, for boundary adjustment.	Staff: Approval
			Board: Approval
			ALC: Approved
1101	District Lot 179, Range 5, Coast District	Application to subdivide property in half.	Staff: Approval
			Board: Approval
			ALC: Approved
1117	Lot 1, Section 4 & 5, Township 2A, Range 5, Coast District, Plan BCP15942	Application to subdivide property into two parcels.	Staff: Approval
			Board: Approval
			ALC: Approval
1123	Block A, District Lot 1090 & 1097, Range 5, Coast District, except Plan EPP1199	Application to subdivide property into two parcels.	Staff: Approval
			Board: Approval
			ALC: Denied but reconsidered and Approved

1137	Lot 2, Section 2, Township 2A, Range 5, Coast District, Plan PRP 13968	Application to subdivide property into two parcels.	Staff: Denial
			Board: Denial
			ALC: Withdrawn
1147	Fractional NE 1/4, Section 10, Township 2A, Range 5, Coast District, except Plans 6536 & 6537	Application to subdivide property as divided by Driftwood Creek.	Staff: Approval
			Board: Approval
			ALC: Approved
1149	District Lot 4765, Range 5, Coast District	Application to subdivide property into to parcels.	Staff: Approval
			Board: Approval
			ALC: Approved
1151	Lot A, District Lots 1190, 1191 & 1192, Range 5, Coast District, Plan PRP41664, except Plan BCP16335	Application to subdivide property into two parcels.	Staff: Approval
			Board: Approval
			ALC: Approval
1153	W 1/2, DL 1195, R5, CD, except Parcel A (see J10999). Plans 6801, BCP24695, BCP32740 & EPP1500 Lot B, Sec. 4 & 5, Tp 2A, R5, CD, Plan EPP3487	Application to subdivide two parcels into three parcels.	Staff: Approval
			Board: Approval
			ALC: Refused as Proposed
1184	S 1/2, Section 11, Township 2A, Range 5, Coast District, except thereout a strip of land being the most easterly 20 m in parcel width	Application to subdivide the property in half.	Staff: Denial
			Board: Denial
			ALC: Withdrawn
1208	W 1/4, DL 1195, R5, CD, except Parcel A (see J10999) & except Plans 6801, BCP24965, BCP32740 & EPP1500 Lot B, Sec 4 & 5, Tp 2A, R5, CD, Plan EPP3487	Application to subdivide two properties into three parcels of 10.27 ha, 14.58 ha and 14.17 ha.	Staff: Not authorized to send to ALC
			Board: Not authorized to send to ALC
			ALC: N/A
1220	Lot A, District Lots 1190, 1191 & 1192, except Plan BCP 16335	Withdrawn	Staff: Withdrawn
			Board: Withdrawn
			ALC: Withdrawn

Surrounding Applications Map





Provincial Agricultural Land Commission - Applicant Submission

Application ID: 68154

Application Status: Under LG Review

Applicant: john perry

Local Government: Bulkley-Nechako Regional District

Local Government Date of Receipt: 04/26/2023

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Subdivision

Proposal: I would like to transfer the northernmost 80 acres (32.23 ha) to my son and his wife so they can build a home there and develop this parcel for farming. Farmland is rare and very expensive to acquire. Most is bought by wealthy folks who then get someone to farm it if they can and if they can not it generally goes back to bush. My son's wife already has chickens at their house in town and raises a few steers at her uncle's place but would like her own place to do more of this. He would sell his place in town then build a home and develop the property. My daughter-in-law is interested in a small hobby farm with chickens, goats, steers and establishing a haskap growing operation for farming. Daughter-in-law's uncle lives a mile away from proposed homesite and he has started a commercial haskap growing operation. He has purchased a combine to harvest crops and has facilities. My son said he and his wife were thinking of getting a similar operation going and they could use his combine if they did so. The combine is an expensive machine that is just used 1 or 2 days per year at this time. Her uncle also has some knowledge about this crop and how to market it. His place is one mile from proposed homesite.

Mailing Address :

[REDACTED]

Primary Phone : [REDACTED]

Mobile Phone : [REDACTED]

Email : [REDACTED]

Parcel Information

Parcel(s) Under Application

1. **Ownership Type :** Fee Simple

Parcel Identifier : 024-925-578

Legal Description : PARCEL A SECTIONS 2 AND 3 TOWNSHIP 2A RANGE 5 COAST DISTRICT PLAN PRP46267

Parcel Area : 96.7 ha

Civic Address : 9362 old babine lake road

Applicant: john perry

Date of Purchase : 01/05/1982

Farm Classification : Yes

Owners

1. **Name :** john perry

Address :

[REDACTED]

Phone : [REDACTED]

Cell : [REDACTED]

Email : [REDACTED]

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type :** Fee Simple

Parcel Identifier : 015-598-900

Owner with Parcel Interest : john perry

Parcel Area : 64.6 ha

Land Use Type : Recreational

Interest Type : Full Ownership

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

hay farm /horse boarding. Hay fields part of 80 acres adjacent to road. Income from this 60-70 acres gross [REDACTED] in 2022. 80 acres being reworked by neighbour turned over not yet planted no income in 2022. 80 acres leased to cow calf operator for grazing on north boundary [REDACTED] income in 2022. I own haying equipment and put up hay myself. Sell to area people. \mostly horse owners some cattle farmers. horse Horse boarding 12% of income.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

When we got land (5 different acquisition dates from 1982 until mid 1990s) was just rough pasture in same state as part I am seeking to carve out. Mostly brush . Got first 40 acres and put it i n hay in early 1980s. Addeed on a second 40 acre piece couple years later which was then rough pasture. Put a hayfield in and these 2 parts generate the [REDACTED] gross income. Also put 80 acres to north of roadside parcel into hayfields which then were leased out on share crop basissince mid1990s. I put in 160 acres of hayfields where none existed when I aquired property.. Built hay barns ,horse barns ,horse shelters equipment sheds etc over years. Fenced ,crossfenced pastures, gates installed horse rings etc. 80 acres to north is share cropped by neighbour but no income from this parcel foe 4-5 years. He is redoing field and it did produce 5 years ago and is a hayfield. Farthest 80 acres to north is unimproved pasture which i mow brush on occsionally and this was used for pasture for few weeks yielding [REDACTED] yearly income. Not developed as other parts of land are. When I aquired land it was just rough pasture and currently 160 acres cultiveted and used to grow crops. The 80 acres I want to subdivide out in same state as it was when I bought it in mid 1990s.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

we have lived on lower 40 acres since 1985.

Applicant: john perry

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity : share crop owner sublets in summer but really just large home and logging slash on a 300 acre parcel of which 60-80 acres are share cropped by a local farmer. Owner of land does not farm it has no animals

East

Land Use Type: Agricultural/Farm

Specify Activity : An unimproved section that was logged and replanted and a parcel my brother and wife's horse operation that is quite active. It has riding arenas used year round. Horses are bred sold rented , trained and boarded. I sold this 40 acres to brother and wife in 1990s and they raised their 2 children there . As part of that process I tied the lower 80 acres to a quarter section so that is why the parcel I am trying to subdivide is 240 acres in size. It turned out that this subdivision was in the best interest of agriculture because it allowed my brother and his wife to establish their horse operation. The parcel I sold them was too rough rocky ,wet and hilly to develop into hayland for the most part but is good pasture and works well enough for them.

South

Land Use Type: Agricultural/Farm

Specify Activity : a lodge type property not developed or farmed consists of 115 acres that in past was used for pasture no fields developed. A second parcel to the south is a hayfield sharecropped by a nearby farmer. Neither neighbour to south does actual farm work. or owns farm equipment. No real commercial farming carried on by landowners.

West

Land Use Type: Agricultural/Farm

Specify Activity : Three parcels ;a home on 5 acres and a rental property that has hayfields sharecropped by the owner .Has 30-40 acres in hay. A third parcel to west is owned by a doctor who sharecrops the hay and has a herdsman hired to look after his cows. He has 50 or so animals. He does not live on the property

Proposal

1. Enter the total number of lots proposed for your property.

32.24 ha

64.46 ha

2. What is the purpose of the proposal?

I would like to transfer the northernmost 80 acres(32.23 ha) to my son and his wife so they can build a home there and develop this parcel for farming. Farmland is rare and very expensive to acquire. Most is bought by wealthy folks who then get someone to farm it if they can and if they can not it generally goes back to bush. My son's wife already has chickens at their house in town and raises a few steers at her uncle's place but would like her own place to do more of this. He would sell his place in town then build a home and develop the property. My daughter in law is interested in a small hobby farm with chickens, goats steers and establishing a haskap growing operation for farming Daughter in law's uncle lives a mile away from proposed homesite and he has started a

Applicant: john perry

commercial haskap growing operation. He has purchased a combine to harvest crops and has facilities. My son said he and his wife were thinking of getting a similiar operation going and they could use his combine if they did so . The combine is an expensive machine that is just used 1 or 2 days per year at this time. Her uncle also has some knowledge about this crop and how to market it. His place is one mile from proposed homesite.

3. Why do you believe this parcel is suitable for subdivision?

It has water from a good spring, power and a road to it. It is southerly in slope and with good views etc. Not too many trees. Large enough to get septic in and not near other places. Only 1 neighbour within a mile and he has no livestock. Would be an 80 acre parcel and large enough to develope.

4. Does the proposal support agriculture in the short or long term? Please explain.

It does because I am 69 (70 in June) and while I have owned this parcel for over 25 years I have not had time or energy to develope it. My son is younger and has a longer time frame to work with than me . If he lived there he could develope it using my equipement and could also help me with my operations as he would live close by. He helps now when he can but lives in town so not so easy. He is a better hoe operator than I am. We did consider the quarter section which was logged on a part which had mature falling down trees and replanted as a homesite for my sons family. It has never been used for any farming except grazing cattle up until 4 years ago. A problem with that is that there are a lot of wet spots with water hemlock and cattle died when grazing there esecially in the spring. The land there does not have a proven or developed spring as the proposed homesite does. It is also hilly and wet and hard to develope for farming. It is good moose pasture and has lots of deer owls hawks etc that breed there. we like the biodiversity this parcel has and it is a buffer between crown lands to east and hayfields to west. It does not have power and generally would be much harder to develope for both a homesite and for farming. I have owned it since 1990s and it is too rough hilly and swampy to develope . We do use it a lot and it has ski trails riding trails hiking trails etc. Neighbours also use it. I have 2 other children to consider.

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

Applicant Attachments

- Proposal Sketch - 68154
- Other correspondence or file information - Parcel Map Consolidation
- Other correspondence or file information - Parcel Map
- Other correspondence or file information - Parcel Map B&W
- Other correspondence or file information - Title Search
- Other correspondence or file information - BC Assessment - 015-598-900
- Certificate of Title - 024-925-578

ALC Attachments

None.

Decisions

None.

Applicant: john perry

crow n land

Logged replanted
to current farm use
wild life habitat
trails recreation.

mark + June
Horse
operation.

proposed new lot

part leased to
neighbor to be
replanted.

Field Hay

Bush
no farm
use

Driftwood
Lodge

on place

Old Babine Lake Road

hay field
shore cropped

Shore cropped
50 acres

Fields
Hay

Shore cropped

home

small
cabin

5 acre
hom site

Telkwa High Road