



REGIONAL DISTRICT OF BULKLEY-NECHAKO
PLANNING DEPARTMENT REFERRAL REPORT
FILE NO. ALR 1263

APPLICATION SUMMARY

Name of Agent/Owners: Timothy Neudorf (agent)/Jason Fitzlaff, James Hardy, & Lori Hardy (owners)

Electoral Area: Electoral Area F
(Vanderhoof Rural)

Subject Properties: The Northeast 1/4 of Section 24, Township 3, Range 4, Coast District (PID 015-308-529)

Property Size: 64.7 ha (159.89 ac)

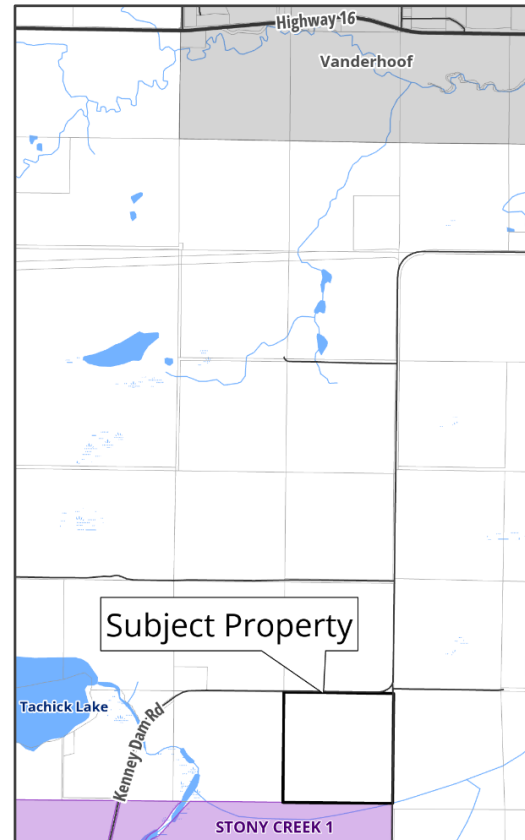
OCP Designation: Agriculture (AG) in the "Vanderhoof Rural Official Community Plan, Bylaw No. 1963, 2021" (the OCP)

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

Existing Land Use: Residential

Location: 5387, 5513, & 5629 Lakes Rd, abutting the Stoney Creek 1 Reserve, approximately 3 km southwest of the District of Vanderhoof. Lands to the North and East are used for agriculture (crop/hay production). The lands to the west are used for agriculture and are identified as an Important Bird Area. The land to the south is Stoney Creek 1 Reserve, with a mixture of community/residences and forested land.

Proposed Subdivision: **3 parcels:** two 16.2 ha (40 ac) parcels and one 32.3 ha (~79.8 ac) parcel.



PROPOSAL

The applicant is requesting Agricultural Land Commission (ALC) approval to subdivide the 64.7 ha property into two -16.2 ha (40 ac) parcels, referred to as proposed Sites 1 and 2, and one 32.3 ha (~79.8 ac) parcel, referred to as proposed Site 3 (see Proposed Subdivision Plan to the right).

There are three single family dwellings on the subject property. The proposal is to subdivide the property so each single family dwelling is on a separate parcel (see Attachments for ALC Submission). The applicant states that subdivision would facilitate developing the property for agriculture by allowing the residents of proposed Site 1 (5387 Lakes Rd) to get farm financing with a separate property title. Additionally, the applicant believes having three titles would make inheritance planning easier for the property owners.

DISCUSSION

Proposed Site 2 (5513 Lakes Rd) is mostly treed. It has a house with a two-vehicle garage, a large garden, a green house, storage shed/firewood storage, a carport, and a storage outbuilding (see Attachments for site visit photos). Proposed Site 3 (5629 Lakes Rd) is mostly treed, with a house, greenhouse, an empty paddock, a barn, some small outbuildings, and several derelict vehicles. Both houses were built in the late 1970s. Proposed Site 1 (5387 Lakes Rd) is mostly treed, with manufactured home, a storage shed, a utility shed, and a large garden. The applicant states the dwelling at 5387 Lakes Rd was built in 1999.



Proposed Subdivision Plan: The Applicant's subdivision proposal for proposed parcel Site 1 (5387 Lakes Rd), parcel Site 2 (5513 Lakes Rd) and parcel Site 3 (5629 Lakes Rd).

Official Community Plan (OCP)

The lands are designated Agriculture (AG) under the OCP. The intent of the AG designation is to preserve these lands for the purposes of farming and other related activities. In general, the AG designation follows the boundaries of the Agricultural Land Reserve (ALR). 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 unless a different parcel size is approved by the Agricultural Land Commission.

(5) Wherever possible contiguous areas of agricultural land will be preserved to ensure that agriculture and associated activities are protected from potentially incompatible land uses.

(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, applications 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.

9) The voluntary consolidation of legal parcels which form part of the same farm unit will be encouraged. Subdivisions and consolidations which permit more efficient use of land for agricultural purposes will also be supported.”

Important Bird Area (IBA): IBAs are sites that support specific groups of birds: threatened birds, large groups of birds, and birds restricted by range or by habitat. The Tachick Lake area provides important habitat for migrating waterfowl, such as ducks, swans, and geese in the fall between September and November. Tachick Lake also hosts a substantial population of the American White Pelican. Approximately two thirds of the subject property is identified in the OCP as part of the Tachick Lake Important Bird Area (IBA) by the IBA Program, which is an international conservation initiative.

More than 15 feral cats were seen on proposed Site 3 (5629 Lakes Rd) during staff's site visit. While the RDBN does not regulate domestic animals, given the property's location in the IBA, staff believe the feral cats are noteworthy.

Zoning, Building Inspection, and Fire Protection

The subject property is in the Agricultural (Ag1) Zone. The proposal complies with the 16 ha (39.5 ac) Ag1 Zone minimum parcel size at subdivision. There are three single family dwellings on the subject property. The single family dwellings at 5513 and 5629 Lakes Rd were built in the 1970s and complied with zoning. The third single family dwelling at 5387 Lakes Rd was constructed in 1999, exceeding the number of dwellings permitted in the Ag1 Zone without ALC approval. If the proposed subdivision occurs, all three dwellings would comply with the Ag1 Zone and ALC regulations. Without subdivision, the process to legalize

three single family dwellings would require the property owner to obtain an ALC non-adhering residential use approval.

The subject property is not within the building inspection area and is in the Vanderhoof Rural fire protection area.

Agricultural capability soil classifications

The soil classifications for the subject property are 93.2 per cent Class 5, with 10.2 per cent limited by excess water and 83 per cent limited by cumulative/minor adverse conditions (see Appendix A). It is noted that 6.8 per cent of the subject property, is "O" for organics, meaning the land is swamp or a similar landscape that contains organic material but no soil classes. The organics run east west near the unnamed creek on proposed parcel Site 3.

Past ALC applications

The three previous ALC applications for this property (see Appendix B) were recommended for denial by the Board and were denied by the ALC. They are summarized as follows.

- Application for a 17-parcel subdivision to sell land for hobby farms/rural residences. The ALC stated the land's agricultural capacity for forage production was important to the area and subdivision would intrude into an area of mostly large parcels.
- Application for four parcels for small farms. The ALC stated the land was intentionally included in the ALR because it is excellent for forage production and grazing and needed to be protected from "random development". The ALC stated subdivision could contribute to the "the erosion of lands most precious and vital to the preservation of the cattle industry".
- Application to create a three-parcel subdivision two create three titles. The ALC stated the land was suitable for forage production and grazing and the ALC did not want to encourage further parcelization, which could have a detrimental impact on the agricultural community.

Referrals

This application has been referred to the Saik'uz First Nation, the Ministry of Agriculture and Food; the Ministry of Environment and Climate Change Strategy; the Electoral Area F Advisory Planning Commission; and the RDBN Agriculture Coordinator.

ATTACHMENTS

- Appendix A – Agriculture Capability
- Appendix B – Surrounding ALR Applications
- Site visit photos
- ALC submission

Appendix A

Agricultural Capability based on Canada Land Inventory Mapping

83% of the subject lands are:

Class 5X (limited by cumulative and minor adverse conditions).

17% of the subject lands are:

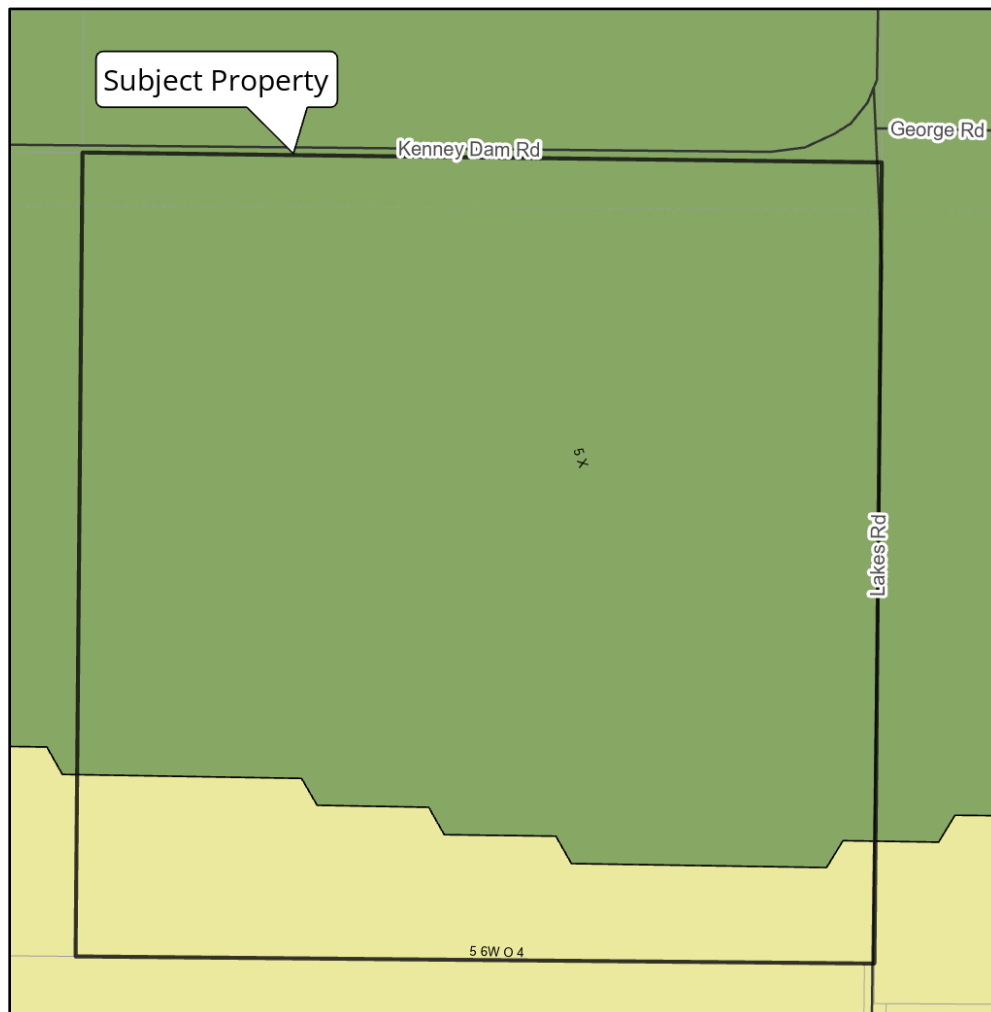
60% Class 5W (limited by excess groundwater).

40% 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.

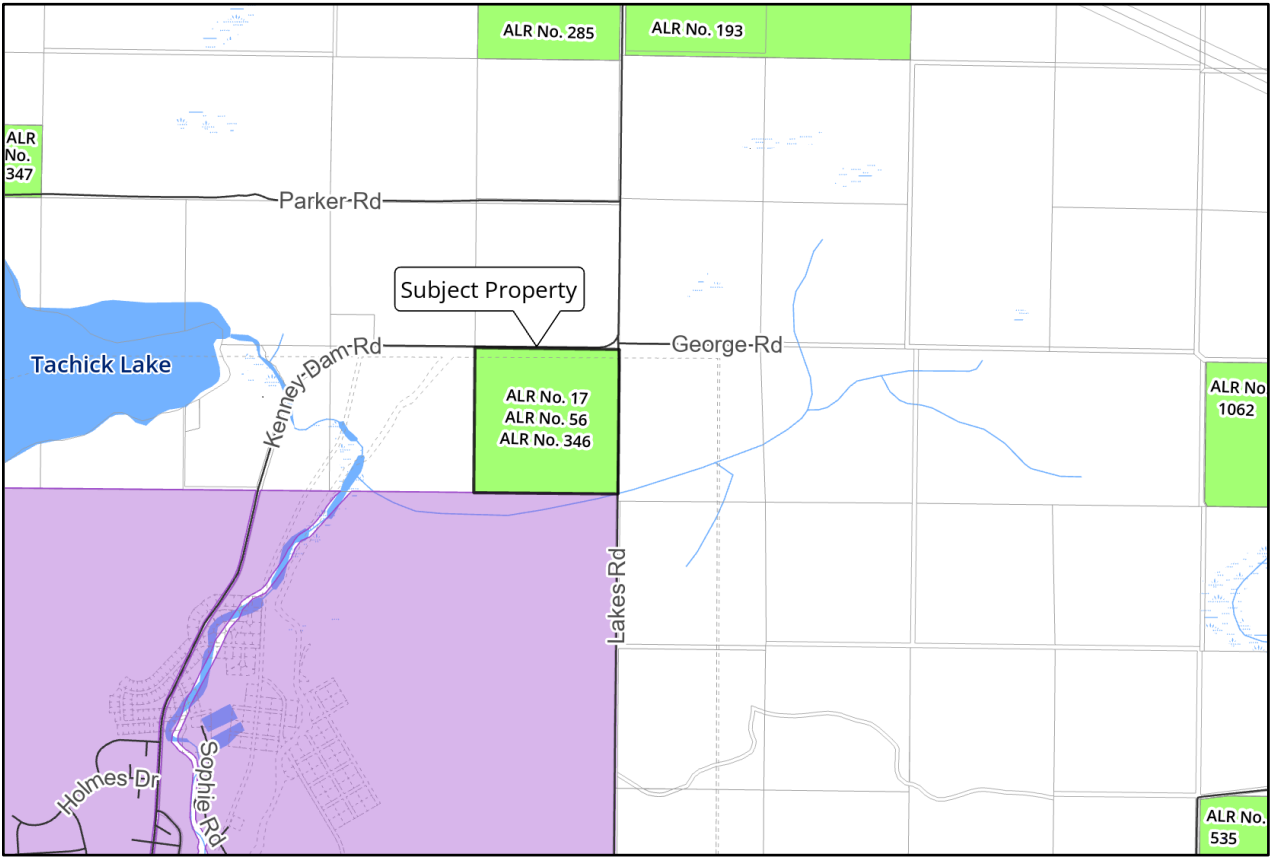
Agricultural Capability Map



APPENDIX B:**Surrounding Applications**

ALR Application	Legal Description	Summary	Recommendation
17 (Subject Property)	NE 1/4, Section 24, Township 3, Range 4, Coast District	Application to subdivide subject property and for non-farm use.	Staff: Denial
			Board: Denial
			ALC: Denied
56 (Subject Property)	NE 1/4, Section 24, Township 3, Range 4, Coast District	Application to subdivide 160 ac into four 40 ac parcels.	Staff: Denial
			Board: Denial
			ALC: Denied
193	Section 31, Township 2, Range 4, Coast District	Application to subdivide subject property into four quarter sections.	Staff: Approval
			Board: Denial
			ALC: Approved
285	SE 1/4, Section 36, Township 3, Range 4, Coast District	Application for exclusion from ALR.	Staff: Denial
			Board: Denial
			ALC: Denied
346 (Subject Property)	NE 1/4, Section 24, Township 3, Range 4, Coast District	Application to subdivide subject property.	Staff: Denial
			Board: Denial
			ALC: Denied
347	S 1/2 of NE 1/4, Section 27, Township 3, Range 4, Coast District	Application to subdivide subject property into two parcels of 5 ac and 75 ac.	Staff: Denial
			Board: Denial
			ALC: Denied
535	S 1/2, Section 16, Township 2, Range 4, Coast District, except the most westerly 10 metres and the most northerly 10 metres.	Application to subdivide 127.58 ac into two parcels of ± 63.7 ha each.	Staff: Approval
			Board: Approval
			ALC: Approved
1062	Block A, Section 21, Township 2, Range 4, Coast District	Application to subdivide subject property into two 160 ac parcels.	Staff: Approval
			Board: Approval
			ALC: Approved

Surrounding Applications Map



Attachment: Site Visit Photos

Photo Series 1: 5387 Lakes Road (proposed parcel Site 1)

Photo #1: View of residential site from road



Photo #2: manufactured home



Photo #3: storage shed



Photo #4: large garden



Photo Series 2: 5513 Lakes Road (proposed parcel Site 2)

Photo #5: view from the road



Photo #6: house with attached garage



Photo #7: garage attached to house



Photo #8: carport/storage outbuilding



Photo #9: storage shed/wood storage



Photo #10: large garden and greenhouse



Photo Series 3: 5629 Lakes Road (proposed parcel Site 3)

Photo #11: view from the road



Photo #12: house (front view from driveway)



Photo #13: house (side view from yard)



Photo #14: barn (front view)



Photo #15: barn (side view from paddock)



Photo #16: shed and outbuilding next to barn



Photo #17: greenhouse



Photo # 18: paddock





Provincial Agricultural Land Commission - Applicant Submission

Application ID: 57333

Application Status: Under LG Review

Applicant: James Hardy , Lori Hardy , Jason Fitzlaff

Agent: Timothy Neudorf

Local Government: Bulkley-Nechako Regional District

Local Government Date of Receipt: 07/09/2023

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

Proposal Type: Subdivision

Proposal: The purpose of this proposal is to subdivide the property under consideration into 3 parcels of 16.2 ha, 16.2 ha, and 32.3 ha, with all 3 parcels to remain in the ALR.

The property has been owned by the co-owners since 1976. Two of the home sites have been occupied by the three co-owners of the property since that time and the third home site since 1999 by the daughter (and her husband) of 2 co-owners, when a portion of the property was gifted to them as a wedding present.

Subdivision is desirable as it will:

- 1) Provide titles to all three families with interests in the property.
- 2) Provide the opportunity to pass the property on to family as all three legal co-owners have passed retirement age.
- 3) Provide long-term stability and security for the title holders, facilitating property development for agriculture. The family on Lot 1 is committed to making a sizeable financial investment in the property, including land clearing, well drilling, and farming infrastructure construction, but is unable to proceed with development unless title is in place to facilitate bank financing.

The proposed lot configuration was chosen because it provides road access for each property while allowing each lot to remain a size conducive to farming activity.

Agent Information

Agent : Timothy Neudorf

Mailing Address :



Primary Phone : [Redacted]

Email : [Redacted]

Parcel Information

Applicant: James Hardy , Lori Hardy , Jason Fitzlaff

Parcel(s) Under Application

1. **Ownership Type :** Fee Simple

Parcel Identifier : 015-308-529

Legal Description : NE 1/4 OF SEC 24 TP 3 R4C

Parcel Area : 64.7 ha

Civic Address : 5387, 5937, 5629 Lakes Road, Vanderhoof, BC, V0J 3A1

Date of Purchase : 08/13/1976

Farm Classification : No

Owners

1. **Name :** James Hardy

Address :

[REDACTED]

Phone : [REDACTED]

Cell : [REDACTED]

Email : [REDACTED]

2. **Name :** Lori Hardy

Address :

[REDACTED]

Phone : [REDACTED]

Email : [REDACTED]

3. **Name :** Jason Fitzlaff

Address :

[REDACTED]

Phone : [REDACTED]

Current Use of Parcels Under Application

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

-135 square meter established garden at Site #1.

-300 square meter established garden at Site #2.

-Currently no active agriculture at Site #3.

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

-Previous property owner logged the property but made no agricultural improvements.

-Site 1 has an established 135 square meter garden with additional 1000 square meters of property just cleared for agricultural use (orchard).

Applicant: James Hardy , Lori Hardy , Jason Fitzlaff

- Site 2 has an established 300 square meter garden with 20 square meter greenhouse under construction.
- Site 3 has a substantial portion of the property fenced and a barn and outbuildings in place.
- The majority of the property is undeveloped and covered in natural forest regrowth.

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

- Site #1 - .35 hectare home site cleared.
- 1 mobile home with addition and 2 sheds
- Site #2 .47 hectare home site cleared.
- 1 permanent dwelling with 2 sheds and 3 bay unfinished pole shed.
- Site #3 .41 hectare home site cleared.
- 1 permanent dwelling with barn and several outbuildings

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity : Approximately 35 hectares cleared for production, approximately .88 hectare home-site. Remainder of 1/4 section is forested.

East

Land Use Type: Agricultural/Farm

Specify Activity : Approximately 24.8 hectares cleared for production. Approximately .8 hectare home site. Remainder of 1/4 section is forested.

South

Land Use Type: Unused

Specify Activity : Indian Reserve

West

Land Use Type: Agricultural/Farm

Specify Activity : Approximately 40 hectares cleared for production. Approximately 1.4 hectares home/farm site. Remainder is forested.

Proposal

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

16.2 ha
16.2 ha
32.3 ha

2. What is the purpose of the proposal?

The purpose of this proposal is to subdivide the property under consideration into 3 parcels of 16.2 ha, 16.2 ha, and 32.3 ha, with all 3 parcels to remain in the ALR.

The property has been owned by the co-owners since 1976. Two of the home sites have been occupied by the three co-owners of the property since that time and the third home site since 1999 by the daughter (and her

Applicant: James Hardy , Lori Hardy , Jason Fitzlaff

husband) of 2 co-owners, when a portion of the property was gifted to them as a wedding present.

Subdivision is desirable as it will:

- 1) Provide titles to all three families with interests in the property.*
- 2) Provide the opportunity to pass the property on to family as all three legal co-owners have passed retirement age.*
- 3) Provide long-term stability and security for the title holders, facilitating property development for agriculture. The family on Lot 1 is committed to making a sizeable financial investment in the property, including land clearing, well drilling, and farming infrastructure construction, but is unable to proceed with development unless title is in place to facilitate bank financing.*

The proposed lot configuration was chosen because it provides road access for each property while allowing each lot to remain a size conducive to farming activity.

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

The property is suitable for subdivision for a number of reasons:

- 1) Lakes Road runs along the eastern boundary of the entire quarter, providing road access to all three proposed lots. The proposed subdivision plan does not require any road easements or access planning.*
- 2) The property was logged by the previous owner before 1976 but no investment was made to develop the property for farming. The property, aside from the three home sites, is covered in immature forest, and no substantial agricultural improvements have been made. Subdivision does not threaten any existing agriculture.*
- 3) The proposed subdivision and resulting parcel sizes do not limit or inhibit the potential of the property for agricultural use. The proposed subdivision creates three parcels suitable for farming activity in an area with high land prices and limited potential for agricultural development.*
- 4) The proposed subdivision will facilitate and encourage the development of the properties for agriculture, as titles will allow bank financing for agricultural improvements.*
- 5) This subdivision proposal holds many similarities to a number of recent subdivision approvals in Northern BC.*

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

The proposal supports both short and long term agriculture.

Regarding short term:

The proposal would provide titles to individual property owners, providing financial security to facilitate the development of the properties for agriculture. The current title situation limits options for property development as high land clearing and development costs cannot be offset by timber value as the land has previously been logged.

Regarding long term:

Long-term agricultural security in our area is being threatened on multiple levels:

- 1) Vanderhoof, BC recently experienced an unprecedented real estate boom, fueled by low-interest rates, an influx of people moving in from outside the community, and limited available agricultural real estate. A large portion of prime farmland in the Vanderhoof area is held by a select few, large-scale farmers and over the past decade large tracts of prime, arable land in the Vanderhoof area have been purchased by companies with foreign interests that export all produce from this land. These factors together contribute to the inflation of agricultural property values in the area, making agricultural land acquisition unattainable for all but a select few.*

2) *The recent Covid 19 crisis exposed our vulnerability regarding food security and showed how dependent we are on foreign markets for consumables. Supermarkets were stripped bare, and many families struggled to procure even the basic necessities as prices skyrocketed.*

Meanwhile, the wholesale export of produce, specifically hay, from agricultural land in our area owned by companies with foreign interests, drives up the prices of feed for farmers, which translates to increased prices for local agricultural products. These factors together contribute to the erosion of the food security that our region has enjoyed for generations.

3) *Many local young people dream of someday owning their own agricultural properties to settle, develop, and farm. Many families desire to move out of town limits, looking to return to more sustainable lifestyles including raising their own produce, dairy, and protein sources. Others wish to invest in small agriculture in an attempt to guarantee their own food security.*

Sadly, the majority of these families and aspiring farmers will never have the means to purchase farmland in their lifetime due to the high cost and limited availability of agricultural land in our area.

Subdividing this property would produce three viable farmsteads. Subdivision would provide title to current owners of the property, allowing them the stability and financial means to develop the properties for their own agricultural use. This would contribute to greater food security for both the property owners and their community via local farmers' markets.

Smaller parcel sizes would make the properties more affordable, should owners wish to pass the property on in the future. An existing home on each parcel would make these properties a perfect fit for aspiring future farmers in the area.

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

- Agent Agreement - Tim Neudorf
- Proposal Sketch - 57333
- Other correspondence or file information - Certificate of Indefeasible Title
- Site Photo - Property in context of surrounding area
- Site Photo - Arial View of Property
- Site Photo - Arial View with Boundaries
- Other correspondence or file information - ALR Purpose
- Other correspondence or file information - RDBN AG Plan
- Other correspondence or file information - Map 1 -Land Cover
- Other correspondence or file information - Map 2- Land Use
- Other correspondence or file information - Map 3 -Land Availability
- Other correspondence or file information - Map 4- Farming Activities Inventory
- Other correspondence or file information - Map 5- ALR Land Conditions
- Certificate of Title - 015-308-529

Applicant: James Hardy , Lori Hardy , Jason Fitzlaff

ALC Attachments

None.

Decisions

None.

MAP 1 - LAND COVER & FARMED AREA

Farming potential

- Available & with potential for cultivation
- Limited potential for cultivation

Land Cover & Farmed Area

- Farmed
 - Cultivated field crops
 - Farm Infrastructure
 - Greenhouses ft crop barns
- Anthropogenic (not farmed)
 - Managed vegetation
 - Built up - Settlement, Transportation, etc.
 - Non Built or Bare
 - Anthropogenic Waterbodies
- Natural & Semi-natural
 - Vegetated
 - Waterbodies & Wetlands
 - Natural pasture or rangeland
- Not surveyed
 - Unknown

Parcels

- Surveyed
- Not surveyed

Agricultural Land Reserve

- Boundaries (2012)

Municipalities

- Boundaries (2013)

Indian Reserves

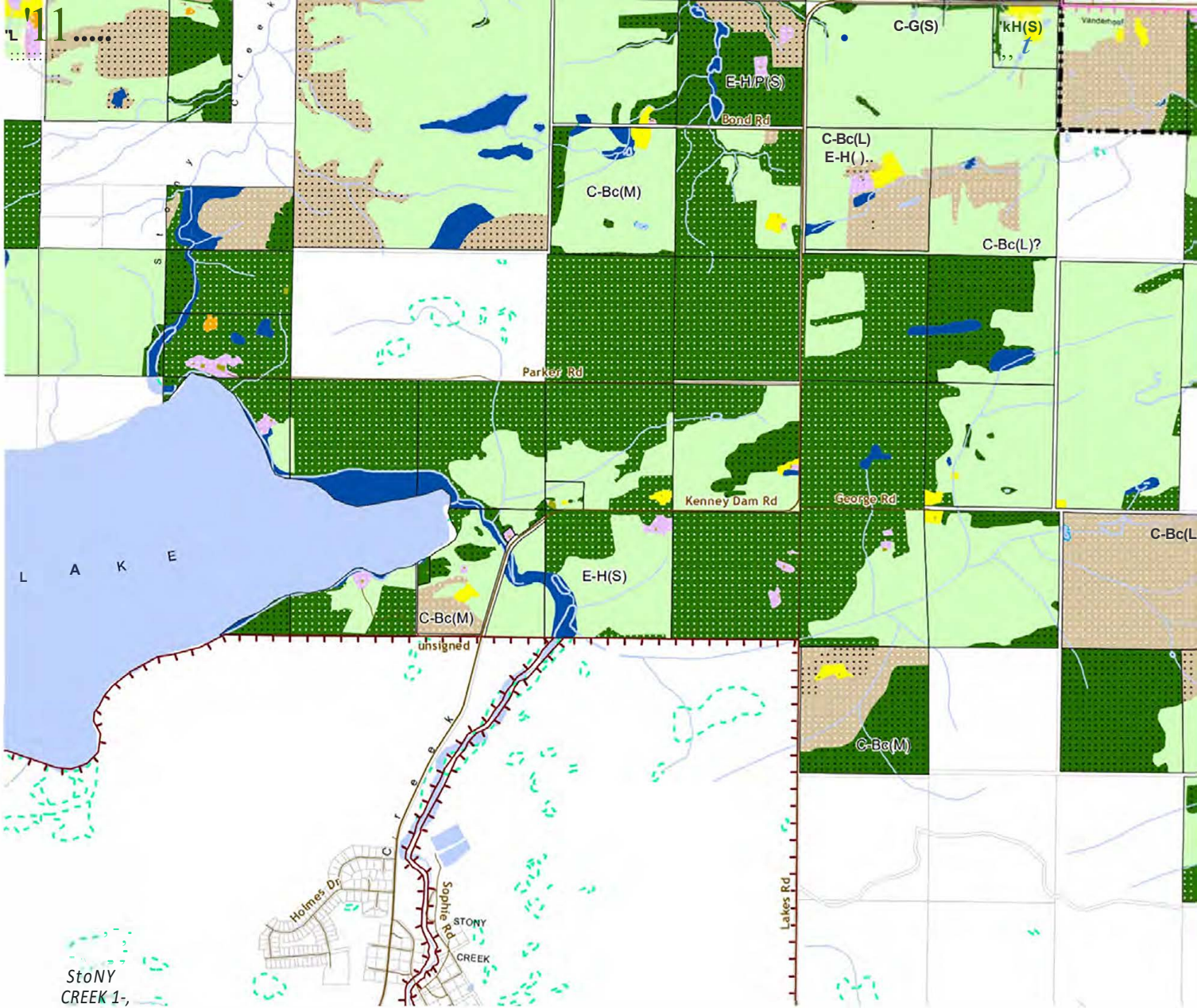
- Boundaries 2013

Parks

- Parks & Conservation

Irrigation

- Irrigated land



MAP 2 - LAND USE & FARM USE

Unavailable for Farming

- Unavallable
- Used fo, famirll - mlted u
- Used tor gro2lms •mled use
- Used only for farml
- Used only for 11ozmg
- Residential
- No apparent use
- Transportatkn, kommunalkatons
- Industrial
- Recreation & leisure
- Land In transition
- Utilities
- Institutional li community
- Forestry
- Water mMac.,ment

Small scale agriculture (< 500 sqM)

- Greenhouse
- Fruit gardell (none)
- Vejetable aarden
- Mixed garden

Parcels

- Surveyed
- Not ,urveyed

Agricultural Land Reserve

Boundaries (2012)

Municipa lities

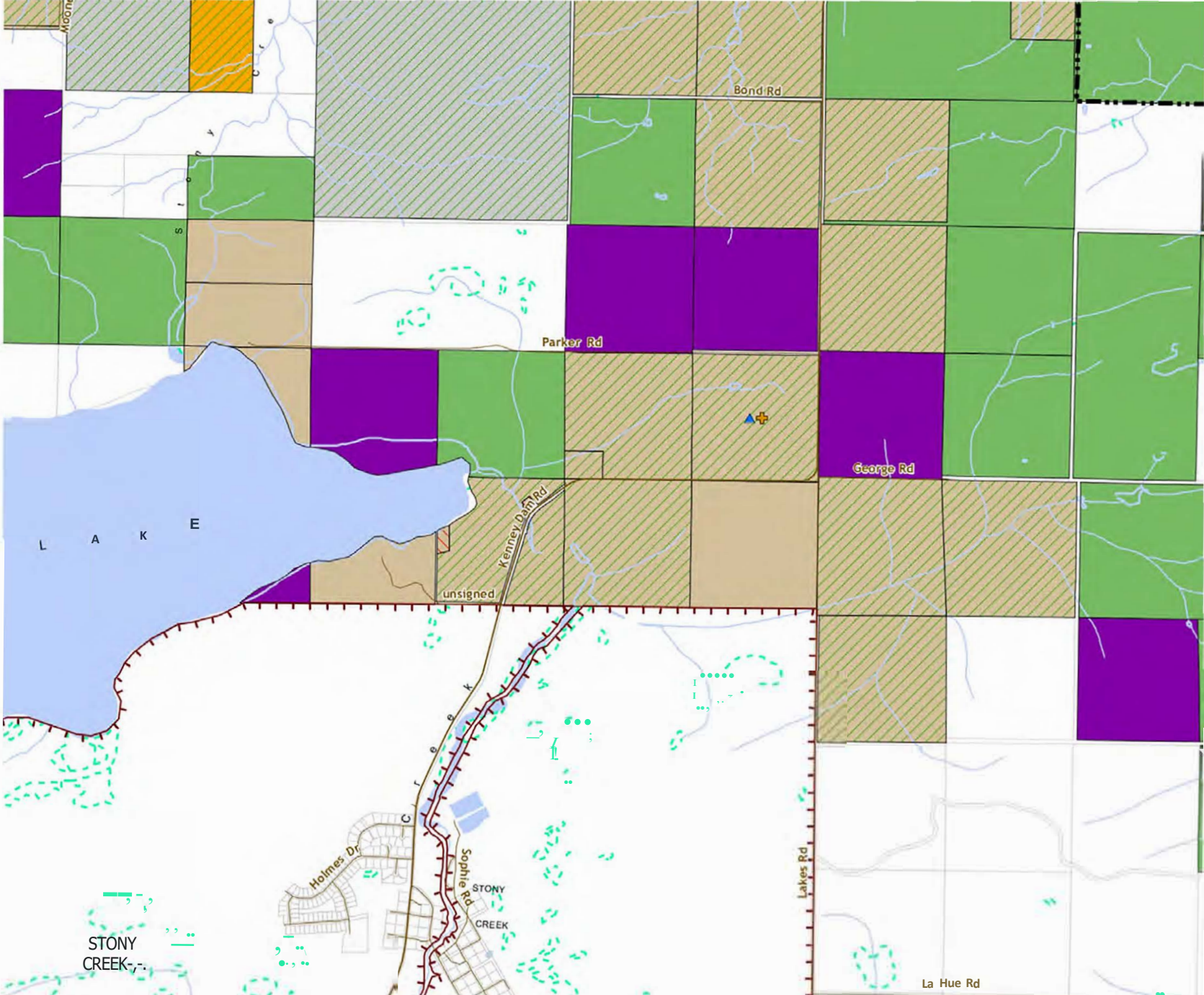
Boundaries (2013)

Indian Reserves

Boundaries 20131

Parks & Conservation

Boundries (201•1



MAP 3 - AVAILABILITY OF LAND

Land Status with Respect to Farming

- Actively farmed
- Farming support
- Unavailable for farming • land use
- Unavailable for farming • land cover
- limited potential for cultivation • site limitation
- Available & with potential for cultivation
- Not surveyed

Land Cover Available & with Potential for Cultivation

- Natural & Semi-natural vegetation
- Natural pasture
- Anthropogenic managed vegetation
- Anthropogenic non built or bare
- Unmaintained or unused field crops

Parcels Not Used for farming

- Parcels with > 4 Ha & > 50% available & with potential for cultivation
- Parcels with < 4 Ha & > 50% available & with potential for cultivation

Parcels

- Surveyed
- Not surveyed

Agricultural Land Reserve

- Boundaries 12012 J

Municipalities

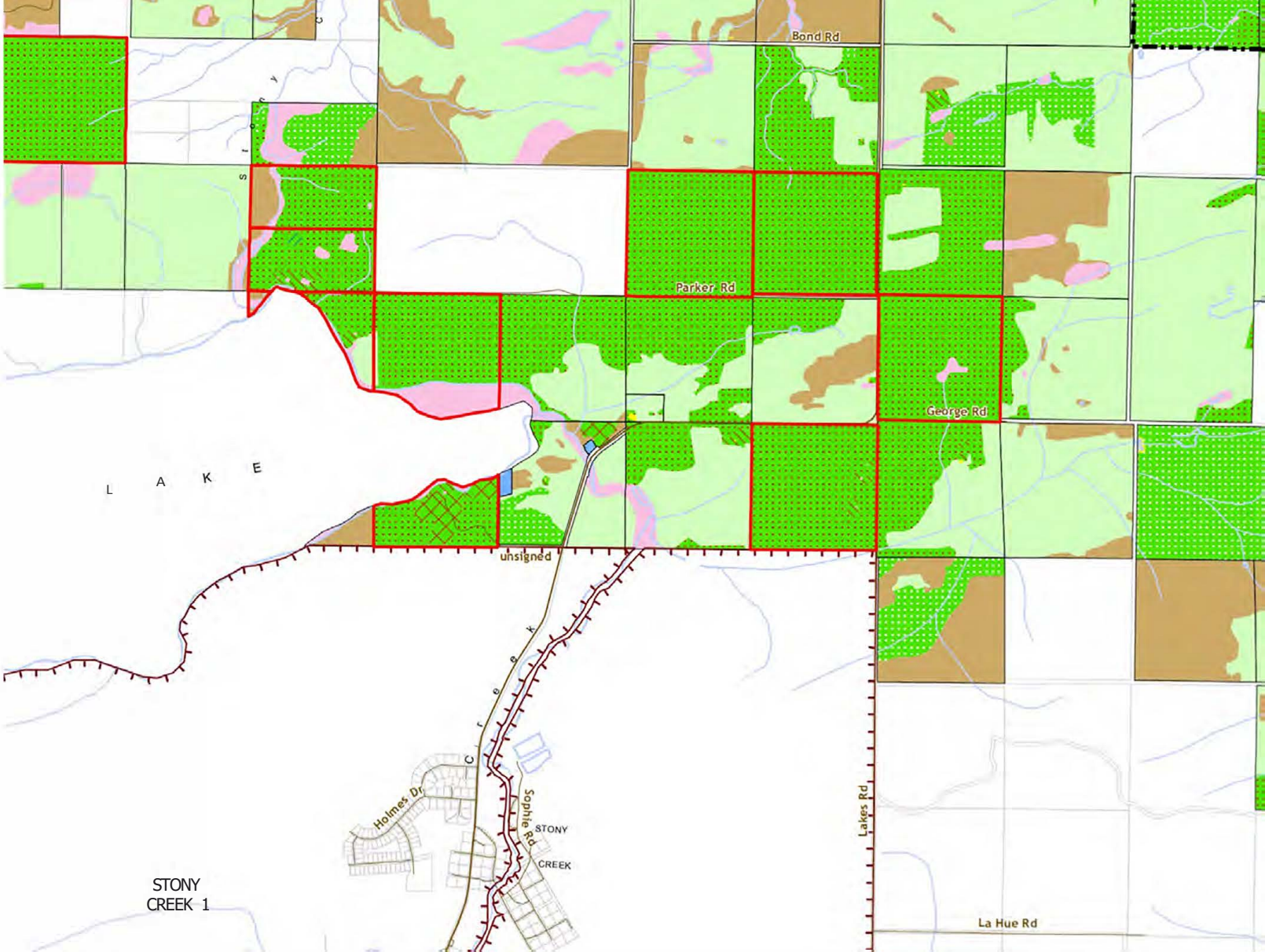
- Boundaries (2013)

Indian Reserves

- (Boundaries 2013)

Parks & Conservation

- Boundaries (2014)



MAP 4 - FARMING ACTIVITIES

Greenhouses

Mixed Bedding Plants

Forage ft Pasture

Crop type

Mixed grass / legume

Grass

Alfalfa

Unknown

Practice

Forage

Pasture

Forage and pasture

Unmaintained

Unused

Unknown

Natural pasture

Cereal,Pulses & Oilseeds

Barley

Oats

Canola

Wheat (only 5)

Grain unknown (only 3)

Other Field Crops

Sweet corn (only 1)

Cultivated land, crop transition or fallow

Parcels

Surveyed

Not surveyed

Agricultural Land Reserve

Boundaries (2012)

Municipalities

Boundaries (2013)

Indian Reserves

(Boundaries 2013)

Parks & Conservation

Boundaries (2014)

Irrigation

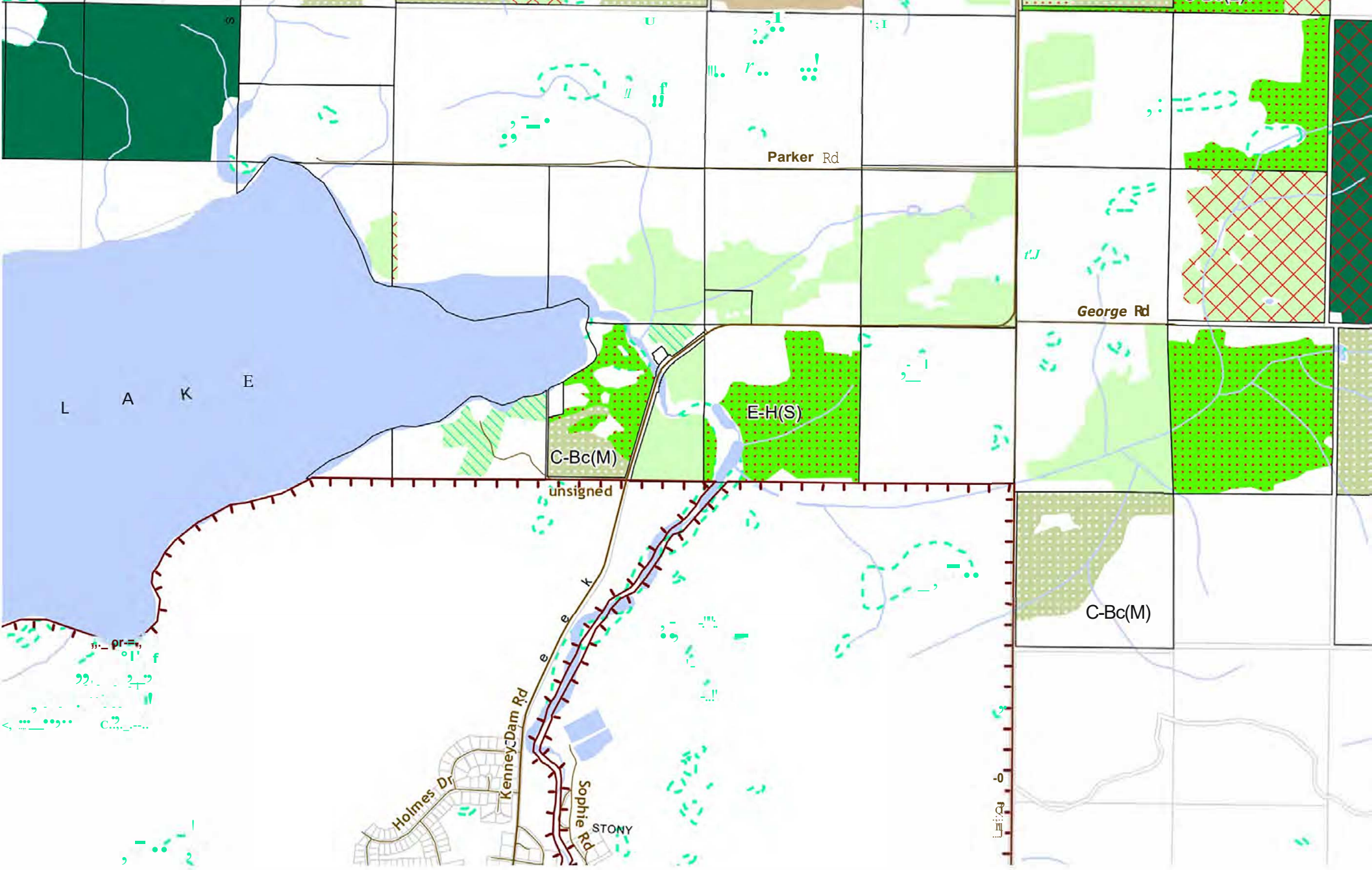
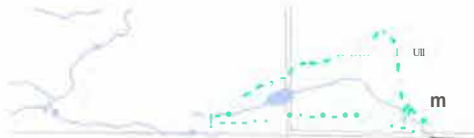
Irrigated land

DEFINITIONS

Forage and pasture •Practice

Unmaintained • Land under cultivation for forage or pasture which has not been cut or grazed during the current growing season and has not been maintained for several years.

Unused - Land under cultivation for forage or pasture which has not been cut or grazed during the current growing season.

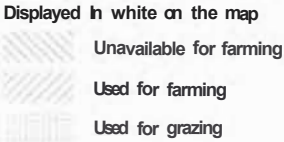


MAP 5 - CONDITION OffALR LANDS

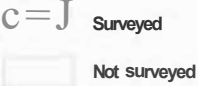
Parcel Size Category (ha)



Land Use with Respect to Farming



Parcels



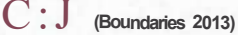
Agricultural Land Reserve



Municipalities



Indian Reserves



Parks & Conservation

