



**Staff Report**  
**Application # B – 37519**  
**Applicant: 359039 BC Ltd**  
**Agent: Ann McVey**

**DATE RECEIVED:** June 27, 2007

**DATE PREPARED:** October 31, 2007

**TO:** Chair and Commissioners – North Panel

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** To subdivide a 2.95 ha lot from the parent property which contains the Mountainview Mobile Home Park. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of Bulkley-Nechako

**Legal Description of Property:**

PID: 010-302-549  
Block 1, Section 17, Township 4, Range 5 Coast District, Plan 5806, Except Plan 8753

**Purchase Date:**

May 1989

**Location of Property:**

Located at 95 Laidlaw Road approximately 3 km southwest of Smithers.

**Size of Property:**

13.0 ha (The entire property is in the ALR).

**Present use of the Property:**

Mobile Home Park, residence, shop. South-West corner on the lower bench is where the lagoon and two wells are situated. Remainder is undeveloped.

**Surrounding Land Uses:**

**WEST:** Residence  
**SOUTH:** Two - Ten acre parcels and a gravel pit business  
**EAST:** Highway 16 - Farms on other side of the Highway  
**NORTH:** Laidlow Road - small acreages

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 93L/11  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

Smithers Telkwa Rural OCP Bylaw No. 546 (1987) in the proposed Smithers Telkwa Rural OCP Bylaw No. 1425 (2007)  
Designation: Rural Agricultural RU-A

**Zoning Bylaw and Designation:**

Regional District of Bulkley-Nechako Zoning Bylaw No. 700 (1993)  
Designation: Manufactured Home Park (R7)  
Minimum Lot Size: 2 ha

**PREVIOUS APPLICATIONS:**

**Application #31189-0**

**Applicant:** 359039 BC Ltd  
**Decision Date:** March 25, 1997  
**Proposal:** To expand the existing mobile home park and to utilize a portion of the undeveloped area for a R.V. Park and small convenience store.  
**Decision:** Allowed subject to a 15 meter vegetative (trees and shrubs) boundary and page wire fence running along the southern boundary of the property. The fence is required to have a line of barb wire along the top and maintained to prevent livestock from entering the property from its southern neighbour.

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**Application #04172-0**

**Applicant:** Lebioda, Edward and Sharon  
**Decision Date:** May 07, 1977  
**Proposal:** To subdivide one parcel of 2.1 ha from 15.2 ha of subject property. The 2.1 ha parcel contains the applicant's home and the remaining parcel is a mobile park of 90 spaces.  
**Decision:** Allowed. Previously applied for s/d of 4.5 ha parcel which was refused.

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**RELEVANT APPLICATIONS:**

**Application #23778-0**

**Applicant:** Montgomery, Harpell and Maurie  
**Decision Date:** November 15, 1989  
**Proposal:** To build a new home and also operate a business from. An existing mobile home is on property which will not be rented to anyone.  
**Decision:** Allowed on the condition that the existing trailer home is not rented out and/or used as full time residence.

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**Application #26435-0**

**Applicant:** Jaarsma, William & James  
**Decision Date:** June 19, 1992  
**Proposal:** To subdivide a 0.8 ha lot off the 2.2 ha subject property to build a home for the applicant's parents and provide them with separate legal title.  
**Decision:** Refused on the grounds that the property is adjacent to an agriculture operation and parcelization of the land will create conflict and impact on agriculture.

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**Application #32559-0**

**Applicant:** Smithers Community Services Association - S-10532  
**Decision Date:** April 19, 1999  
**Proposal:** The owner is proposing to subdivide a 0.3 ha lot, containing one intuitional building, from the remainder. The building was constructed in 1994 and formerly used for a residential attendance program for young offenders.  
**Decision:** Refused on the grounds that the proposed subdivision could have some associated intrusion impacts on the property which is comprised of good agricultural capability soils.

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**Application #32559-1**

**Applicant:** Smithers Community Services Association - S-10532  
**Decision Date:** September 27, 1999  
**Proposal:** To subdivide a 0.3 ha lot, containing an institutional building from the remainder. The building was constructed in 1994 and formerly used for a residential attendance program for young offenders.  
**Decision:** Allowed as requested. The Commission does not require it, but would support the consolidation of the remainder with an adjacent property within the ALR.

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**Application #32559-2**

**Applicant:** Smithers Community Services Association - S-10532  
**Decision Date:** April 30, 2003  
**Proposal:** Reconsideration: An adjoining farmer (Mr. Vandenberg) wishes to purchase approximately 18.2 ha (45 acres) and tie in with his existing farm. The area to be purchased could be larger. The prospective buyer does not want that part of the property containing misc. buildings, he only wants the pasture area.  
**Decision:** Allowed subdivision in principle. The applicant is to provide a plan identifying specific area to be purchased and that the newly purchased area is to be consolidated with applicant's existing holdings by Restrictive Covenant.

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**Application #35243-0**

**Applicant:** Grieder, John  
**Decision Date:** April 20, 2004  
**Proposal:** To construct a third dwelling in the southwest corner of the property for the applicant's daughter.  
**Decision:** Refused - additional permanent dwellings considered undesirable for agriculture.

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**Application #35828-0**

**Applicant:** Bastian, Elizabeth  
**Decision Date:** May 19, 2005  
**Proposal:** To subdivide one (1) 16.0 ha lot from the 60.2 ha property as divided by a ravine.  
**Decision:** Refused - 16 ha parcel is a valuable component of the whole property and could be used in the future as quality pasture.

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**Application #36131-0**

**Applicant:** Pine Creek Sawmills Ltd

**Decision Date:** October 31, 2005

**Proposal:** To subdivide the subject property into two parcels, one of 2 ha and one of 5.9 ha.

**Decision:** Allowed the subdivision of the 7.9 ha property into one 2 ha lot and one 5.9 ha lot as requested on the grounds that the property has been in industrial use for quite some time.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Bulkley-Nechako Regional District Board:**

The Regional Board forwarded the application with a recommendation of support.

**Advisory Planning Commission:**

Recommend denial

**Planning Staff:**

Recommend approval

**OTHER COMMENTS:**

**Ministry of Agriculture:**

Recommend approval

**STAFF COMMENTS:**

It is recommended that the Commissioners consider the following:

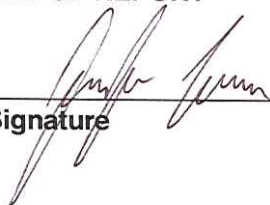
- The portion of the property which is classified as Class 3 contains the mobile home park. Whereas the portion being proposed for subdivision is classified as Class 4, 5 & 6. Leah Sheffield, a Professional Agrologist for the Ministry of Agriculture and Lands wrote a letter indicating that the proposal would have no impact on current agricultural potential and thus recommends approval. (See attached letter).
- A previous application (#4172) on the subject property requested subdivision of a 4.5 ha parcel which was refused in 1976. This application was brought back to the Commission in 1977 requesting reconsideration of the application with the subdivision of a 2.0 ha parcel instead. This was approved by the Commission and represents the parcel taken out of the middle of the northern section of the subject property.
- A subsequent application to the Commission (#31189) requested expansion of the mobile home park for an additional 44 spaces and to utilize the undeveloped area (now proposed for subdivision) for a 30 space R.V. Park and small convenience store. It appears that that this plan was never carried out.
- A site visit will help to determine whether or not the application will impact agriculture.

**ATTACHMENTS:**

1. ALC Context Map
2. Aerial Photograph
3. Agricultural Capability Map
4. Sketch of Proposal
5. Letter from Ministry of Agriculture and Lands

**END OF REPORT**

Signature



Date

Nov. 5, 2007