



Provincial Agricultural Land Commission - Staff Report Application: 52152

Applicant: Shirley Hobson
Agent: Shirley Hobson
Local Government: Regional District of Bulkley-Nechako

Proposal: SUBDIVISION - Proposal to subdivide a 6 ha property into two parcels, one 3.5 ha and one 2.5 ha parcel

BACKGROUND INFORMATION

The ALC has previously refused an application for the same subdivision configuration in 1989 and 1997 on the grounds of avoiding setting an undesirable precedent. In 1989, the ALC did allow the son of the applicant to continue to live in a second dwelling that was built on the property without ALC approval or a building permit.

LAND USE

Current Land Use:

Residential, pasture, orchard, garden

Surrounding Land Uses:

North: ALR - 8 ha, three residential lots at approx. 2.4 ha each
East: ALR - Residential lot at 9.2 ha including BC Hydro R.O.W
South: ALR - Bulkley River
West: ALR - Two residential lots - 2 ha each

PROPOSAL DETAILS

Subdivision - ALR Area: 6.0 ha

Number of Lots	ALR Area of Lot (ha)
1	2.5
1	3.5

Agricultural Capability:

The majority of the area under application is rated as: Secondary

Source: CLI

Mapsheet: 93L.075

PREVIOUS APPLICATIONS

Application ID: 7546

Legacy #: 23979-1

Applicant: Shirley Hobson

Proposal: To subdivide a 2.5 ha lot from the 6 ha property for the applicant's son. This proposal is the same as one refused by the Commission in 1989 (Res. # 1265/89). New information has been provided indicating that the property has little agricultural potential.

Decision:

Resolution #	Decision Date	Decision Description
90/1997	February 26, 1997	The Commission refused the request for subdivision because of concerns about impact and precedent.

PREVIOUS APPLICATIONS

Application ID: 7322

Legacy #: 23979

Applicant: Shirley Hobson

Proposal: S/d 6.03 ha parcel into two lots of 2.43 ha and 3.6 ha in order to sell one to her son who has built a 2nd home on the property.

Decision:

Resolution #	Decision Date	Decision Description
1265/1989	December 13, 1989	Refuse, precedent setting. Have refused all s'd in this ag area. Will allow son to live in home

RELEVANT APPLICATIONS

Application ID: 22868

Legacy #: 07035

Applicant: R.J. Goble

Note: To subdivide a property into two lots as it is split by the Bulkley River. The application was allowed on the condition of a covenant which states that the portion of the property south of the Bulkley River can not be sold or transferred seperately,

Application ID: 7701

Legacy #: 26002

Applicant: G. Felbinger

Proposal: To subdivide the 9 ha property into four rural residential lots of about 2 ha each.

Decision:

Resolution #	Decision Date	Decision Description
55/1992	January 17, 1992	Refuse as proposed because of concerns about rural residential intrusion.

Application ID: 7699

Legacy #: 14239

Applicant: G. Felbinger

Proposal: To subdivide the 9 ha property into four 2 ha lots.

Decision:

Resolution #	Decision Date	Decision Description
1117/1982	June 9, 1982	Refuse as proposed because of concerns about rural residential intrusion.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Designation: (AG) Agricultural

OCP Compliance: Yes

Zoning:

Zoning Designation: (H1) Small Holdings

Minimum Lot Size: 2.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

Advisory Planning Committee

The Advisory Planning Committee recommends the approval of the proposed subdivision due to similar sized parcels existing in the neighbourhood and poor soil conditions as per a letter from Graeme Johnson.

Board/Council

The Board recommends the application to the ALC for approval on the condition that legal notification is first placed on the title of the property in accordance with Section 57 of the Community Charter.

LOCAL GOVERNMENT INFORMATION

Comments and Recommendations:

Ministry of Agriculture and Lands

The Ministry of Agriculture and Lands does not support the application for subdivision of the subject parcel as it is currently presented for the following reasons:

- 1) The smaller lot size proposed will limit the agricultural options for the owners. Large lot sizes allow more agricultural options.
- 2) The addition of another lot in the area increases the possibility of future conflict with surrounding agriculture.
- 3) As noted by the ALC on previous applications for this subdivision, approval would set an undesirable precedent.

Planning Staff

The Planning Department would consider support for the subdivision application on the condition that a legal notification be placed on the title of the property in accordance to Section 57 of the Community Charter to inform future property owners that the second dwelling was built without a building permit and associated plan review and inspection.

ALC STAFF COMMENTS

It is recommended that the Committee consider the following:

- 1) The CLI rating for the subject property is 7:5MP 3:4M. A report by Grame Johnstone P.Ag states that the property consists of stratified gravels which are coarse to moderately coarse and are free draining which is only suitable to limited crops and pasture.
- 2) The subject property already has two residences on it. The proposed subdivision would result in the 3.5 ha lot containing the applicant's residence, and 2.5 ha lot containing a rental residence.
- 3) The second dwelling was built in 1977 when the property was zoned Rural II which allowed two dwellings on parcels over 2 ha, however it does not have a building permit. Therefore the second dwelling complied with zoning but the construction also required ALC permission and the issuance of a building permit did not occur. In 1989, The ALC did acknowledge the existence of a second dwelling on the property without a building permit or Commission approval and stated that in giving the applicant's son permission to occupy the dwelling the Commission would not support the proposed subdivision in future.
- 4) The ALC has previously refused an application for the same subdivision configuration in 1989 and 1997 on the grounds of avoiding setting an undesirable precedent.

ATTACHMENTS

52152_Rationale.pdf
52152_Agrologist Report.pdf
52152_Proposal Sketch.pdf

END OF REPORT

Prepared by: Liz Sutton

**GRAEME'S AGRICULTURAL SERVICES
BOX 625
SMITHERS, B.C.
V0J 2N0**

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E mail gas1992@gmail.com

Graeme Johnstone, P.Ag.

12th August 2010

**G.W.HOBSON P.Eng.
BOX 3285
SMITHERS, B.C.
V0J 2N0**

To Whom it may concern

**Re A.L.R. APPLICATION B – 23979
LOT 3, PLAN 7322, SECTION 5 TOWNSHIP 4 RANGE 5 COAST DISTRICT**

I visited this Lot on 11th August 2010 with Mr Hobson.

**There are 6 Ha in the lot which is located on a gravel bench
which extends eastward about 1 km into 2 gravel pits and a
garbage transfer station.**

**From the "Soil Resources of the Smithers- Hazelton Area by
G.G.Runka (1974) the whole area of this lot and immediate
surrounding area is of the ALIX Association.**

**This complex consists of water sorted, stratified gravels which
are coarse to moderately coarse and are free draining.**

The coarseness of the soil on this lot limits crops to natural

grazing only. The climate may be more favorable than areas of better soils elsewhere in the Bulkley Valley.

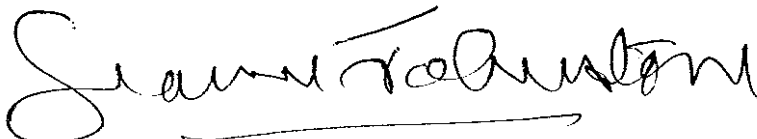
This Lot consists of very coarse gravels with Lodgepole Pine and a very sparse under storey.

There is a small area on the South-west side with some fines mixed with the gravel but, in my opinion, insufficient to create any useful seedbed for forage.

The Bulkley river borders the south side with a terrace between it and the main part of the lot.

Agricultural Capability of this lot in my opinion is
Climate - Class 3
Arability - Class 6P

The severe limitations for arability make it impractical to utilize the lot for any arable cropping



Graeme Johnstone, P.Ag.

G.W. Hobson P.Eng,
Box 3285, Smithers, B.C. V0J 2N0
Ph. 250-846-5804 Fax 250-846-5805

November 15, 2010

Regional District of Bulkley-Nechako,
Box 820,
Burns Lake, B.C.
V0J 1E0

RECEIVED
NOV 16 2010
REGIONAL DISTRICT OF
BULKLEY NECHAKO

Attention: Maria Sandberg – Planner 1

Reference: Application under the Land Commission Act, R.D. File No. 1107

Dear Sirs:

Than you for your letter of November 3, 2010, and the enclosed copy of your report on the above application. Clearly someone has done a lot of homework to gather all the data in the report.

The report expresses concern that the second building on my property was constructed without the benefit of proper building inspection. In this connection, it is to be noted that I am a Professional Engineer, specializing in log and timber frame construction, and I have acted as Building Inspector, on a temporary basis, to the Town of Smithers and the Villages of Hazelton and New Hazelton. Thus I am quite familiar with the B.C. Building Code.

Although my son built the log shell for his house while I was in Africa, I personally helped him with the foundation, roofing, and finishing of the house after I returned; and I made certain that the house was built according to the Code. Thus the Report's concern appears to be rather academic.

Yours truly,


G.W. Hobson P.Eng.

P.S. You may wish to contact Richard Wainwright regarding my technical ability.

G.W. Hobson P.Eng,
Box 3285, Smithers, B.C. V0J 2N0
Ph. 250-846-5804 Fax 250-846-5805

October 15, 2010

Regional District of Bulkley – Nechako,
Box 820,
Burns Lake, B.C.
V0J 1E0

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OCT 19 2010

REGIONAL DISTRICT OF
BULKLEY NECHAKO

Attention: Jason Llewellyn – Director of Planning

Reference: Lot 3, Plan 7322, Section 5, Township 4, Range 5

Dear Sirs:

Enclosed please find an application to subdivide the above property and give a piece to my son, Bruce Hobson. The circumstances behind this application are as follows:

History

My wife, Shirley Rose Hobson, and I purchased the property in 1974, and I had to take an engineering contract in Nigeria to pay for it. While I was in Africa, Bruce took a log building course, and I made a deal with him, to help me build a log house on the property, and in return get a place to build his own. All of this happened, and there are now two log houses, a log barn, and a log sauna on the property. It happened that Bruce built without a building permit; however this has now been rectified, and both houses are well built.

The soil on the property is patchy: the western section is covered by about four feet of sandy clay. I have cleared and seeded about 3.5 acres of it, which I still use for horse pasture. The eastern section is compact river gravel to a depth of about 20 feet. My son cleared and graded about 2 acres of it for use as a log house pre-assembly yard. The compact free-draining gravel was ideal for this purpose. He has since stopped log building, and started a mining survey business. In order to obtain bank loans, he needed title to the property where he lives.

On November 3, 1989, we applied to sub-divide the property into two parcels: 3.5 ha for myself, and 2.5 ha for Bruce. We appeared before a committee of local farmers, chaired by Holger Burke of the Regional District. They reviewed the circumstances, the nature of the soil, proximity to farms in the area, and did not object to the sub-division. However, the Agricultural Land Commission rejected the application, for reasons that I still fail to understand.

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LAND COMMISSION

Comments

I am heartily in favour of the principle of preserving agricultural land in B.C. However the decision as to what constitutes agricultural land must be based upon reality, and not on some arbitrary zoning plan.

The portion of the property which I propose to sub-divide, is not agricultural land.

There are already several properties on Raymond Road of 2 to 2.4 ha, thus our proposed subdivision would not alter the nature of the area.

I fail to see how sub-division of my property could possibly affect the dairy farm across Highway 16 to the north. In fact the owner of that farm, Tom Vandenberg, was on the committee, which interviewed us in 1989, and he raised no objection to the application.

Events Since 1989

In order to help him with his survey business, I bought the house that Bruce had built on the property. He bought another property on Babine Lake Road, and built a house on it. Although I still rent Bruce's house on this property, it is not a satisfactory arrangement, and Bruce wishes to return.

Karl Mast, a retired farmer from the Francois Lake area, purchased the NW ¼ of Sect.5 across Raymond Road. After consultation with the Forestry Department, he planted pines on the upper bench of his property, as he considered that they are the only suitable crop for that land. However, Mast keeps the lower benches seeded in hay, and leases out the cutting rights.

The SW ¼ of Sect. 5 has recently been sold to Derek and Andrea Botchford who plan to operate a Guest Ranch. They are in the process of building a guesthouse on a higher portion of that land. However, they too plan to keep the lower fields in hay, and lease out the cutting rights.

Calvin Way recently bought Lot 2, adjacent to our property. He currently works for Shell Oil in Nigeria, and plans to retire here at the completion of his contract. His property is all gravel, and as far as I know, he has no plans to subdivide.

John Grieder, who used to farm the property to the north of Raymond Road, has died. His daughter Janet recently sold the NE ¼ of Sect. 5. The new owners are preparing to develop a gravel pit on an upper portion of the property. However, I understand that they also plan to keep the lower portions by the river, in hay.

Tom Vandenberg has died, but the dairy farm is still operated by his sons, Warren and Rick. A third son, John, has built a large steel building on a gravelly portion of the farm, close to Highway 16, and he repairs logging trucks in it.

Thus it appears that while some sales have taken place, all of the owners are developing their properties to the best advantage of the soil, and there is no impact on the agricultural potential of the area.

Documents

The following supporting documents are enclosed:

- a) A letter from my wife appointing me as her agent for the application.
- b) A Certificate of Indefeasible Title on the property.
- c) A map of the area showing the proposed subdivision, and adjacent lots.
- d) Recent photographs of the log houses, horse pasture, barn, and former log building assembly yard. We still use this area for firewood storage. It is to be noted that the unused portion of the log yard is re-seeding itself in pine trees; confirming that the soil is poor.
- e) A letter from the Regional District, recommending approval of the subdivision in 1989.
- f) A letter from Graeme Johnstone, P.Ag. , who used to be the District Agriculturalist in the Bulkley Valley, and knows the area well. It is to be noted that he considers that the area has no agricultural potential.
- g) A character reference from Doug Donaldson MLA .
- h) A bank draft in the amount of \$600.00 to cover this application.

Conclusion

I am now 83, and in the process of making out my will. In this connection, I would like to straighten out my affairs and give title to my son Bruce, for the land on which he built his house. Therefore I respectfully request that my application to sub-divide Lot 3 be reconsidered and approved. If you require more data, please call.

Yours truly,



G.W. Hobson

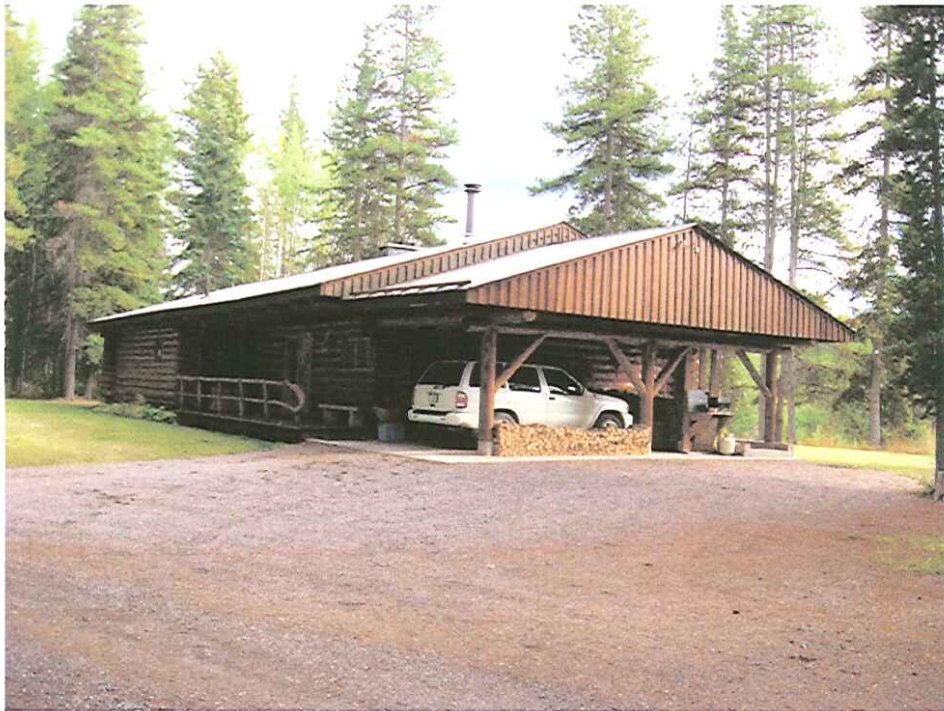


Photo #1 – view of my own house



Photo #2 – horse pasture and barn



Photo #3 – view of Bruce's house



Photo #4 – former log assembly yard
– note gravelly nature of soil

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