



May 7, 2007

Agricultural Land Commission
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Reply to the attention of Simone Rivers
ALC File: W-37024

Larry and Emily Mattson
Box 123
Rolla, BC V0C2G0

Dear Mr. and Mrs. Mattson:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 168/2007 outlining the Commission's decision as it relates to the above noted application.

Should you wish to proceed as outlined in the minutes please inform the Commission, in writing, which two additional properties you propose to bind by title.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Peace River Regional District (200/2006)

Enclosure: Minutes/Sketch Plan

SR/eg
i/37024d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 13, 2007 at the offices of the Peace River Regional District, Fort St. John, B.C.

PRESENT:	Frank Read	Chair, North Panel
	John Kendrew	Commissioner
	William Norton	Commissioner
	Erik Karlsen	Chair, ALC
	Simone Rivers	Staff

For Consideration

Application: # W- 37024
Applicant: Larry and Emily Mattson
Proposal: Subdivision for a Relative: To subdivide 10 ha from the Northeast quarter section and 12 ha from the Northwest quarter section to provide residence for the applicants two sons and their families.

Legal: 1. PID: 014-258-749
The North East ¼ of Section 31, Township 79, Range 14, W6M, Peace River District, EXCEPT Plan B3947
2. PID: 014-232-324
The North West ¼ of Section 31, Township 79, Range 14, W6M, Peace River District, Plan B3947

Location: Located 1 km west of Rolla, along Sweetwater Road, about 17km north of Dawson Creek.

Site Inspection

A site inspection was conducted on April 13, 2007. Those in attendance were:

- | | |
|---------------------------|--------------------|
| • Frank Read | Chair, North Panel |
| • John Kendrew | Commissioner |
| • William Norton | Commissioner |
| • Erik Karlsen | Chair, ALC |
| • Simone Rivers | Staff |
| • Larry and Emily Mattson | Applicants |

The Commission met with the applicants as well as their two sons who would be buying the proposed lots. The wife of one of the sons was also in attendance. The Commission discussed the proposal with the applicants. It noted that one of the proposed homesites was located along a ravine in an area that had reduced agricultural capability. It noted that the other homesite was located in the middle of a cultivated area. The Commission discussed the fact that the applicants owned other land in the area. The Commission noted that there is only one homesite on the NW ¼ of Section 31 and two on the NE ¼ of Section 31.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from or to include land into the ALR or to subdivide or use land in the ALR for non-farm purposes.

Discussion

Assessment of Agricultural Capability

The agricultural capability of the soil of the majority of the subject property is 100% Class 2C. Small portions of the property have less capability.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Subclass: C adverse climate

The Commission believes that the subject property has excellent agricultural capability and is correctly designated as ALR.

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use. The Commission noted that the subject properties are located in an area of predominantly large agricultural holdings.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands. The Commission is concerned with the creation of new titles in areas of large agricultural holdings. Subdivision can lead to the expectation that further subdivision will be allowed in the area. Also, the creation of each new lot could lead to the creation of another homesite on the remainder. The Commission notes that there is only one homesite on the NW ¼ of Section 31 and two on the NE ¼ of Section 31. At the site visit, the applicants mentioned that they owned additional land in the area. The Commission believes that by binding the titles of the remainders of the two subject properties as well as binding the titles of two additional quarter sections that the impact of the proposed subdivision could be mitigated. The Commission also believes that the 12.2 ha area proposed for subdivision from the NW ¼ of Section 31 is larger than necessary and would prefer to see a subdivision that only encompasses the footprint of the existing home.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture but that the impact of the creation of two new properties can be mitigated by binding the titles of the remainder of the properties and two other properties owned by the applicant.

IT WAS

MOVED BY: Commissioner Norton
SECONDED BY: Commissioner Kendrew

THAT the application be refused as proposed

AND THAT the Commission would allow an alternate subdivision of ± 2 ha from the NW $\frac{1}{4}$ of Section 31 which encompasses the existing homesite within the minimum area necessary to meet health department standards and a 10 ha lot as requested from the NE $\frac{1}{4}$ of S 31.

AND THAT the approval is subject to the following conditions:

- the registration of a covenant binding the titles of the remainders of the North West $\frac{1}{4}$ and the North East $\frac{1}{4}$ of Section 31 so that they can not be sold separately as well as the registration of a covenant for the purposes of binding the titles of two other properties owned by the applicant so that they can not be sold separately.
- the subdivision must be completed within three (3) years from the date of this decision.

AND THAT staff prepare a map illustrating the Commission's decision to further communicate the decision to the applicants.

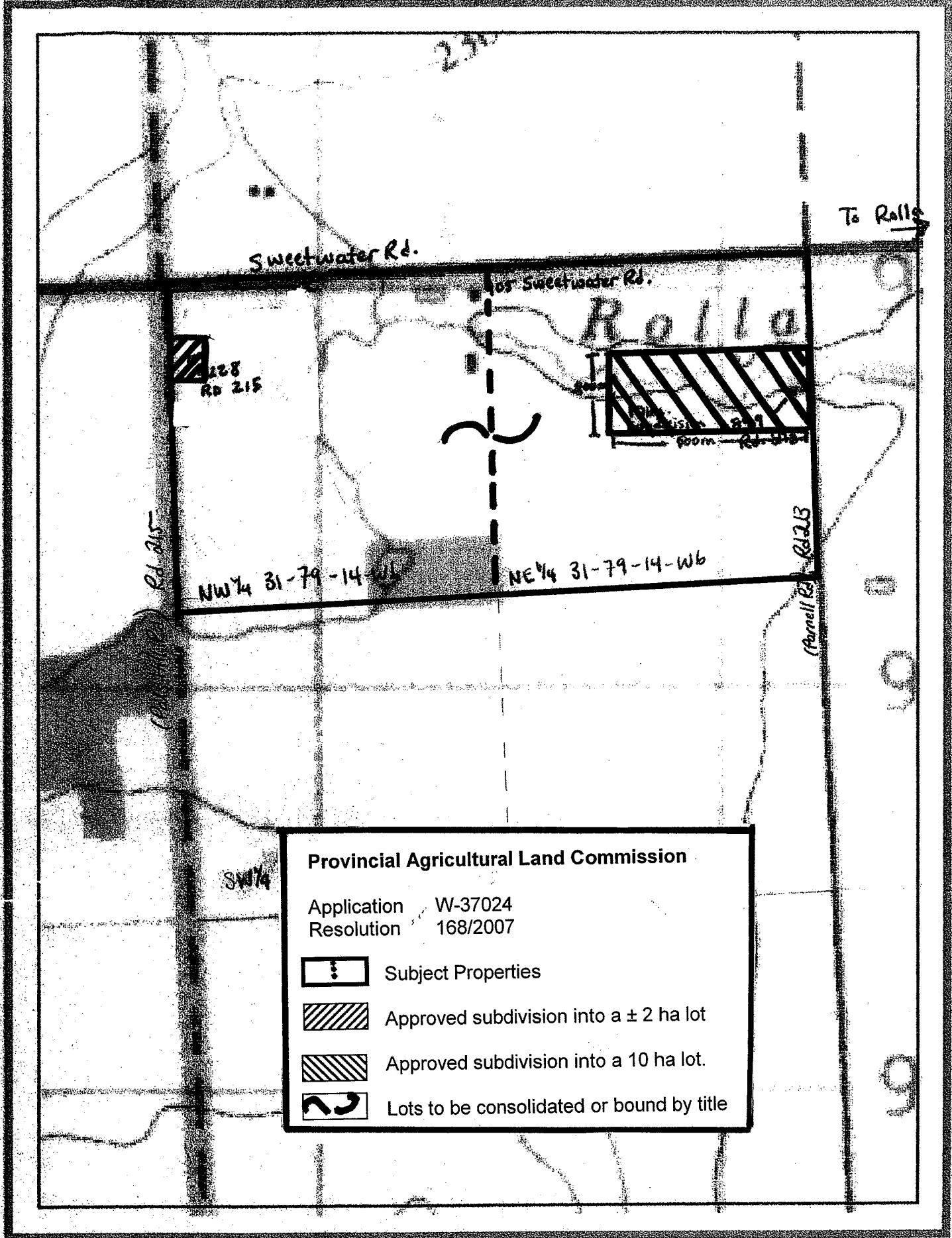
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 168/2007

Aug 10/2006

Larry and Emily Mattson 1/2 section - overview of proposed subdivisions 1712500

SoftMap



RECEIVED PROV. AGRICULTURAL LAND COMMISSION OCT 23 2006



Staff Report
Application # W – 37024
Applicant: Larry and Emily Mattson

DATE RECEIVED: October 23, 2006

DATE PREPARED: December 8, 2006

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: The applicants own two quarter sections, and propose to subdivide 10 ha from the NE ¼ and 12 ha from the NW ¼ to provide separate titles for the residences of the applicants' two sons and their families.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicants have stated that they would not be opposed to consolidating the remainder of the two quarter sections into a single parcel, thus reducing the subdivision application from four parcels to three.

Local Government:

Peace River Regional District

Legal Description of Properties:

1. PID: 014-258-749
The North East ¼ of Section 31, Township 79, Range 14, W6M, Peace River District, EXCEPT Plan B3947;
2. PID: 014-232-324
North West ¼ of, Section 31, Township 79, Range 14, W6M, Peace River District, Plan B3947

Purchase Dates:

1. NE ¼ - November 1979
2. NW ¼ - July 1989

Location of Properties:

Located 1 km west of Rolla, along Sweetwater Road, about 17km north of Dawson Creek.

Size of Properties:

126 ha (both properties are entirely within the ALR).

Present use of the Property:

Residential, lagoon, barns, shop, powershed, chicken house, cattle/horse pasture, hay

Surrounding Land Uses:

WEST: Agricultural/Residential
SOUTH: Agricultural
EAST: Agricultural/Residential
NORTH: Agricultural/Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 93P/16
The majority of the property is identified as having primary ratings.

Official Community Plan and Designation:

Dawson Creek Rural Area Official Community Plan Bylaw No. 477 (1986) designates the property Agricultural - Rural Resource

Zoning Bylaw and Designation:

Dawson Creek Rural Area Zoning Bylaw No. 479 (1986) designates the property as A-2 (Large Agricultural Holdings Zone)
Minimum Lot Size: 63 ha

RELEVANT APPLICATIONS:

Application #36898-0

Applicant: Parnell, Miro
Decision Date: October 20, 2006
Proposal: To subdivide 2.5 ha from the 64 ha property.
Decision: Refused as proposed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: The Regional Board forwarded the application with the recommendation of support on the grounds that the proposal qualifies as a subdivision for a relative pursuant to section 946 of the Local Government Act.

ATTACHMENTS:

- Description of proposals - one letter for each proposed lot (submitted by the applicants)
- Sketch showing the two proposed lots (submitted by the applicants)
- ALC Context Map - 93P.090 - 1:20,000 (created by ALC Staff)
- Air Photo - 1:20,000 (created by ALC Staff)

END OF REPORT

Simone Rivers
Signature

Dec 8, 2007
Date