



Agricultural Land Commission
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April 30, 2007

Reply to the attention of Jennifer Carson
ALC File: O-37150

Darrel McEachern
22334 McIntosh Avenue
Maple Ridge, BC
V2X 3C1

Dear Mr. McEachern:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 149/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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:

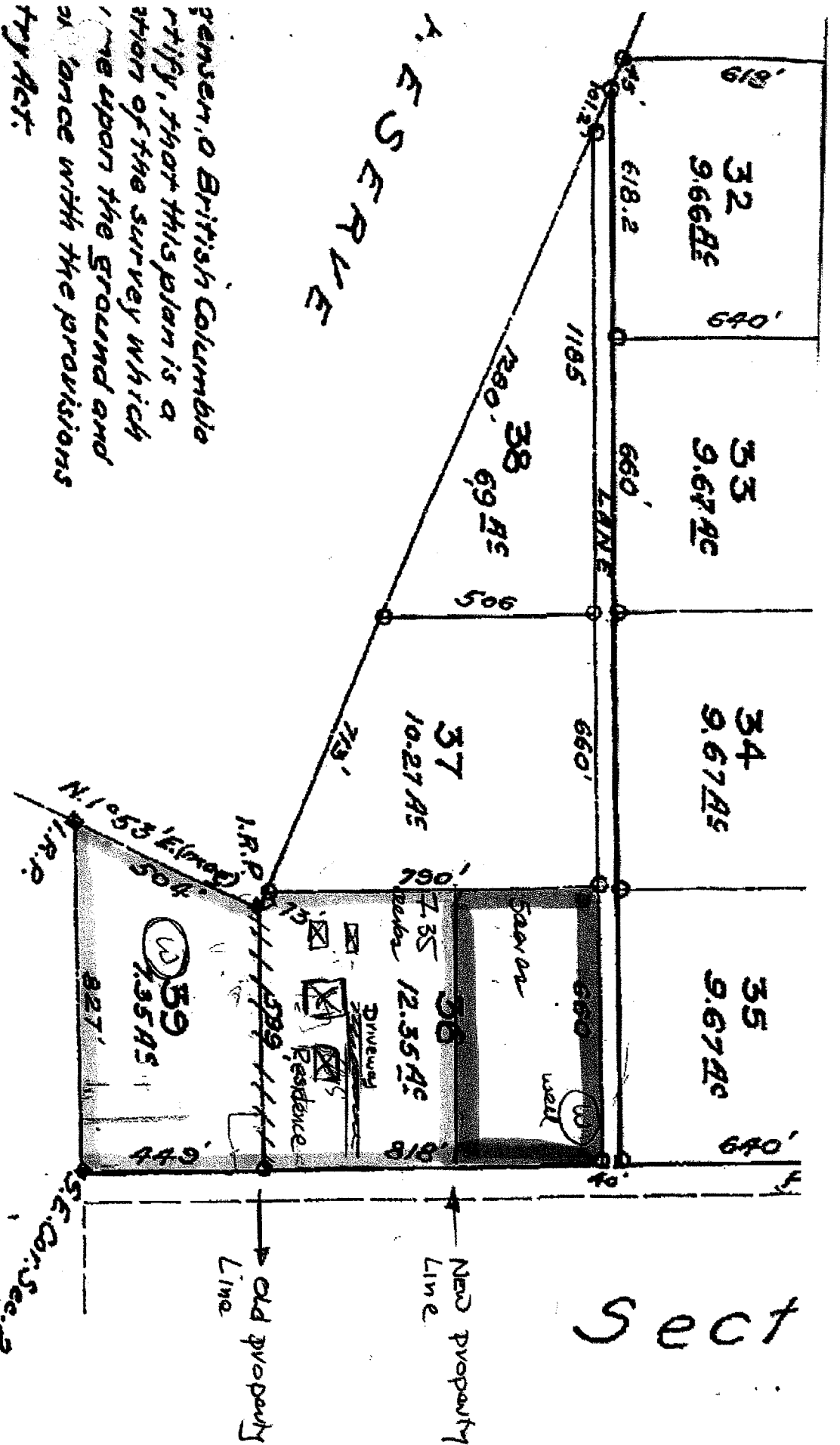
A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name below.

Erik Karlsen, Chair

cc: Corporation of the District of Maple Ridge (AL/105/06)

Enclosure: Minutes/Sketch/*Homesite Severance Policy*

JC/37150d1



I. C. April 30th 1909 Proposed Property Boundaries

E. J. [Signature]
 A.C.L.S.
 RAND 1208
 with new LOT LINE STRAIGHT

L. 326. Gr 2

Sect



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 11, 2007 in Maple Ridge, B.C.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Erik Karlsen	Commissioner
	Tony Pellett	Staff
	Jennifer Carson	Staff

For Consideration

Application: # O- 37150
Applicant: Johannes and Ruth Pedersen
Agent: Darrel McEachern
Proposal: To subdivide (lot line adjustment) involving approximately 8.3 ha of the subject property.
Legal: 1. PID: 012-035-661
Lot 36, District Lot 432, Section 2, Township 12, New Westminster District Group 2, Plan 1208
2. PID: 012-035-688
Lot 39, District Lot 432, Section 2, Township 12, New Westminster District Group 2, Plan 1208
Location: 9707 - 256th Street, Maple Ridge

Site Inspection

A site inspection was conducted on April 11, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Erik Karlsen Commissioner
- Tony Pellett Staff
- Jennifer Carson Staff
- Mr. Pedersen Applicant
- Daryl McEachern Agent

Mr. Pedersen confirmed that the Staff Report dated March 20, 2007 was received and no errors were identified.

The Commissioners and staff met the agent Mr. McEachern, and the applicant, Mr. Pedersen, at his house and viewed the property from the vantage point of the driveway that leads to the house and barn. Mr. Pedersen indicated that he has been farming the properties as a cattle operation since 1961 when there were three separate titles. In 1972 the Pedersens consolidated the three properties into the two existing properties. The applicant is looking to sell the farm operation as it would permit them financial freedom and also allow a new farmer to put the land to good agricultural use. Mr. Pedersen mentioned that he would be amenable to a smaller lot being created instead, however, pointed out that he chose to make the smaller property to the north by the

stream as it was the least agriculturally viable portion of the property. It was also mentioned that other farmers in the area have done well on 2 hectare parcels. The Commission was also advised that the applicant was aware of the *Homesite Severance Policy*.

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.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The improved ratings for agricultural capability of the soil of the subject property are:

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

- A soil moisture deficiency
- D undesirable soil structure
- T topography

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.

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 discussed that the Pedersens had already consolidated two of their properties into one which was of benefit to agriculture. Also the Commission felt that keeping the barn and house with the larger property was of benefit to agricultural potential of the property. The Commission discussed that the proposed smaller property of 2 hectares could be farmed and fit within the local government's zoning for the area. The Commission believes the proposal would not adversely impact existing or potential agricultural use of surrounding lands.

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 not adversely impact agriculture.

IT WAS

MOVED BY: Commissioner Bose
SECONDED BY: Commissioner Tomlinson

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision
- that this approval is considered to satisfy the provisions of the *Homesite Severance Policy* in the event that the applicant was to apply for subdivision of a homesite in the future

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 # 149/2007



*Agricultural Land
Commission Act*

Policy #11
March 2003

HOMESITE SEVERANCE ON ALR LANDS

This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.

The purpose of this policy is to provide a consistent approach to situations where property under application has been the principal residence of the applicant as owner-occupant since December 21, 1972 and the applicant wishes to dispose of the parcel but retain a homesite on the land.

An application under Section 21 (2) of the *Agricultural Land Commission Act* is required.

Persons making use of this policy should understand clearly that:

- a. no one has an automatic right to a "homesite severance";
- b. the Commission shall be the final arbiter as to whether a particular "homesite severance" meets good land use criteria; (see #4 below)
- c. a prime concern of the Commission will always be to ensure that the "remainder" will constitute a suitable agricultural parcel. (see #5 below).

Without limiting the generality of the foregoing, the following guidelines apply to "homesite severance" applications.

1. A once only severance may be permitted where the applicant submits documentary evidence that he or she has continuously owned and occupied the property as his or her principal place of residence since 21 December 1972.
2. Where an applicant for a "homesite severance" has had a previous subdivision application approved by the Commission resulting in the creation of a separate parcel, the Commission may consider the previous approval as having fulfilled the objectives of the Homesite Severance Policy and may deny any further consideration under the Homesite Severance Policy.
3. An application for a "homesite severance" will be considered only where the applicant submits documentary evidence showing a legitimate intention to sell the remainder of the property upon the approval of the "homesite severance" application. [An interim agreement for sale, a prospective buyer's written statement of intent to purchase, a real estate listing, or some other written evidence of pending real estate transaction would be acceptable as documentation.]

In considering the application, the Commission may make its approval subject to sale of the remainder within a specified period of time.

A Certificate of Order authorizing the deposit of the subdivision plan will be issued to the Registrar of Land Titles only when a "transfer of estate in fee simple" or an "agreement for sale" is being registered concurrently.

4. There will be cases where the Commission considers that good land use criteria rule out any subdivision of the land because subdivision would compromise the agricultural integrity of the area, and the Commission must therefore exercise its discretion to refuse the "homesite severance".

Where the Commission decides to allow a "homesite severance", there are two options:



Staff Report
Application # O – 37150
Applicant: Johannes and Ruth Pedersen
Agent: Darrel McEachern

DATE RECEIVED: December 29, 2006

DATE PREPARED: March 20, 2007

TO: Chair and Commissioners – South Coast Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide (lot line adjustment) involving approximately 8.0 ha of the ALR within two properties of 5.0 ha and 3.0 ha to create a 2.0 ha lot and a 6.0 ha lot. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Corporation of the District of Maple Ridge

Legal Description of Property:

1. PID: 012-035-661
Lot 36, District Lot 432, Section 2, Township 12, New Westminster District Group 2, Plan 1208;
2. PID: 012-035-688
Lot 39, District Lot 432, Section 2, Township 12, New Westminster District Group 2, Plan 1208

Purchase Date:

November 24, 1972

Location of Property:

9707 - 256th Street, Maple Ridge

Size of Property:

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

Present use of the Property:

Residence, barn and outbuildings, pasture

Surrounding Land Uses:

WEST: Farming and Residential
SOUTH: Farming and Residential
EAST: Farming and Residential
NORTH: Farming and Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/2 h
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

OCP: None
Designation: Agriculture

Zoning Bylaw and Designation:

Zoning: None
Designation: RS-3 (One Family Rural Residential)
Minimum Lot Size: 2 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council:
Application doesn't make a huge difference, and may make agriculture more viable.

Planning Staff:
That the application be permitted to proceed to the Agricultural Land Commission.

STAFF COMMENTS:

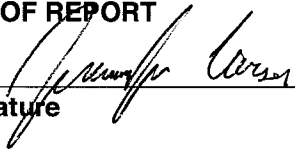
That the Commissioners consider the following:

- No new lots will be created.
- The Planning Staff and Council from the local government recommended forwarding the application to the ALC.
- It was noted by staff that the applicant qualifies for consideration under the *Homesite Severance Policy* as they have indicated ownership of the properties since 1972.
- The subdivision parcel size seems to be consistent with local government zoning of a minimum of 2 ha lots. This zoning may be the principal reason for the proposed parcel size. Staff suggests discussing with the applicant whether they would be amenable to consolidating the two properties and creating a smaller lot as a homesite severance and in so doing maintain a larger agricultural unit.

ATTACHMENTS:

1. Constituent Map
2. Soil Capability Map
3. Aerial Photograph
4. Sketch of Proposal

END OF REPORT

Signature 

Date March 28, 2007