



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

April 24, 2006

Reply to the attention of Gordon Bednard

Joan Coventry
1974 - 208 Street
Langley, BC V2Z 2A7

Dear Madam:

Re: **Application # 36442**
PID: 008-653-763
Lot 1, Section 13, Township 7, New Westminster District, Plan 39667

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide one (1) lot of approximately 0.4 ha from the property in accordance with its *Homesite Severance Policy* (copy attached). The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank Gary Hooze for taking the time to meet with its representatives on March 16, 2006 at the property. The Commission found the meeting and site visit informative.

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan. The proposed lot must be a minimum size consistent with local government zoning and health regulations;
- the construction of a fence – 4-6 foot high chain link or 6 foot solid cedar board;
- the planting of vegetation for buffering – single row of 4 foot high cedar hedging, spaced 4-6 feet apart;
- fencing and vegetative buffer must be placed along the north, east and south boundaries of the proposed homesite lot
- that the homesite lot not be sold for five (5) years except in the case of estate settlements. The Commission requires your commitment in this regard which can be done by signing below and returning to our office a copy of the letter. The Commission requires your commitment prior to it approving deposit of the subdivision plan.
- that you obtain Commission approval for an increase in the size of the homesite lot or a change in its location deemed necessary by other approval agencies.
- compliance 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. The Commission suggests you contact the Township of Langley at your earliest convenience.

The decision noted above is recorded as Resolution # **143/2006**.

If you wish to proceed on this basis please undertake the following steps:

1. Commence approval procedures of other agencies that must approve the subdivision.
2. Have a surveyor prepare the subdivision plan.
3. Obtain recent State of Title Certificate for the property.
4. Prepare a "Transfer of an Estate in Fee Simple" document indicating the transfer of the remainder of the property from you to the purchaser.
5. Prior to approaching the Registrar of Land Titles to register the subdivision please submit the following to this office:
 - a) two (2) paper prints of the plan of subdivision
 - b) the State of Title Certificate
 - c) a copy of the "Transfer of an Estate in Fee Simple" document
 - d) your signed commitment that the homesite lot will not be sold for five (5) years except in the case of estate settlements.

When all the required documentation has been received the Commission will authorize the Registrar of Land Titles to accept the application for deposit of the subdivision plan.

Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Township of Langley Attn: Amy Spencer file # AL100107
Gary Hooge, 2258 - 202 Street, Langley, BC V2Z 1Z7

GB/lv/Enclosure:
Sketch Plan
Homesite Severance Policy

36442d1



*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:

- a. the existing homesite may be created as a separate parcel where it is of a minimum size compatible with the character of the property (plus a reasonable area, where required, for legal access purposes); or
 - b. where the location of the existing homesite is such that the creation of a parcel encompassing the homesite would, in the Commission's opinion, create potential difficulty for the agricultural operation or management of the "remainder", the Commission may, as it deems appropriate, approve the creation of a parcel elsewhere on the subject property.
5. The remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commission's opinion, constitute a suitable agricultural parcel. Where, in the Commission's opinion, the "remainder" is of an unacceptable size or configuration from an agricultural perspective, there are three options:
- a. the Commission may deny the "homesite severance";
 - b. the Commission may require that the "remainder be consolidated with an adjacent parcel; or
 - c. the Commission may require the registration of a covenant against the title of the "remainder" and such a covenant may prohibit the construction of dwellings.
6. A condition of every "homesite severance" approved by the Commission shall be an order stipulating that the homesite is not to be resold for five years except in the case of estate settlements. Prior to the issuance of a Certificate of Order authorizing deposit of the subdivision plan, the owner shall file with the Commission a written undertaking or standard notarized contractual commitment to this effect.
7. Where a "homesite severance" application has been approved by the Commission, local governments and approving officers are encouraged to handle the application in the same manner as an application under Section 946 of the *Local Government Act* insofar as compliance with local bylaws is concerned.

I/we being the registered owner(s) of the property which is the subject of this application and for whom the homesite lot was approved, hereby agree not to sell, transfer, or otherwise dispose of the homesite lot for five (5) years from the date of registration of the subdivision plan creating the homesite lot, save and except for estate purposes following the death of the owner, or any one of the owners, if there are more than one.

Owner's Name (Please Print)

Signature

Owner's Name (Please Print)

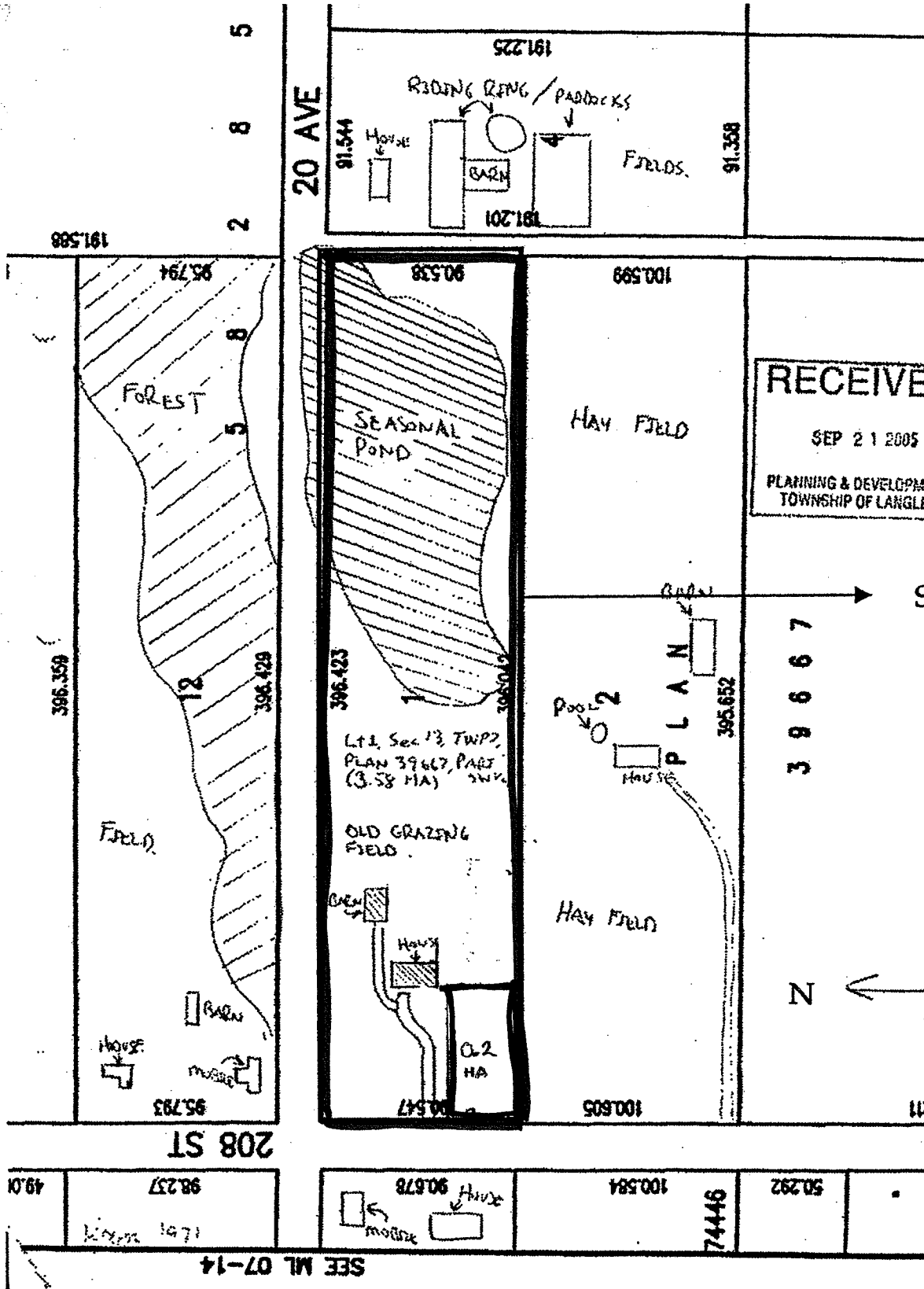
Signature

Witnessed By (Please Print Name)

Occupation of Witness

Signature of Witness

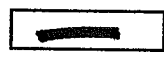
Date



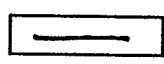
Agricultural Land Commission

Application: # 36442

Resolution # 143/2006



Subject property.



Approved lot pursuant to the
Homesite Severance Policy.



Staff Report
Application # O – 36442
Applicant: Joan Coventry
Agent: Gary Hooge

DATE PREPARED: March 8, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Gordon Bednard, Regional Research Officer

PROPOSAL: To subdivide a 0.4 ha lot from the 3.6 ha parent parcel under the provisions of the Commission's Homesite Severance policy.

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

BACKGROUND INFORMATION:

The applicants have provided no proof of ownership or occupancy since 1972 which would qualify the application for consideration under the HSS policy.

Local Government:

The Corporation of the Township of Langley

Legal Description of Property:

PID: 008-653-763

Lot 1, Section 13, Township 7, New Westminster District, Plan 39667

Purchase Date (m/d/y):

01/01/1971

Location of Property:

1974 - 208 Street, Langley

Size of Property:

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

Present use of the Property:

one dwelling, barn, pasture

Surrounding Land Uses:

- WEST:** Rural residential and hobby farms with larger farm parcels beyond, in ALR
- SOUTH:** Larger active farm properties in ALR
- EAST:** Rural residential and hobby farm lots in ALR
- NORTH:** Rural residential and hobby farm lots, in ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/2b
The majority of the property is identified as having Prime Dominant ratings of class 2 and 3.

Official Community Plan and Designation:

Small Farms/Country Estates

Zoning Bylaw and Designation:

Rural Zone RU-1
1.7 ha MLS

PREVIOUS APPLICATIONS:

NONE

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Forwarded with support of Council

STAFF COMMENTS:

If the applicant can provide evidence that her proposal should be considered under the Homesite Severance Policy, staff would be prepared to support the application subject to the conditions outlined in the policy and fencing and vegetative screening of the homesite lot. If such evidence cannot be presented, staff would recommend refusal as the subdivision of good quality agricultural land is not otherwise supportable.

END OF REPORT

Signature _____ **Date** _____