



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

March 1, 2007

Reply to the attention of Simone Rivers  
ALC File: #W - 37025

Bernice Barringham  
PO Box 11 - 4188 Old Alaska Highway  
Farmington, BC V0C 1N0

Dear Ms. Barringham:

Re: **Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 49/2007 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all Homesite Severance Policy 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 'Per:' label. The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Erik Karlsen, Chair

cc: Peace River Regional District (#210/2006)

Enclosure: Minutes/Sketch Plan/*Homesite Severance Policy*

SBR/iv  
37025d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 22, 2007 at Fort St. John, BC.

<b>PRESENT:</b>	Frank Read	Chair, North Panel
	John Kendrew	Commissioner
	William Norton	Commissioner
	Martin Collins	Staff
	Brian Underhill	Staff

### For Consideration

Application: # W - 37025  
Applicant: Bernice Barringham  
Proposal: To subdivide 4.8 ha as a homesite severance and sell the remainder  
Legal: PID: 013-699-113  
The North East ¼ of Section 28, Township 80, Range 17, West of the 6<sup>th</sup> Meridian, Peace River District, Except Plan A938  
Location: Located north of the Kiskatinaw River along the Old Alaska Highway, about 30 km north of the City of Dawson Creek.

### Site Inspection

A site inspection was conducted on February 22, 2007. Those in attendance were:

- Frank Read Chair, North Panel
- John Kendrew Commissioner
- William Norton Commissioner
- Martin Collins Staff
- Brian Underhill Staff
- Bernice Barringham Applicant

Ms. Barringham confirmed that the staff report dated December 8, 2006, was received and no errors were identified.

The Commission viewed the proposed homesite lot and noted that it was separated from the rest of the subject property by the Old Alaska Highway. The Commission noted that the existing hay field was to be retained with the remainder of the property.

### Discussion

The Commission noted that applicant qualified for consideration under the Commission's *Homesite Severance Policy*, and therefore had no objection to the proposed subdivision. The proposed lot was larger than the Commission usually permits for a Homesite Severance. However, because of the location of the road and the existing buildings, the Commission concurred with the applicant on the size and location of the proposed lot.

**IT WAS**

**MOVED BY:** Commissioner Kendrew

**SECONDED BY:** Commissioner Read

THAT the application to subdivide a 4.8 ha lot for a homesite severance 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
- compliance with the Homesite Severance Policy
- the subdivision must be completed within three (3) years from the date of this decision.
- approval is granted for the benefit of the applicant and is non-transferable.

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 # 49/2007**

**HOMESITE SEVERANCE**

**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 Sec. 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".

***Homesite Severance***

Agricultural Land Commission
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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 996 of the *Municipal Act* insofar as compliance with local bylaws is concerned.

**Homesite Severance**

Agricultural Land Commission
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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)

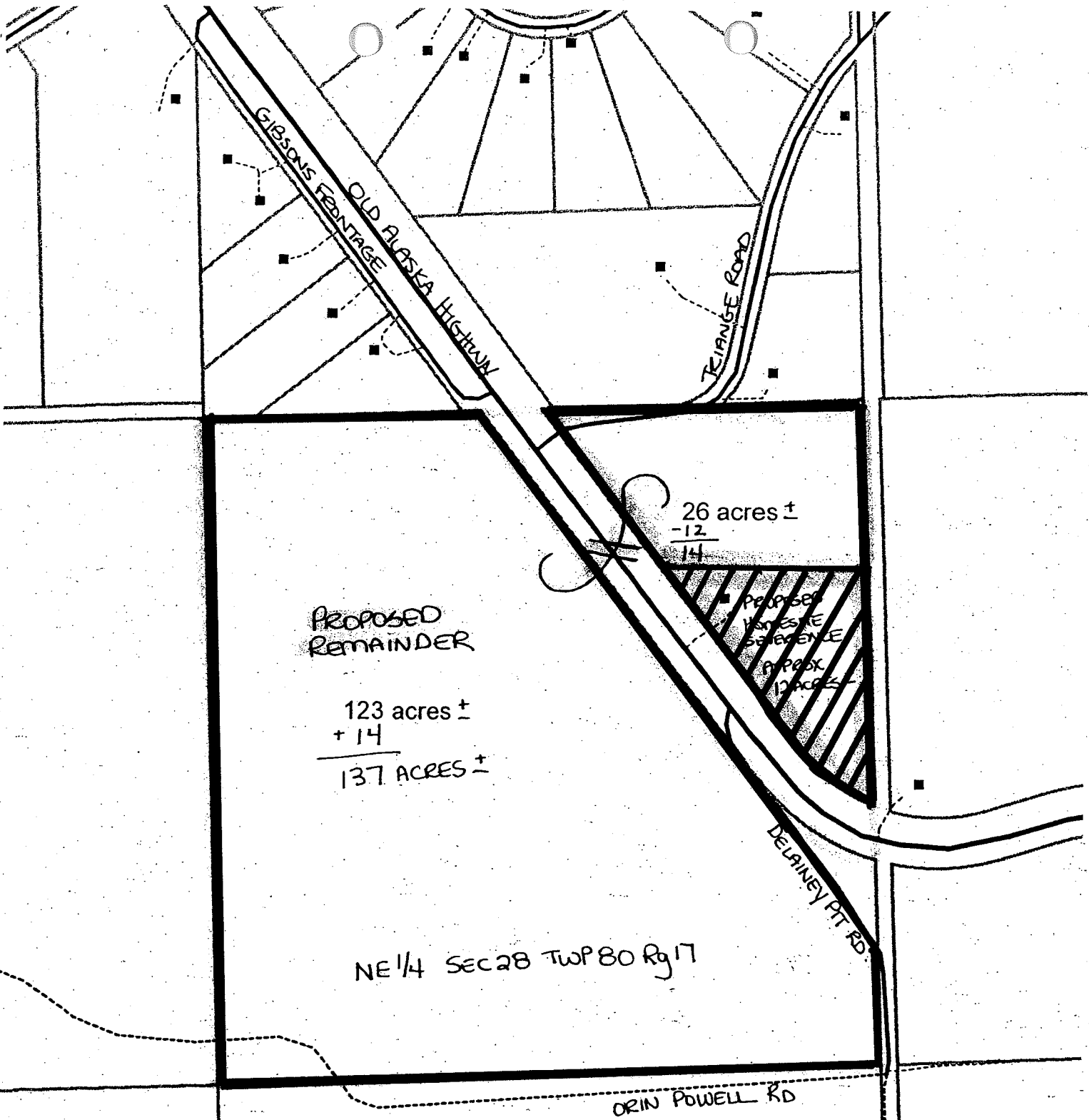
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Signature

\_\_\_\_\_  
Witnessed By (Please Print Name)

\_\_\_\_\_  
Occupation of Witness


\_\_\_\_\_  
Signature of Witness


\_\_\_\_\_  
Date



**Provincial Agricultural Land Commission**

Application W-37025  
Resolution # 49/2007

 Subject Property

 Approved 4.8 ha lot.

OCT 3 2006



**Staff Report**  
**Application # W – 37025**  
**Applicant: Bernice Barringham**

**DATE RECEIVED:** October 23, 2006

**DATE PREPARED:** December 8, 2006

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

**FROM:** Simone Rivers, Land Use Planner

**PROPOSAL:** To subdivide 4.8 ha as a homesite severance and sell the remainder.

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

**BACKGROUND INFORMATION:**

The applicant has owned the property since 1962 and therefore qualifies for consideration under the Commission's homesite severance policy. She states that she wished to sever 5 ha and sell the remainder.

**Local Government:**

Peace River Regional District

**Legal Description of Property:**

PID: 013-699-113

The North East ¼ of Section 28, Township 80, Range 17, W6M, Peace River District,  
EXCEPT Plan A938

**Purchase Date:**

1962

**Location of Property:**

Located north of the Kiskatinaw River along the Old Alaska Highway, about 30 km north of the City of Dawson Creek.

**Size of Property:**

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



**Present use of the Property:**

Hayfield, residence, bushland, garage, workshop, two Atco Trailers, two wood granaries, storage, one metal granary, hays shed

**Surrounding Land Uses:**

**WEST:** Forested area  
**SOUTH:** Forested area  
**EAST:** Agriculture (hay) residence  
**NORTH:** Lebell Subdivision

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 93P/15  
The majority of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

Dawson Creek Rural Area Official Community Plan Bylaw No. 477 (1986) designates the property as Agricultural - Potential Small Holdings

**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

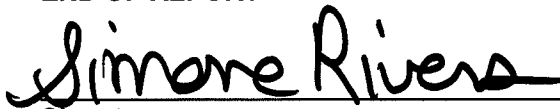
**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

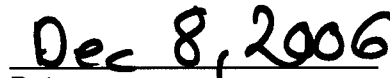
**Peace River Regional District Board:** The Regional Board forwarded the application with a recommendation of support subject to the proposal meeting the conditions of Section 946 of the Local Government Act as a subdivision to provide a residence for the land-owner.

**ATTACHMENTS:**

- Sketch plan showing proposed subdivision (submitted by the applicant)
- ALC Context Map - 93P.098 - 1:15,000 (Created by ALC Staff)
- Air Photo - 1:10,000 (Created by ALC Staff)

END OF REPORT

  
Signature

  
Date