



**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

December 12, 2013

ALC File: # 53272

Gary Schwarze  
3110-5<sup>th</sup> ave SE  
Salmon Arm BC  
V1E 2B8

Dear Sir:

**Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution # 330/2013 as it relates to the above noted application. The Commission has also attached a Sketch Plan depicting the decision.

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.

Further correspondence with respect to this application is to be directed to Gordon Bednard.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B. Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #330/2013  
Sketch Plan  
Homesite Severance policy

cc: Peace River Regional District Attn: Johannes Bendle file # 23/2013

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 2, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53272.

### COMMISSION MEMBERS PRESENT:

Gordon Gillette	Vice-Chair
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Gordon Bednard	Land Use Planner
Lindsay McCoubrey	Land Use Planner

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### PROPOSAL

Subdivision of a 64 ha parcel into two lots (22 and 42 ha) to assist in the settlement of an estate for the 4 heirs of Margaret Schwarze.

(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

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### PROPERTY INFORMATION:

**Owner:** Gary Schwarze (Executor of the will of Margaret Brunhilde Schwarze)

**Legal:** South East ¼ Section 4, Township 85 Range 20 West of the 6<sup>th</sup> Meridian Peace River District Except Plan A1027

**PID:** 013-035-045

**Location:** NW of Fort St John at 13824 Rd and Alaska Highway

**Size:** 64.7 ha

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### LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
  - (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
  - (c) 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.

## COMMISSION CONSIDERATION

The Commission reviewed a previous application involving the subject property:

Application #32731 To construct a second dwelling on the subject 65 ha property for the use  
(Schwarze, 1999) of a member of the immediate family.  
Allowed with conditions - Res # 351/1999.

After considering the above information and all file documents, the Commission concluded as follows:

The proposed subdivision surrounds the dwelling of the son (Allan) of the recently deceased landowner who owned and resided on the property since 1966. This dwelling was allowed in 1999 by the Commission as a second dwelling for the present occupant who has lived on the property all his life.

The Commission is not supportive of the creation of a lot as proposed which it feels is too large for a homesite property, however it would allow the creation of a lot to surround the northernmost dwelling (13850 – 283 Road) for the benefit of the present occupant, Allan Schwarze.

### IT WAS

**MOVED BY:** Commissioner Gillette  
**SECONDED BY:** Commissioner Dowswell

THAT the proposal to subdivide a 64 ha parcel into two lots (22 and 42 ha) to assist in the settlement of an estate for the 4 heirs of Margaret Schwarze be refused as presented.

However, based on the particular circumstances of the application, the Commission would allow subdivision of a lot surrounding the northernmost dwelling (Allan Schwarze) consistent with the minimum size permissible by health and other local government bylaws ( $\pm$  4 ha).

AND THAT the final approval is subject to:

1. The applicant submitting the following documentation for Commission review and approval prior to final approval:
  - a. The Preliminary Layout Approval (PLA) specifying the requirements for subdivision identified by the Approving Officer from the Ministry of Transportation and Infrastructure.
  - b. The requirements for subdivision specified by the local government that are not identified in the PLA; and
  - c. The requirements for subdivision specified by any other person or body having jurisdiction over the land under an enactment.

The Commission will be primarily concerned with any conditions of approval it believes will result in either a substantial deviation from the approved subdivision or conditions it believes are



inconsistent with the purposes of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming. Final subdivision approval by the Commission will be contingent on the Commission's acceptance of the conditions of approval. The final survey plan should not be prepared in advance of receiving the Commission's written acceptance of the conditions of approval.

2. Compliance with the "5 year agreement" and "sale of residual portion" of the Homesite Severance Policy (Copy attached);

AND FINALLY THAT 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 #330/2013**

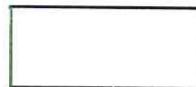
Revised Schwarze Subdivision Map  
(10 acre subdivision)



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Application # 53272 Resolution # 330/2013

Subject Property



Approved Subdivision ( $\pm$  4 Ha)

