



Agricultural Land Commission
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www.alc.gov.bc.ca

April 6, 2014

ALC File: #53385

Carol Moorman
Box 446
Dawson Creek, B.C.
V1G 4H3

Dear Ms. Moorman:

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

Please find attached the Minutes of Resolution #105/2014 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

Please send two (2) copies of the final survey plan 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: 

Colin J. Fry, Chief Tribunal Officer

Enclosures: Minutes of Resolution #105/2014
Sketch plan

cc: Peace River Regional District (File #126/2013)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 28, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53385.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Gordon Bednard	Planner
Jennifer Carson	Planner
Lindsay McCoubrey	Planner
Colin Fry	Chief Tribunal Officer

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

To subdivide a 3.2 ha rural residence from the 128.7 ha subject property. The proposed parcel would encompass the applicant's son's residence. The applicant qualifies for consideration under the ALC's Homesite Severance Policy having submitted proof that she purchased and lived on the subject property since prior to 1972. She has indicated in the application that she is prepared to waive her right for consideration under the Homesite Severance Policy if the subdivision for her son is permitted.

PROPERTY INFORMATION:

Owner: Carol Moorman

Legal: PID: 014-332-281
The West ½ of Section 6, Township 78, Range 16, West of the 6th Meridian, Peace River District

Location: Dawson Creek

Size: 128.7 ha

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

After considering the information the Commission concluded as follows:

1. **Agricultural Land Commission Policy #11 (2003) - *Homesite Severance on ALR Lands*** provides “*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.*”

The Commission may approve:

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.

Conclusion:

The Commission confirms that the applicant qualifies for consideration under the *Homesite Severance Policy* because her ownership and residency pre-dates the establishment of the ALR. The Commission recalls that it in other applications it has permitted subdivision for a relative in lieu of Homesite Severance for the qualified applicant, provided the applicant waived any future right for consideration under the ALC’s *Homesite Severance Policy*. The Commission has no objection to the proposal because it would sever an existing homesite from the property.

2. The Commission discussed an alternative subdivision. It believes that subdivision of the ½ Section into two ¼ sections would be a preferable option than the current proposal, because it would result in two farm properties, rather than a residence and farm parcel.

Conclusion:

The Commission was prepared to support an alternate subdivision (into two ¼ sections) should the applicant request it – subject to waiving her right for consideration under the ALC’s *Homesite Severance Policy*.

IT WAS

MOVED BY: Commissioner Thibeault
SECONDED BY: Commissioner Dempsey

THAT the proposal to subdivide a 3.2 ha lot from the ~129 ha property be allowed.

AND THAT the final approval is subject to:

1. The applicant waiving her right to any future consideration under the ALC's Homesite Severance Policy;
2. The subdivision plan must be completed within three (3) years from the date of this decision;

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 #105/2014

Air Photo



Subject Property



APPROVED Subdivision

~ 3 ha

ALC APPLICATION # 53385
RESOLUTION # 105/2014
SKETCH PLAN