



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

January 4, 2005

Reply to the attention of Ron Wallace

John & Myrna Bailey
PO Box 961
Vanderhoof, BC – V0J 3A0

Dear Mr. and Mrs. Bailey:

**Re: Application # B-35740
The Northwest 1/4 of, Section 19, Township 11, Range 5 Coast District,
EXCEPT Plans PRP13501 and PRP13341**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide one (1) lot of approximately 7.5 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 you for taking the time to meet with its representatives on November 30, 2004. 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.
- 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 Regional District of Bulkley-Nechako at your earliest convenience.

The decision noted above is recorded as Resolution **#586/2004**.

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

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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:



K. B. Miller, Chief Executive Officer

cc: Regional District of Bulkley-Nechako -984
Approving Officer, Ministry of Transportation, Prince George
BC Assessment, Prince George
W. D. McIntosh, Box 1250 (186 Health), Vanderhoof, BC – V0J 3A0

RW/lv/Encl.
I:35740d1.



**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)

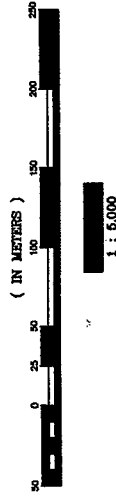
Occupation of Witness

Signature of Witness

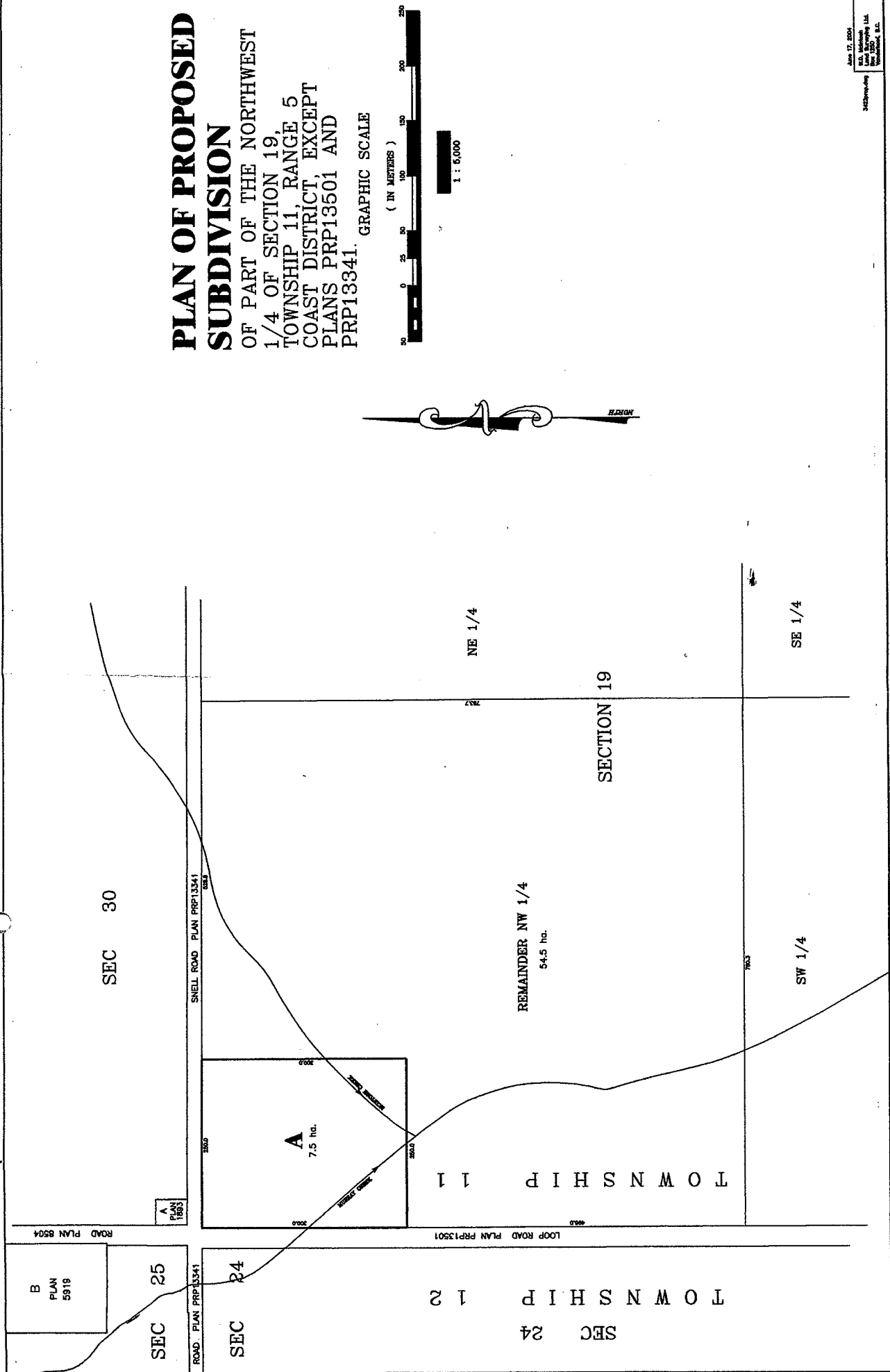
Date

**PLAN OF PROPOSED
SUBDIVISION**

OF PART OF THE NORTHWEST
1/4 OF SECTION 19,
TOWNSHIP 11, RANGE 5
COAST DISTRICT, EXCEPT
PLANS PRP13501 AND
PRP13341. GRAPHIC SCALE



June 17, 2004
B. J. ...
...
...



Agricultural Land Commission
Application: B-35740
Resolution # 586/2004



Staff Report
Application # B – 35740-0
Applicant: John & Myrna Bailey
Agent: W D McIntosh

DATE PREPARED: November 22, 2004

TO: Chair and Commissioners – North Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide a 7.5 ha from the subject property under the conditions of the HSP.

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

Local Government:

Regional District of Bulkley-Nechako

Legal Description of Property:

1. PID: 015-660-842
The Northwest 1/4 of, Section 19, Township 11, Range 5 Coast District, EXCEPT Plans PRP13501 and PRP13341;

Purchase Date:

01/01/1965

Location of Property:

North of Vanderhoof, BC

Size of Property:

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

Present use of the Property:

Agricultural and residential

Surrounding Land Uses:

NORTH: Agriculture
EAST: Agriculture
SOUTH: Agriculture
WEST: Agriculture

Agricultural Capability:

Data Source: Agricultural Capability Map # 93K/1
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Agricultural (A) in the Vanderhoof Rural OCP

Zoning Bylaw and Designation:

Agricultural (Ag1)

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional Board recommended support for the application.

OTHER COMMENTS:

District Agrologist, Ministry of Agriculture, Food and Fisheries

"Approval recommended subject to the following conditions: Installation and maintenance of a permanent, dog-proof perimeter fence."

STAFF COMMENTS:

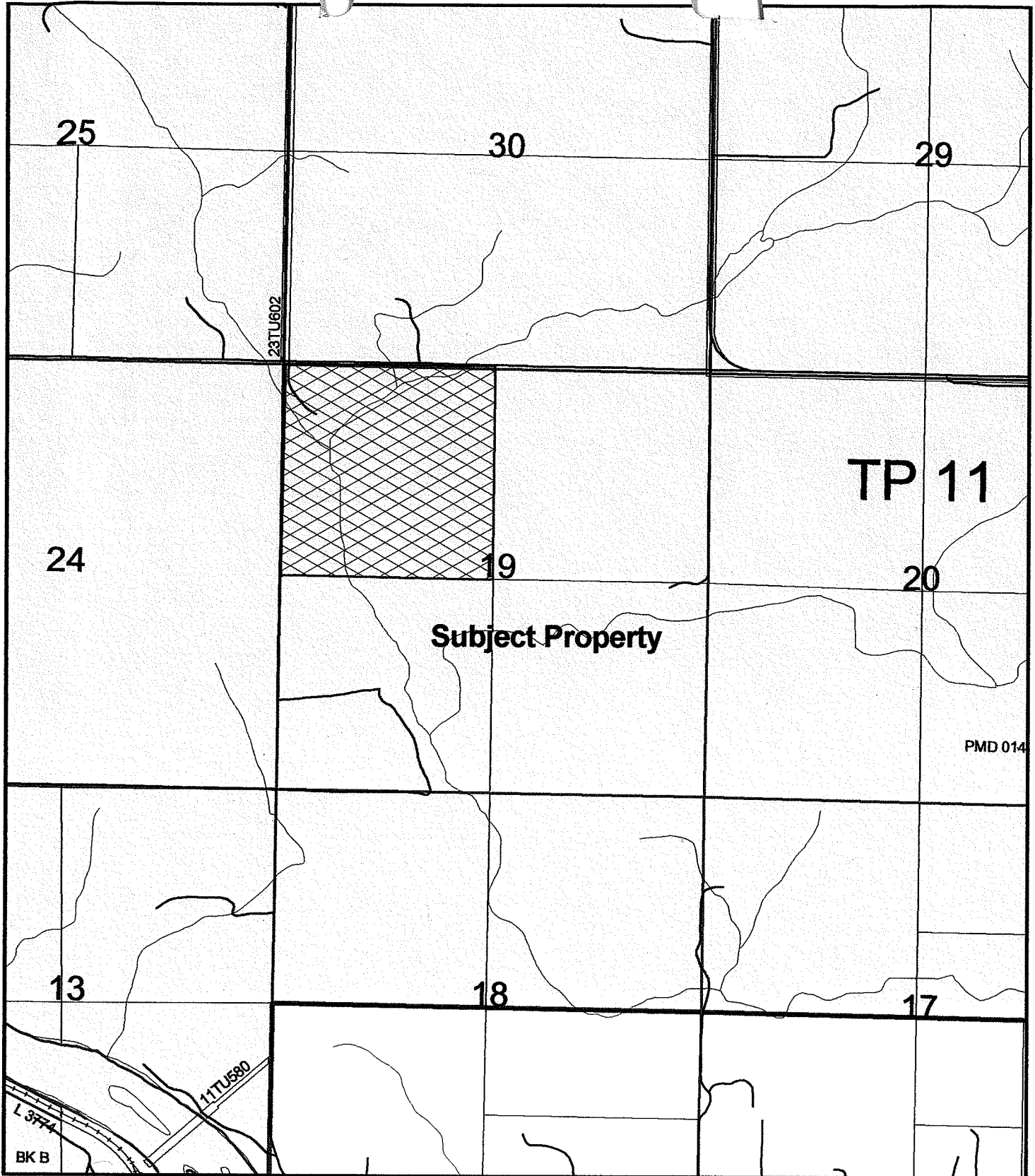
Allow subject to the conditions of the Commission's HSP.

END OF REPORT



Signature

Date *Nov 22/04*



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ALC CONTEXT MAP
Application # 35740

Map Scale: 1: 20000

ALC File #: 21-04-35740

BCGS Map Sheet #: 93K.010

Regional District: Bulkley-Nechako