



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

November 10, 2005

Reply to the attention of Simone Rivers

Ieva and Bruce Rogers
P.O. Box 238
Burns Lake, BC – V0J 1E0

Dear Mr. and Mrs. Rogers

Re: **Application # B-35830-0**
District Lot 1010, Range 5, Coast District, Except Plans 3413, 4022, 4171 and 4913

The Provincial Agricultural Land Commission (the "Commission") has now concluded its reconsideration of your application to subdivide one (1) lot of approximately 2.6 ha from the property in accordance with its *Homesite Severance Policy*. The application was reconsidered pursuant to section 33 of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for coming to Telkwa to meet with its representatives on October 31, 2005. The meeting clarified the history of Everett Jeffery's ownership of the property and residence in the area.

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

- the subdivision is not larger than 2 ha.
- the subdivision being in substantial compliance with the attached plan.
- the construction of a fence around the 2 ha homesite to be constructed and maintained by the owner of that parcel.
- that the homesite lot not be sold for five (5) years except in the case of estate settlements.
- that the remainder of the property be sold before final registration of the subdivision is authorized.
- 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 **#588/2005**.

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:

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- 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. (The Commission notes that your signed declaration is in the file. You do not need to send a new copy.)

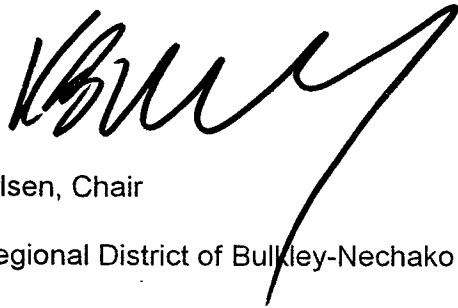
When all the required documentation has been received the Commission will authorize the Registrar of Land Titles to accept the application for deposit of the subdivision plan.

Please quote your application number in any future correspondence.

Yours truly

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:



Erik Karlsen, Chair

cc: Regional District of Bulkley-Nechako (#990)

SM/lv/Encl.
35830d2

DISTRICT LOT 1013 AGRICULTURAL

District Lot 1010,
Range 5, Coast District,
Except plans 3413, 4022,
4171 and 4913

355 METERS

approved ±2 ha lot

RESIDENTIAL /
AGRICULTURAL
#2548

EXISTING
TRAILER

DEPT. HIGHWAYS
UNMAINTAINED #107
JEFFREY RD.

#182
RESIDENTIAL
#3218

RESIDENTIAL
#3328

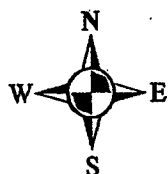
RESIDENTIAL
#3514

#3627

Francois Lk East Rd

Francois Lake

0 125 250
SCALE: IN METERS



Agricultural Land Commission

Application: B- 35830-1

Resolution # 588/2005

Subject property.



Approved 2 ha lot pursuant to the
Homesite Severance Policy.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on October 31, 2005 Burns Lake Motor Inn, Burns Lake BC.

PRESENT: Frank Read Chair
 Harold Kerr Commissioner

ABSENT: Grant Huffman Commissioner

STAFF: Simone Rivers, Regional Research Officer
 Roger Cheetham, Planner

For Consideration

Simone Rivers presented Mrs. Rogers' letters to the Commission requesting reconsideration of the application.

Site Inspection

A site inspection was conducted on May 17, 2005

A second site inspection was not conducted. Mr. and Mrs. Rogers met with the Commission at the Telkwa Village Hall on October 31, 2005.

Those in attendance were:

- Commissioners Read & Kerr
- Agricultural Land Commission Staff: Simone Rivers, Regional Research Officer and Roger Cheetham, Planner
- Applicants Bruce and Ieva Rogers.

Mr. and Mrs. Rogers spoke to the Commission and again outlined their proposed subdivision. They presented information about the history of Mrs. Rogers' late husband's ownership of the property which had not been clearly presented before. It was determined that Mrs. Rogers' late husband Everett had owned the property in question in 1971 and although he did not live there at that point he lived on a nearby parcel and that he had lived on that quarter section his entire life. Mrs. Rogers also provided information that all of the illegal dwellings on the property had either been removed or were slated for removal.

Commission Discussion

The Commission discussed the intention of the homesite severance and decided that although Mrs. Rogers' late husband did not strictly qualify for a homesite severance her husband's ownership of the parcel in 1971 and the fact that he lived on a separate lot on the same quarter section satisfied the intent of the policy. Taking this information into account the Commission allowed the subdivision of the homesite from the parcel. The Commission felt that a 2 ha parcel size would be sufficient to meet the applicant's needs and as such would only approve a parcel of this size.

IT WAS

MOVED BY: Commissioner Kerr

SECONDED BY: Commissioner Read

That the application to subdivide a homesite from the 30.4 ha parcel be approved subject to the following conditions:

That the homesite be no larger than 2 ha in size.

That the applicants fence the 2 ha homesite in order to avoid conflicts with the future agricultural use of the remainder of the parcel

That the applicants not sell the homesite for 5 years

That the applicants have a buyer lined up for the remainder of the property before the subdivision is approved as per the Homesite Severance Policy.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



**Staff Report
Reconsideration # B – 35830-1
Applicant: Bruce & Ieva Rogers**

DATE PREPARED: October 18, 2005

TO: Chair and Commissioners – North Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To reconsider the commission's refusal to subdivide 2.6 ha from the 30.4 ha subject property for a homesite severance.

This application is made pursuant to section 33 of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission will remember Mrs. Rogers' submissions to the Commission asking for reconsideration of their decision to refuse her request for subdivision.

When reviewing the material submitted by Mrs. Rogers at the Commission's September 2005 meeting, the Commission agreed to reconsider the file and to meet with Mrs. Rogers to hear her concerns. At the time the Commission asked for a title proving that her late husband, Everett Jeffrey owned the property in question when the Agricultural Land Reserve was formed. Mrs. Rogers informed Commission staff that this title was in the file with Mrs. Rogers' original subdivision application and a copy is provided for the Commission's information.

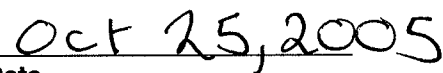
Mrs. Rogers also requested copies of minutes and decision letters for many past Commission decisions for subdivisions in the Francois Lake area that have been approved dating back to the formation of the Commission. Commission staff have provided the minutes and letters to Ms. Rogers with the a cautionary note that the Commission makes decisions on a case by case basis and that 30 year old files may not be relevant.

Copies of the Commission's correspondence with Mrs. Rogers since the last Commission meeting are attached for your information.

END OF REPORT



Signature



Date