



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

September 27, 2005

Reply to the attention of Simone Magwood

Elizabeth Beaven
3214 Blackwater Road
Quesnel, BC – V2J 7E1

Dear Ms. Beaven:

**Re: Application # D-36096-0
Parcel 1, District Lot 3235, Cariboo District, Plan PGP37101**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide one (1) lot of approximately 10 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 September 13, 2005.

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 Cariboo Regional District at your earliest convenience.

The decision noted above is recorded as Resolution **#497/2005**.

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:

- 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:

Erik Karlsen, Chair

cc: Cariboo Regional District (File # 4035-20-B268)

SM/lv/Encl.
36096d1

LEGEND

 Subject Property

 Proposed Lots

100 0 100 Meters

ALL MEASUREMENTS METRIC



L 3235

DL 3233

P 33425

PCL 1

PCL 1
PL PGP33425
DL 3235

P PGP37101

PCL 1

PROPOSED
REM PCL 1
PL PGP37101
DL 3235
+- 58.90 ha,
excludes +- 10.00 ha
proposed subdivided, for
total +- 68.90 ha

PCL 1

PROPOSED
REM PCL 1
PL PGP37101
DL 3235

PROPOSED
HOMESITE SEVERANCE
PCL 2
PL PGP37101
DL 3235
+- 10.00 ha

P 23806

P 29752

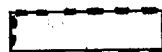
P PGP46447

Blackwater Rd

Agricultural Land Commission

Application: D-36096-0

Resolution # 497/2005



Subject property.



Approved 10 ha lot pursuant to the
Homesite Severance Policy.



**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:

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

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on September 13, 2005 at the Quesnel Airport, 410 Kinchant Street, Quesnel, BC

PRESENT: Grant Huffman Chair
 Holly Campbell Commissioner
 Frank Read Commissioner

STAFF: Simone Magwood, Regional Research Officer
 Martin Collins, Planner

For Consideration

Simone Magwood presented the staff report dated August 24, 2005 regarding application #D- 36096-0. Ms. Beaven confirmed that she received the staff report and did not identify any errors.

Site Inspection

A site inspection was conducted on September 13, 2005. Those in attendance were:

- Commissioners Huffman, Read, Campbell
- Agricultural Land Commission Staff: Simone Magwood, Regional Research Officer and Martin Collins, Planner
- Applicant Elizabeth Beaven and her ex-husband.

The site inspection lasted from 12:00 p.m. to 12:30 p.m.

Commission Discussion

The Commission met with the applicant at her home and walked down the road to view the extent of the lot she wished to subdivide. The applicant clarified that she wanted a 10 ha homesite severance so that she could own a few livestock and that she had originally applied for 4 ha because she thought that was the maximum size she could ask for. Although the 10 ha size is larger than most homesite severance the Commission allowed the subdivision on the grounds that the 10 ha area was topographically separate from the remainder of the parcel and the applicant qualified under the *Homesite Severance Policy*.

IT WAS

MOVED BY: Commissioner Read
SECONDED BY: Commissioner Huffman

THAT the staff report be received and the application to subdivide a 10 ha homesite be allowed on the grounds that the applicant qualifies under the Homesite Severance Policy and the 10 ha area is separated from the remainder by a creek.

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

CARRIED



Staff Report
Application # D – 36096 – 0
Applicant: Elizabeth Beaven

DATE PREPARED: August 24, 2005

TO: Chair and Commissioners – Interior Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To subdivide 10 ha from the 69 ha property as a homesite severance.

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

BACKGROUND INFORMATION:

The applicant has owned the property since 1971 and wishes to subdivide approximately 10 ha as a homesite severance. The current owner purchased the property with her ex-husband in 1971. She has lived on the property continually since that time. The applicant has a buyer for the remainder of the property.

It was noted by Local Government Planning Staff that the current property configuration is unusual as there is a square block to the south-west of the main holding. The square block is included with the remainder of the property and not the subdivision.

Local Government:

Cariboo Regional District

Legal Description of Property:

PID: 018-211-992
Parcel 1, District Lot 3235, Cariboo District, Plan PGP37101

Purchase Date:

October 1971

Location of Property:

3214 Blackwater Road, Quesnel

Size of Property:

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

Present use of the Property:

Residential, barn, sheds, hayfields and pasture

Surrounding Land Uses:

WEST: Grazing and subdivision (ALR)
SOUTH: Hayfields and grazing as well as a subdivided area (ALR)
EAST: Hayfields and grazing (ALR)
NORTH: Hayfields and grazing (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 93G/2
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

North Cariboo Rural Bylaw #3505 designates the land as "Agricultural"

Zoning Bylaw and Designation:

North Cariboo Rural Land Use Bylaw #3501 designates the land as Resource/Agricultural, which permits a minimum lot size of 10.0 ha.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Cariboo Regional District forwarded the application with a recommendation to approve the subdivision

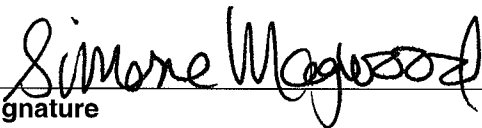
Planning staff support the homesite severance but note that the proposed severance is quite large at 10 ha. They state that they have not seen any justification for such a large severance.

STAFF COMMENTS:

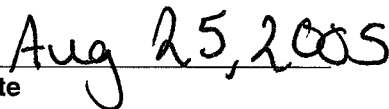
The applicant amended her original request for 4 ha to 10 ha in order to be in compliance with the current local zoning.

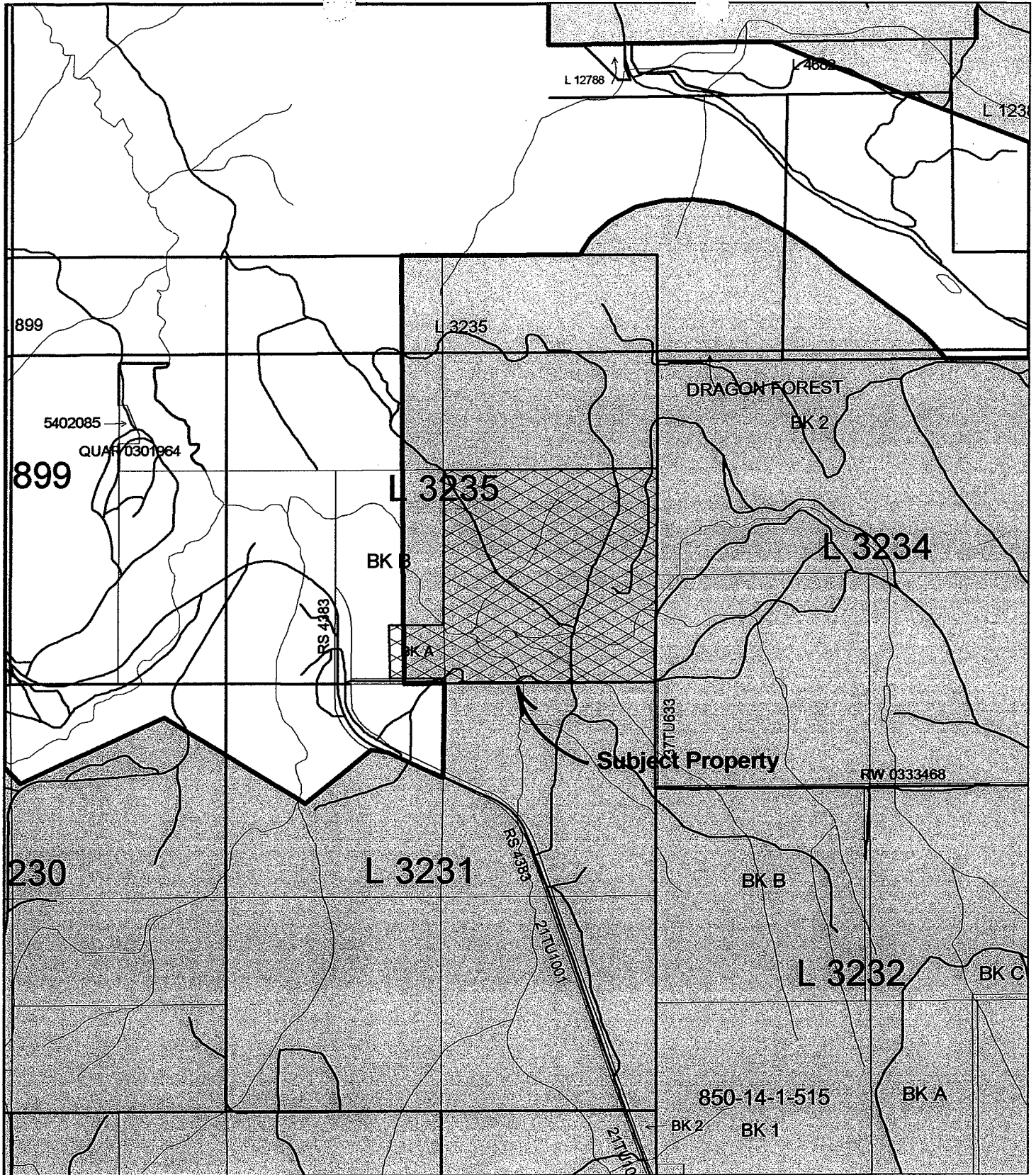
END OF REPORT

Signature



Date





ALC CONTEXT MAP
Application # 36096

Map Scale: 1: 20000

ALC File #: 21-05-36096

BCGS Map Sheet #: 93G.007

Regional District: Cariboo