



**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

March 17, 2006

Reply to the attention of Simone Rivers

Rose and George Mooney  
9604 – 107<sup>th</sup> Avenue  
Fort St. John, B.C. V1J 2P4

Dear Mr. and Mrs Mooney:

**Re: Application #W-36380  
The South West ¼ of Section 2, Township 86, Range 18, West of the 6<sup>th</sup>  
Meridian, Peace River District, Except Plan 26070**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the 64 ha property and to subdivide the 4 ha homesite from the property. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on March 8, 2006. The Commission appreciated the clarification at the meeting that it was never your intention to take your property out of the Agricultural Land Reserve and that your exclusion application was a result of a misunderstanding of the application process. The Commission understands that your intention in making the application was to subdivide the 4 ha homesite from the remainder of the property. Therefore, the request to exclude the property is refused as proposed.

However, since you have owned the property since 1949 and qualify for consideration under the Commission's *Homesite Severance Policy*, the Commission is willing to allow the subdivision of the 4 ha homesite from the property.

The approval is subject to:

- the subdivision being in substantial compliance with the attached 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 Peace River Regional District at your earliest convenience.

The property will remain in the ALR and be subject to the provisions of the *Agricultural Land Commission Act* and regulations except as provided by this approval.

The decision noted above is recorded as Resolution #104/2006.

Page 2 - #36380

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

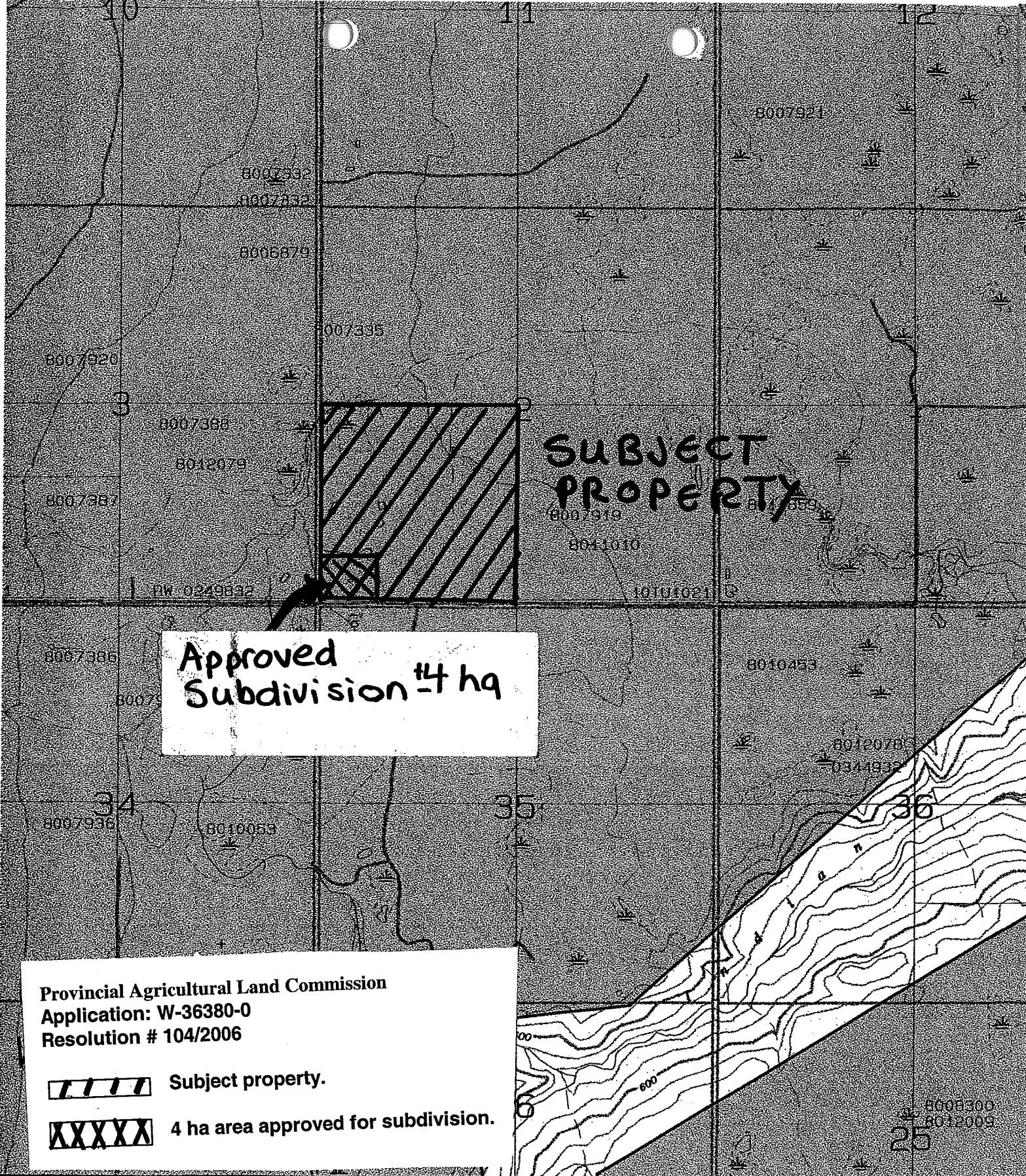
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Peace River Regional District (#165/2005)


SBR/lv/Encl.  
36380d1




Approved  
Subdivision 4 ha

SUBJECT  
PROPERTY

Provincial Agricultural Land Commission  
 Application: W-36380-0  
 Resolution # 104/2006

 Subject property.

 4 ha area approved for subdivision.

SW 1/4 of S2, T86, R18, W6M, PRD

94A.047  $\Delta$

Except Plan 26070

one of the base sheets of the Agricultural  
 or the Regional District of 'Peace River'  
 tion from the Land Reserve Commission.  
 of this ALR map Please Contact the Land

Map Compiled by the Geographic Information Systems Department, 1:20,000  $\Delta$   
 Land Reserve Commission.  $\underline{N}$   
 Base Mapping Sources:  
 Mapping Control: B.C. Government  
 Planimetric: TRIM  
 Cadastral: CDMS & Local Government  
 The cadastral base information may vary between local Government

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on March 8, 2005 at the Quality Inn, Northern Grand Hotel, 9830 100<sup>th</sup> Avenue, Fort St. John, B.C.

PRESENT: Frank Read                                      Chair  
             Harold Kerr                                        Commissioner

ABSENT: John Kendrew                                   Commissioner

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

**For Consideration**

Simone Rivers presented the staff report dated January 17, 2005 regarding application #W-36380-0. Mrs. Mooney confirmed that she received the staff report and did not identify any errors.

**Site Inspection**

A site inspection was not conducted. However, the Commission met the applicants at their home in Fort St. John on March 8, 2006. Those in attendance were:

- Commissioners Read & Kerr.
- Agricultural Land Commission Staff: Simone Magwood, Regional Research Officer
- Applicants: Rose and George Mooney

The Commission met with the Mooney's in Fort St. John, where they now live. Mrs. Mooney informed the Commission that she had misunderstood the application process when she applied for exclusion and that her goal was to subdivide the homesite from the remainder of the property so that it could be sold if necessary. The Commission looked at airphotos of the property with Mrs. Mooney who showed them the location of the homesite. The Commission noted that the homesite was located in the corner of the property. The Mooney's had owned this quarter section since 1949.

The site inspection lasted from 4:00 p.m. to 4:30 p.m.

**Commission Discussion**

The Commission agreed that exclusion of the property was not an option but were willing to allow subdivision of the 4 ha homesite from the property on the grounds that the applicants qualify for consideration under the Commission's *Homesite Severance Policy*. The Commission is also willing to waive the requirement for the applicants to keep the property for five years before selling it. The Mooney's indicated that they have no immediate plans to sell the homesite but wish to have the option should they need extra money as Mr. Mooney is quite ill. They are planning to keep the remainder of the quarter section and continue to lease it to a relative who is currently farming it.

**IT WAS**

**MOVED BY:** Commissioner Read

**SECONDED BY:** Commissioner Kerr

THAT the staff report be received and the request to exclude the 64 ha property described as The South West ¼ of Section 2, Township 86, Range 18, West of the 6<sup>th</sup> Meridian, Peace River District, Except Plan 26070 be refused as proposed

AND That the subdivision of 4 ha from the 64 ha property described above be allowed on the grounds the applicants qualify for consideration under the Commission's *Homesite Severance Policy*.

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

CARRIED



**Staff Report**  
**Application # W – 36380 – 0**  
**Applicant: George & Rose Mooney**

**DATE RECEIVED:** November 23, 2005

**DATE PREPARED:** January 17, 2006

**TO:** Chair and Commissioners – North Panel

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To exclude the 64 ha quarter section from the ALR so that 4 ha can be subdivided and sold.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The applicants have applied for exclusion of the entire ¼ section but state that the purpose of the exclusion is to facilitate subdivision of the 4 ha homesite from the remainder of the property. They have owned the property since 1949. They wish to have the option to sell the homesite for income if needed as one of the applicants has become ill. They state that the remainder of the ¼ would continue to be used by the family for farming.

Two letters of opposition to the exclusion was received from neighbouring landowners. The concerns were based on the good agricultural capability of the property and uncertainty of what the property might be used for if excluded.

**Local Government:**

Peace River Regional District

**Legal Description of Property:**

PID: 014-738-350

The South West ¼ of Section 2, Township 86, Range 18, West of the 6<sup>th</sup> Meridian, Peace River District, Except Plan 26070

**Purchase Date:**

June 1, 1949

**Location of Property:**

23 km north of Fort St. John near the junction of the North Pine and 257 Roads.

**Size of Property:**

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

**Present use of the Property:**

One homesite with an old growth windbreak. The remainder of the ¼ section is under cultivation for production of various grain/hay crops.

**Surrounding Land Uses:**

- WEST:** 257 Road, the North Pine Rural Community, farmland and homesites (ALR)
- SOUTH:** North Pine Road and cultivated land with associated homesites (ALR)
- EAST:** Farm land and associated homesites (ALR)
- NORTH:** Cultivated land with associated homesites (ALR)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 94A/7  
The majority of the property is identified as having prime dominant ratings.

**Official Community Plan and Designation:**

North Peace Official Community Plan Bylaw No. 820, (1993) designates the property as "Rural Resource - Agricultural"

**Zoning Bylaw and Designation:**

Regional Zoning Bylaw No. 1000, (1996) designates the property as A-2 "Large Agricultural Holding Zone"  
Minimum Parcel Size 63 ha.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Peace River Regional District Board:** The Regional Board forwarded the application with the following resolution: That the Regional Board REFUSE to authorize the proposed exclusion application... to proceed to the Agricultural Land Commission, and as an alternative, support and authorize the subdivision of the original homesite as it is consistent with the development of Rural Communities and Policy 3(a) as detailed in the North Peace Official Community Plan.

Policy 3(a) of the North Peace Official Community Plan:  
The creation of a parcel not less than 1.8 ha is to meet the residential requirements of the owner, the owner's relatives, or farm help, where the broader interests of agriculture are not compromised. Further, since the subdivision of the existing homesite lies within a defined "rural community" of the North Peace OCP, subdivision to a minimum parcel size of 1.8 ha is permitted.

**STAFF COMMENTS:**

Agricultural Capability: The entire parcel is rated as 2C.

Agricultural Suitability: The property is located in an area of large holdings and is currently under cultivation.

Impact on Agriculture: The property is surrounded by ALR, is currently being used for agriculture and has good agricultural capability; therefore, staff concur with the Regional Board's resolution to refuse the request to exclude the property.

However, the applicant's have owned and farmed the property since 1949 and lived in the homesite until 2004 and therefore, qualify for consideration under the Commission's *Homesite Severance Policy*. As one of the applicants is ill, they are not able to continue to live on the property and merely wish to sell the homesite for additional income should the need arise. As the applicants do not wish to live on the property, the Commission may waive the requirement to not re-sell the subdivision for 5 years.

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**END OF REPORT**

Simone Rivers  
Signature

Jan 30, 2008  
Date