



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

May 17, 2006

Reply to the attention of Simone Rivers

Allen & Alberta Pratt
PO Box 7
Taylor, BC V0C 2K0

Dear Mr and Mrs. Pratt

Re: **Application # W-36565**
South West ¼ of Section 7, Township 82, Range 17, West of the 6th
Meridian, Peace River District, Except Plan 34025

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide one (1) lot of approximately 4 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 May 1, 2006.

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 Peace River Regional District at your earliest convenience.

The decision noted above is recorded as Resolution #190/2006.

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: Peace River Regional District, Your File#15/2006

SBR/lv/Encl.
36565d1



*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)

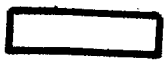

Occupation of Witness

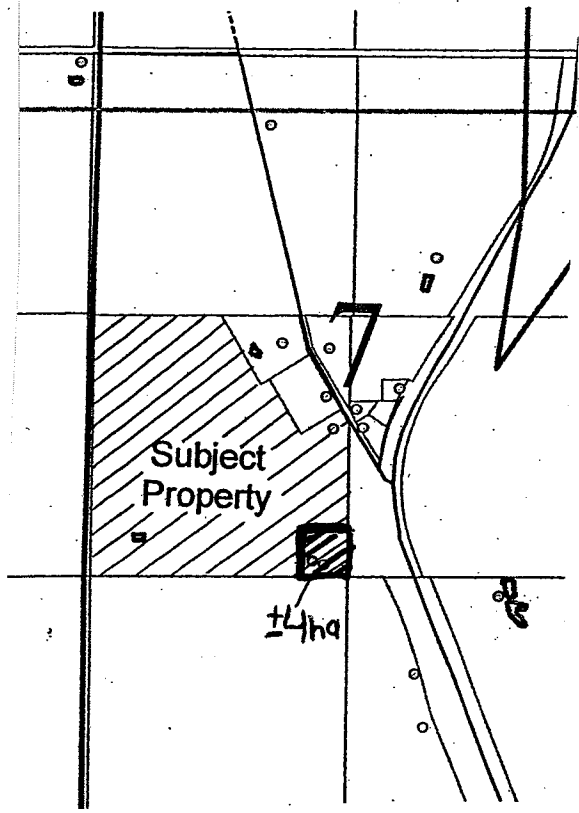
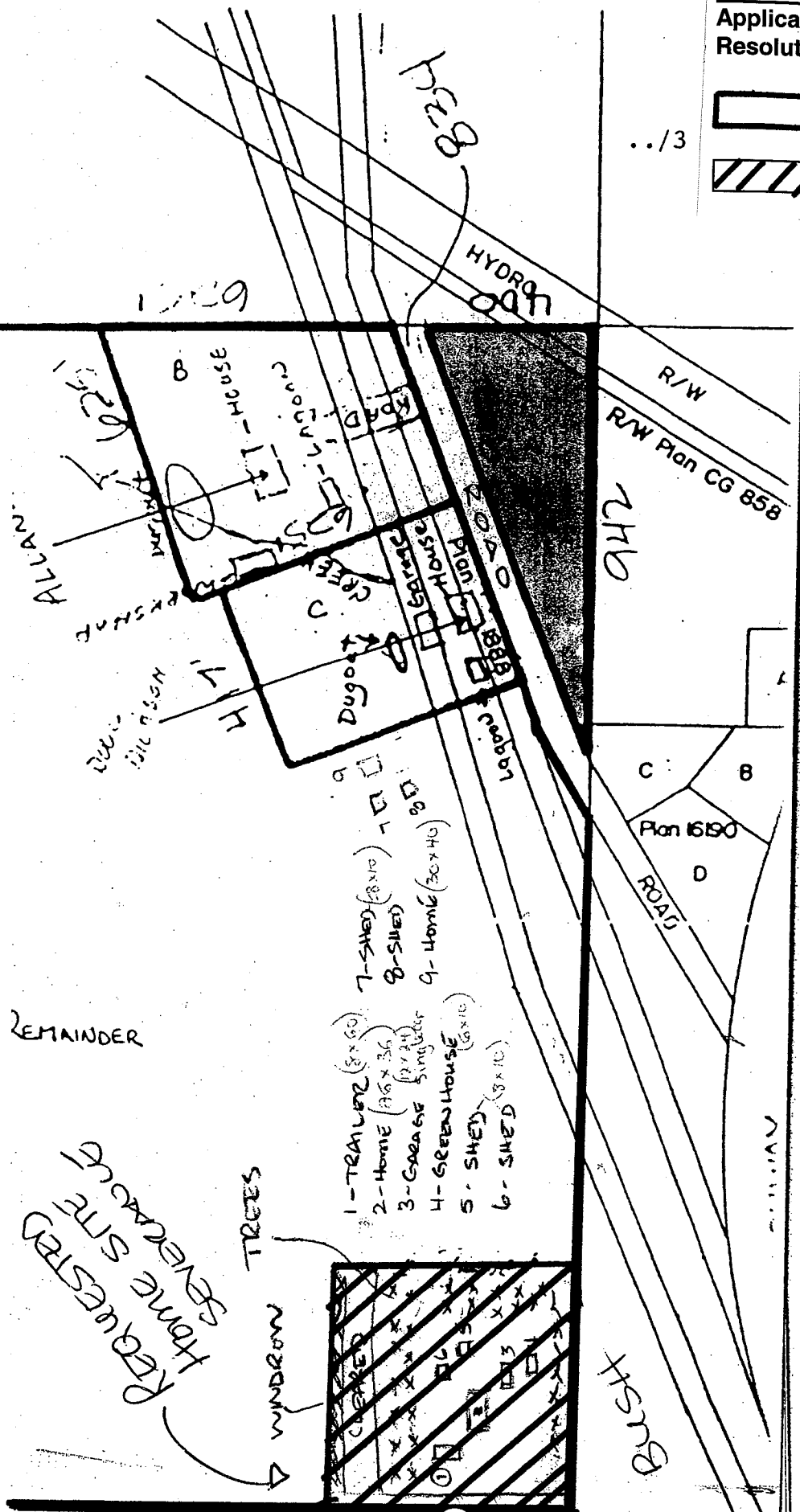
Signature of Witness

Date

SW 1/4 of S7, T82, R17, W6M, PRD, except plan 34025

Agricultural Land Commission
 Application: #W-36565-0
 Resolution # 190/2006

-  Subject property.
-  Approved ±4 ha lot pursuant to the Homesite Severance Policy.



±4ha approved lot

THAT the staff report be received and the application to subdivide a 4 ha parcel from the property described as the South West $\frac{1}{4}$ of Section 7, Township 82, Range 17, West of the 6th Meridian, Peace River District, Except Plan 34025 be allowed on the grounds that the applicants have owned the property since 1965 and therefore 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 – 36565-0
Applicant: Allen & Alberta Pratt

DATE RECEIVED: March 22, 2006

DATE PREPARED: April 10, 2006

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide a 4 ha parcel from the 55.1 ha property as homesite severance.

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

BACKGROUND INFORMATION:

The applicants wish to subdivide their homesite from the property and sell the remainder to their son. They have owned the property since 1965 when it was Crown granted to them. The applicants have previously received permission to subdivide three small lots from the subject property (Resolution # 137/1987).

This area south of Taylor is primarily a farming area, with crops of hay and others, as well as grazing land for cattle, horses, etc.

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 014-436-01
South West ¼ of Section 7, Township 82, Range 17, West of the 6th Meridian, Peace River District, Except Plan 34025

Purchase Date:

1965

Location of Property:

2595 Highway 97, 7 km south of the District of Taylor.

Size of Property:

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

Present use of the Property:

2 homes, 1 trailer, garage, 4 sheds, small greenhouse, approximately 12 ha is cleared for hay.
The remainder is forested.

Surrounding Land Uses:

WEST: Buffalo ranch (ALR)
SOUTH: Bush and cleared (ALR)
EAST: Bush and highway (ALR)
NORTH: Residential and agriculture (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 94A/2
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

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

Zoning Bylaw and Designation:

Peace River Regional District Zoning Bylaw No. 1343, (2001) designates the parcel as A-2 (Large Agricultural Holdings Zone).
Minimum parcel size 63 ha.

PREVIOUS APPLICATIONS:

Application #14748-0

Applicant: Pratt, Allen & Alberta
Decision Date: August 19, 1982
Proposal: To subdivide the approximately 63.2 ha property into one lot of approximately 2.8 ha and one parcel of approximately 60.4 ha as divided by the Alaska Highway.
Decision: The Commission refused the proposal on the grounds that the subject property is in an area with good potential for agriculture.

Application #20517-0

Applicant: Pratt, Allen
Decision Date: January 12, 1987
Proposal: To subdivide the 63.9 ha property into one parcel of 2.8 ha, one parcel of 4 ha, one parcel of 4.8 ha and one parcel of 52 ha.
Decision: The Commission approved a modified proposal of three minimal-sized parcels. Two of the lots were created to accommodate existing homesites of the owners' children and the severance of the third was allowed as it was physically separated from the remainder of the property by the highway.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: The Regional Board forwarded the application with the following resolution: *That the Regional Board support and authorize the application... on the basis that the proposed subdivision of the owner's homesite is consistent with the objectives, policies and development criteria of section 2.2 of the North Peace Official Community Plan, specifically Policy 3(a).*

Peace River Regional District Planning Staff: Planning staff note that the proposed subdivision does not meet the minimum parcel size requirement under the A-2 zone. However, should the subdivision proposal meet the requirements of Section 946 of the Local Government Act, "Subdivision to provide a residence for the owner or owner's relative" a zoning amendment will not be required. Staff also noted that the proposed subdivision is not likely to cause significant impacts on the agricultural potential of the subject property, as the proposed boundaries under consideration take in the existing homesite and yardsite development and do not utilize any areas that are currently under production.

STAFF COMMENTS:

Agricultural Capability:

The entire property is rated 100% Class 4X

Class 4 - Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

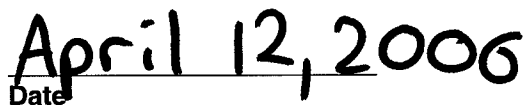
Subclass:

X - cumulative and minor adverse characteristics

The applicants have owned the property since 1965 and therefore qualify for consideration under the Commission's *Homesite Severance Policy*.

END OF REPORT


Signature


Date