



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

July 18, 2006

Reply to the attention of Simone Rivers

Joseph Gagne
Po Box 744
Taylor, B.C. V0C 1N0

Dear Sir:

Re: Application # W-36637

PID: 024-005-754

Lot 1, Section 2, Township 82, Range 18, West of the 6th Meridian, Peace River District, Plan PGP41918

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide a 6 ha lot from the above noted 64 ha property for a homesite for your son. 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 June 28th, 2006. The Commission found the meeting and site visit informative.

The Commission was concerned about the subdivision of a 6 ha lot for residential purposes on the grounds it would excessively reduce the agricultural capability of the remnant, and could come under subdivision pressure in the future. The Commission generally discourages small lot subdivision in the ALR because it is not supportive of farming.

However, the Commission noted that you qualified for consideration under the Commission's Homesite Severance Policy (enclosed) because you owned the property prior to December 1972 (when the Agricultural Land Reserve was established). On this basis, although you are not requesting a homesite subdivision for yourself, the Commission was prepared to allow the subdivision of smaller, 4 ha homesite lot for your son.

Be advised, the Commission considers this subdivision as fulfilling the intent of Homesite Severance, and that it may not provide further consideration under the Policy. Please read the enclosed Policy so that you clearly understand the Commission's discretion regarding a future discussions (or applications) about Homesite Severance.

The Commission allowed the subdivision of a 4 ha lot subject to:

- it being in substantial compliance with the attached plan.
- the construction of a fence around the perimeter of the new lot
- 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 #342/2006.

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Upon completion of the fence (please send in photographs confirming this), 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 File: #36/2006

SBR/lv/Encl: Homesite Severance Policy and map
36637d1

0.83 km = 1/2 mile

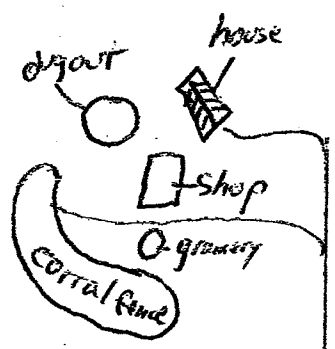
1/2 N TASHINE CATTLE

R-3

RECEIVED
PROV. AGRICULTURAL
LAND COMMISSION APR 27 2006

trees

0.83 Hours or 1/2 mile



1/4 mile driveway

← PROPOSED FENCING

4 ha
LOT

Rd 230 Gayne Rd

Provincial Agricultural Land Commission
Application: W-36637
Resolution # 342/2006

 4 ha area approved for subdivision.

 Location of fencing.



**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

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IT WAS

MOVED BY: Commissioner F. Read
SECONDED BY: Commissioner J. Kendrew

THAT the staff report be received and the application to subdivide a 6 ha lot from the 64ha property be refused as proposed on the grounds the homesite parcel would excessively reduce the agricultural potential of the parent property, and would itself come under further pressure to subdivide. The Commission was prepared to allow a smaller 4 ha lot on the grounds the applicant qualified 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 – 36637
Applicant: Joseph Gagne

DATE RECEIVED: April 27, 2006

DATE PREPARED: June 9, 2006

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide a 6 ha lot from the 64 ha property. The applicant has owned the land since 1962.

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

BACKGROUND INFORMATION:

The applicant states that the purpose of the subdivision is to give his son a parcel on which to build a homesite.

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 024-005-754
Lot 1, Section 2, Township 82, Range 18, West of the 6th Meridian, Peace River District, Plan PGP41918

Purchase Date:

1962

Location of Property:

3.2 km west of the Alaska Highway and 6.4 km south of the Peace River south of Taylor

Size of Property:

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

Present use of the Property:

Homesite with associated outbuildings, granary



Surrounding Land Uses:

WEST: Pasture (ALR)
SOUTH: Pasture (ALR)
EAST: Pasture (ALR)
NORTH: Pasture (ALR)

Agricultural Capability:

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

Official Community Plan and Designation:

North Peace Official Community Plan Bylaw No. 820 (1993) designates the parcel as "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.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: The Regional Board forwarded the application with a recommendation of support on the basis that the proposed meets the requirements under Section 946 of the *Local Government Act*.

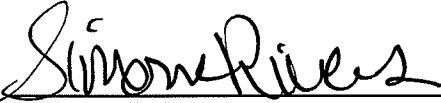
STAFF COMMENTS:

Agricultural Capability:

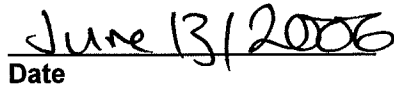
The subject property is rated 100% Class 4x
Class 4 - Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
Subclass: X- cumulative and minor adverse characteristics

The applicant states that he homesteaded the land in 1962. Therefore he may qualify for consideration under the Commission's *Homesite Severance Policy*.

END OF REPORT



Signature



Date

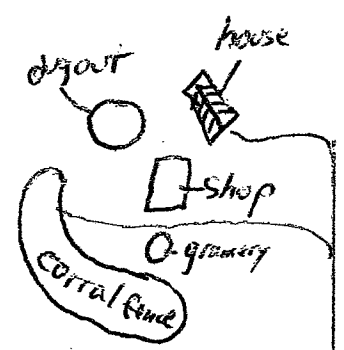
0.83 km = 1/2 mile

1/2 MILE

R-3

RECEIVED
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trees



trees.

15 acres total parcel proposal
for subdivision.

0.83 hours or 1/2 mile

← 3 acres →

5 acres

1/4 mile driveway

Rd 230 Gayne Rd

complete parcel is 160 acres, or 64 hectares.
subdivided section is 15 acres. (3 acres wide x 5 acres long)

APR 13 2006

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