



Agricultural Land Commission
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www.alc.gov.bc.ca

November 6, 2006

Reply to the attention of Simone Rivers
ALC File: #B - 36973

Donald and Marjorie Weaver
PO Box 733
Vanderhoof, BC V0J 3A0

Dear Mr. and Mrs. Weaver:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 545/2006 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Bulkley-Nechako(1030)

SBR/lv/Encl.: Minutes/Sketch Plan/HSS Policy
36973d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 20, 2006 at the Super 8 Motel, 1440 Alaska Avenue, Dawson Creek, B.C.

PRESENT:	Frank Read	Chair, Island Panel
	John Kendrew	Commissioner
	David Craven	Commissioner
	Simone Rivers	Staff

For Consideration

Application: # B- 36973
Applicant: Donald Weaver
Proposal: To subdivide 4 ha parcel from the parent 63.6 ha property under the ALC Homesite Severance Policy so that sons can form a company and continue running the farm.
Legal: 1. PID: 011-644-486
The North East ¼ of Section 36, Township 5, Range 4 Coast District, Except Plan PRP12845
Location: Approx 20km South West of Vanderhoof at 12155 Corkscrew Road.

Site Inspection

A site inspection was conducted on October 17, 2006. Those in attendance were:

- | | |
|------------------------------|-----------------------|
| • Frank Read | Chair, Island Panel |
| • John Kendrew | Commissioner |
| • David Craven | Commissioner |
| • Simone Rivers | Staff |
| • Donald and Marjorie Weaver | Applicants |
| • Daniel Weaver | Son of the applicants |

The Commission met with the applicants at the subject property. It viewed the area proposed for subdivision and spoke about the Weaver's long history in the area as well as the agricultural improvements they had carried out on the land over the years. Daniel Weaver provided a map showing the extent of the holdings within the family and spoke of the family's plans for the future. The applicants indicated that the farm was to be taken over by a company formed by several of the sons of the applicants. The Commission also discussed a reconsideration of application # B-32718 at the site visit.

Mr. Weaver confirmed that the staff report dated September 29, 2006 was received and no errors were identified.

Discussion

The Commission was convinced that the applicants qualified for consideration under the Commission's Homesite Severance Policy as they had owned and lived on the property since prior to 1972 and were planning on selling the remainder of the property to the company which has been formed by some of their sons with the intention of carrying on farming the land.

Resolution # 545/2006
Application # B-36973

IT WAS

MOVED BY: Commissioner Kendrew

SECONDED BY: Commissioner Craven

THAT the application be allowed as proposed

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- compliance with the Homesite Severance Policy

AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

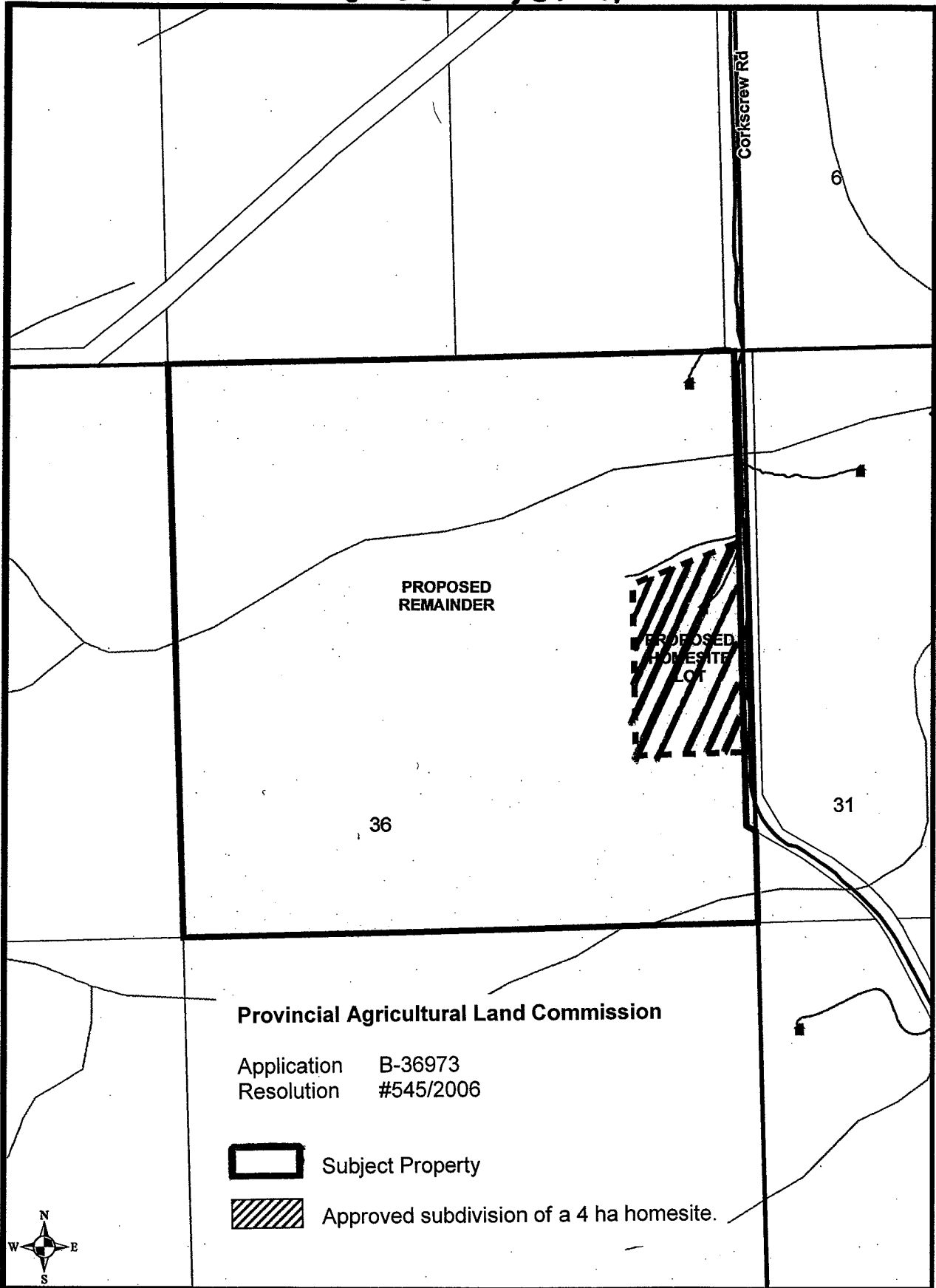
CARRIED

Resolution # 545/2006

ALR Application #1030
Electoral Area "F"
Proposed Subdivision

The NE 1/4, S36, T5, R4
Coast District, Except PRP 12845

Donald Weaver



PROV. AGRICULTURAL LAND COMMISSION
SEP 27 2006



**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



**Staff Report
Application # B – 36973
Applicant: Donald Weaver**

DATE RECEIVED: September 27, 2006

DATE PREPARED: September 29, 2006

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide a 4 ha parcel from the 63.6 ha property as a *Homesite Severance* so that the applicant's sons can form a company and continue running the farm.

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

BACKGROUND INFORMATION:

Local Government:

Regional District of Bulkley-Nechako

Legal Description of Property:

PID: 011-644-486

The North East ¼ of Section 36, Township 5, Range 4 Coast District, Except Plan PRP12845

Purchase Date:

1954

Location of Property:

Approx 20km SW of Vanderhoof at 12155 Corkscrew Road.

Size of Property:

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

Present use of the Property:

Agricultural, residential. One mobile home, one house, machine shop, hay shed and saddle shed

Surrounding Land Uses:

WEST: hayfields and timber
SOUTH: hayfields and timber
EAST: residential, pasture and timber
NORTH: hayfields and timber

Agricultural Capability:

Data Source: Agricultural Capability Map # 93F/16
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Vanderhoof Rural Official Community Plan Bylaw No.840, (1995) designates the property as Agricultural (A)

Zoning Bylaw and Designation:

Regional District of Bulkley-Nechako Zoning Bylaw No. 700, (1993) designates the property as Agricultural.
Minimum Lot Size: 16 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

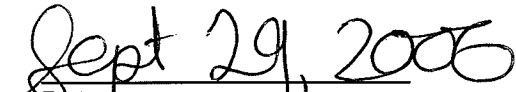
Regional District of Bulkley-Nechako Board: Allow as requested

ATTACHMENTS:

- Letter from the applicant outlining the proposal - dated August 16, 2006
- ALR Context Map - (submitted by Regional District of Bulkley-Nechako Regional District)
- General Location and CLI Agricultural Capability Map (Submitted by Regional District of Bulkley-Nechako)
- Map showing proposed subdivision (Submitted by Regional District of Bulkley-Nechako)

END OF REPORT


Signature


Date