



February 2, 2011

**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

Reply to the attention of Martin Collins  
ALC File: 52037

Mavis Jespersen  
322 35<sup>th</sup> Ave, NE  
Salmon Arm, B.C.  
V1E 2B5

Dear Madam:

**Re: Application to Subdivide Land within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 38/2011 outlining the Commission's decision as it relates to the above noted application.

Prior to approaching the Registrar of Land Titles to register the subdivision, please submit the following to this office:

1. Two (2) paper prints of the final subdivision plans.
2. A recent State of Title Certificate.
3. "Transfer of an Estate in Fee Simple" document indicating the transfer of the remainder of the property from you to the purchaser.
4. Your signed commitment that the homesite lot will not be sold for five (5) years except in the case of estate settlements.
5. Photographic evidence that conditions of approval, such as fencing, have been completed.

When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the City of Salmon Arm.

If you have any further questions please contact this office.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a white background.

Brian Underhill, Executive Director

Enclosures: Sketch Plan, Homesite Severance Policy, buffering and fencing specifications, agreement form

cc: City of Salmon Arm



## PROVINCIAL AGRICULTURAL LAND COMMISSION

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on February 2, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.**

### FOR CONSIDERATION

**Application: 52037** (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

Application: 52037  
Applicant: Mavis Jespersen  
Proposal: To subdivide a 0.4 ha lot from the 4 ha property as per Homesite Severance Policy  
Legal: PID 011-595-051  
Location: 35 St NE, Salmon Arm  
Background: The applicant's husband was co-owner of the property in 1972  
Attachment: Maps, sketch plan, Homesite Severance Policy

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### DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On January 26, 2011 the Commission delegated decision-making to the CEO by Resolution #008N-2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following applications may be decided by the CEO.

#### Criterion 12

Subdivision applications that are consistent with the provisions and intent of the Commission's *Homesite Severance Policy*.

#### DECISION:

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 12 of Resolution #008N/2011 and approve the application on behalf of the Commission.

Approval is subject to the following conditions:

- the construction of a fence around the 0.4 ha lot.
- the planting of vegetation for buffering around the perimeter of the 0.4 ha lot.
- compliance with the Homesite Severance Policy
- the subdivision must be completed within three (3) years from the date of this decision.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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.

**RESOLUTION # 38/2011**

**I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION**



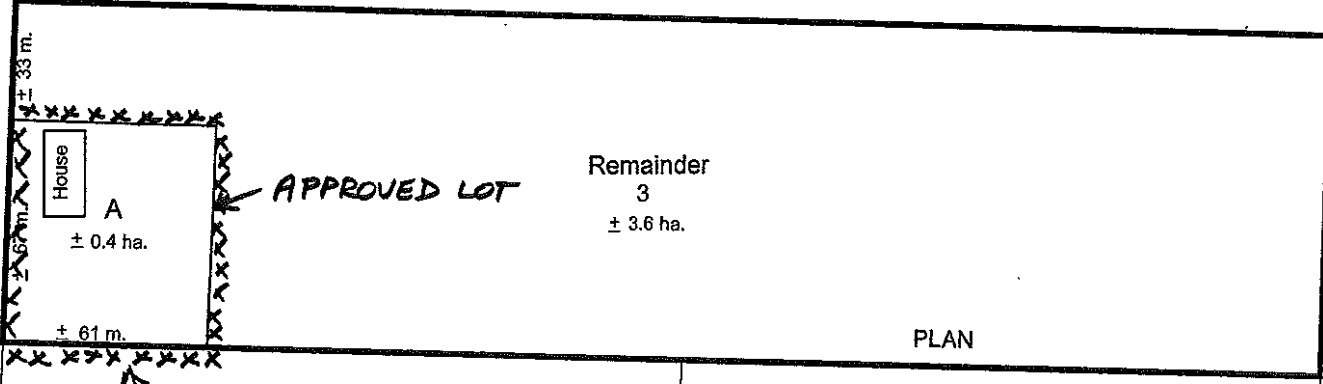
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**Richard Bullock, Chief Executive Officer**

E-24 LOT I

2

40TH STREET N.E.



APPROVED LOT

Remainder  
3  
± 3.6 ha.

PLAN

FENCING & VEGETATIVE BUFFER

1451

S.W. 1/4 of S.E. 1/4 of

N.W. 1/4

6

ROAD NOT OPEN

ROAD NOT OPEN

35th. ST. N.E.

11

12




ALC APPLICATION 52037  
 RESOLUTION #38/2011  
 SKETCH PLAN

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**This is not the official version.**

Only the printed version issued by the Agricultural Land Commission is the official version. Copies of the official version may be obtained from the Agricultural Land Commission, Room 133 - 4940 Canada Way, Burnaby, BC V5G 4K6, telephone: 604 660-7000.

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 <b>Agricultural Land Commission Act</b>	<b>Policy #11 March 2003</b>
<b>HOMESITE SEVERANCE ON ALR LANDS</b>	
<i>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.</i>	

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.]

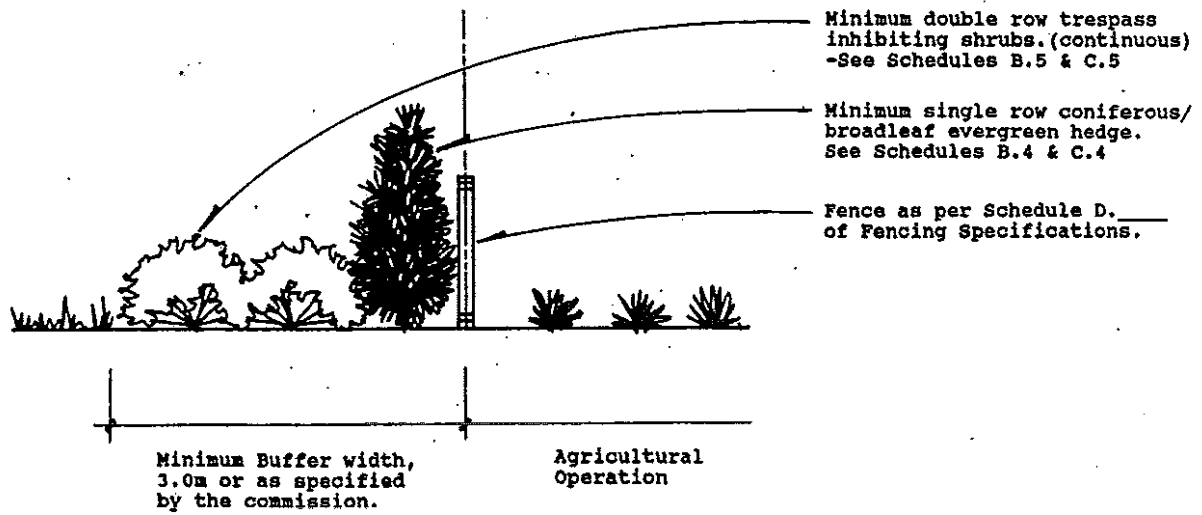
In considering the application, the Commission may make its approval subject to sale of the remainder within a specified period of time.

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.

**SCHEDULE A: BUFFER TYPES**

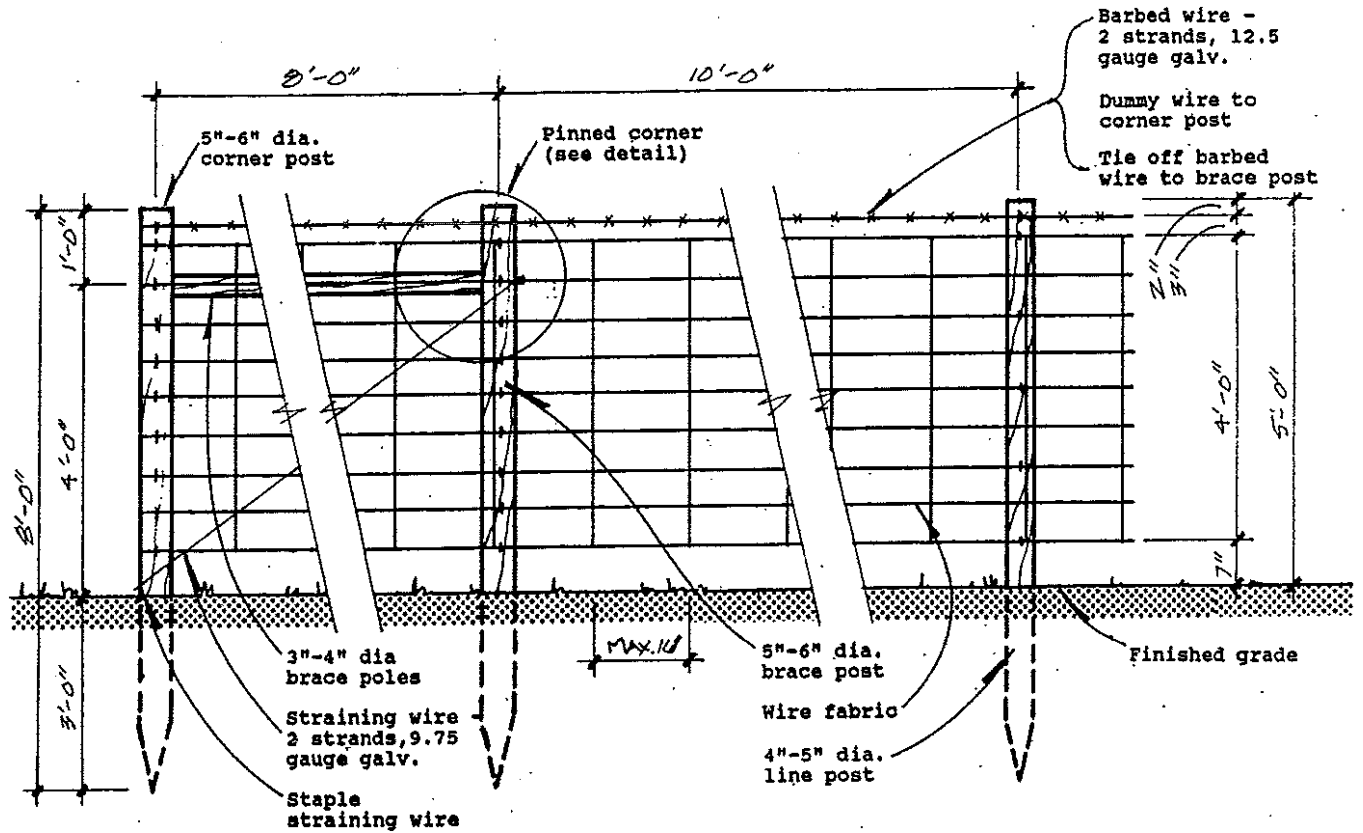
**A.1: Minimum Vegetative Screen  
(Evergreen Hedge)**

Minimum visual screening and protection of farmland from trespass and vandalism.

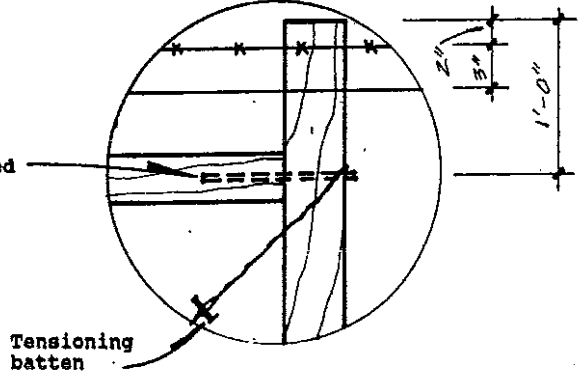


**SCHEDULE D: FENCING SPECIFICATIONS**

**D.4: Wire Fabric Fence with One Strand Barbed Wire**



3/8" x 12" rebar driven into 3/8" drilled hole. Wrap brace wire around 1" rebar protruding through brace post



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