



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

February 12, 2013

ALC File: #52961

Joseph Bell
PO Box 4
Cecil Lake, BC
V0C 1G0

Dear Sir:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 225/2012 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

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. "Transfer of an Estate in Fee Simple" document indicating the transfer of the remainder of the property from you to the purchaser.
3. Your signed commitment that the homesite lot will not be sold for five (5) years except in the case of estate settlements.
4. 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.

Further correspondence with respect to this application is to be directed to Gordon Bednard.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosures: Minutes of Resolution #225/2012
Sketch Plan
Homesite Severance Policy

cc: Peace River Regional District (File: #158/2012)



PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on December 7, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

- Application: 52961
- Applicant: Joseph Bell
- Proposal: To subdivide an approximately 4 ha lot from the 130 ha property pursuant to the Commission's *Homesite Severance Policy*.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)
- Legal: PID: 012-165-794
North ½ of Section 14, Township 85, Range 17, West of the 6th Meridian, Peace River District
- Location: Cecil Lake, North east of Fort St. John
- Background: The applicant purchased the property in 1964 and has lived on it continuously.

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

On June 27, 2011 the Commission delegated decision-making to the CEO by Resolution #016N-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 #016N/2011 and grant preliminary approve on behalf of the Commission subject to:

1. The applicant submitting the following documentation for Commission review and approval:
 - a. The Preliminary Layout Approval (PLA) specifying the requirements for subdivision identified by the Approving Officer from the Ministry of Transportation and Infrastructure;
 - b. The requirements for subdivision specified by the local government that are not identified in the PLA; and

- c. The requirements for subdivision specified by any other person or body having jurisdiction over the land under an enactment.

The Commission will be primarily concerned with any conditions of approval it believes will result in either a substantial deviation from the plan submitted with the application and to which this preliminary approval is granted, or, conditions it believes are inconsistent with the purposes of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.

Final approval is contingent on the Commission's acceptance of the conditions or requirements of approval identified by those persons or agencies having jurisdiction. The final survey plan should not be prepared in advance of receiving the Commission's written acceptance of the conditions of approval.

If final approval is granted the following additional conditions will apply:

2. the construction of a fence around the perimeter of the 4 ha homesite lot to ensure that a future owner does not trespass onto adjoining farmland;
3. Compliance with the *Homesite Severance Policy*;
4. the subdivision must be completed within three (3) years from the date of this decision.
5. 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 #225/2012

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION



Richard Bullock, Chief Executive Officer

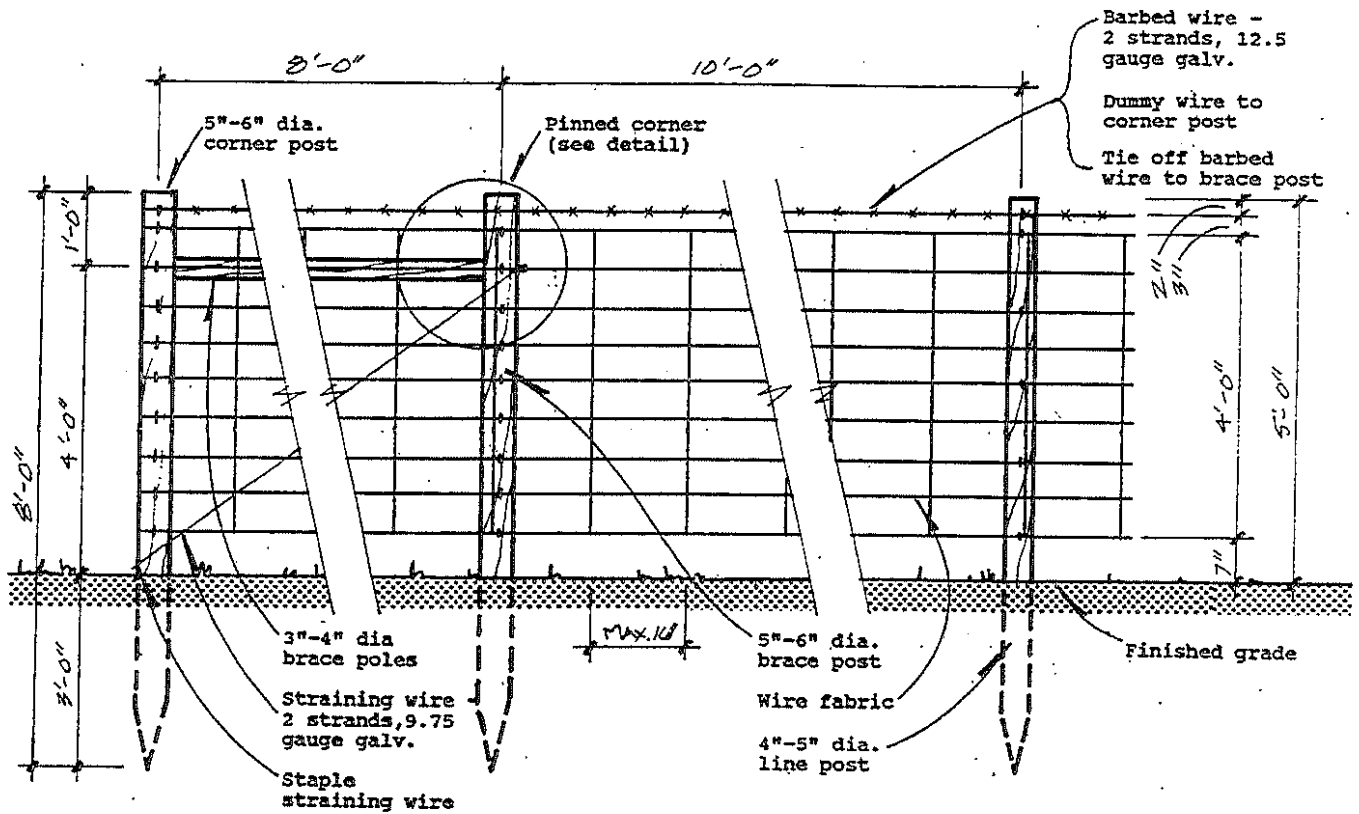
ALC APPLICATION # 52961
RESOLUTION # 225/2012
APPROVED 4ha HOMESITE SEVERANCE (MEASUREMENTS MAY VARY)



SCHEDULE D: FENCING SPECIFICATIONS

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

PREFERRED FENCE - TRESPASS PROOF FOR DOGS



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


Tensioning batten

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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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 <p>Agricultural Land Commission Act</p>	<p style="text-align: right;">Policy #11 March 2003</p> <p style="text-align: center;">HOMESITE SEVERANCE ON ALR LANDS</p>
<p><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></p>	

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.