



Date: January 26, 2003

To: Peace River Regional District
Northern Rockies Regional District
All local governments in Peace River and Northern Rockies Regional Districts
All Ministry of Transportation Approving Officers in Peace River and Northern Rockies Regional Districts

Re: General Order #8314/78 Rescinded
(Subdivision of Land on a Quarter Section Basis in the Peace River and Northern Rockies Regional Districts)
File #80100-50-10-GOPOL

THIS IS TO ADVISE THAT GENERAL ORDER #8314/78 HAS BEEN RESCINDED BY THE PROVINCIAL AGRICULTURAL LAND COMMISSION (THE "COMMISSION"). THE GENERAL ORDER EXEMPTED THE NEED FOR AN APPLICATION TO THE COMMISSION FOR SUBDIVISIONS OF LARGE PARCELS OF AGRICULTURAL LAND RESERVE (ALR) LAND INTO QUARTER SECTIONS.

Background to General Order #8314/78

A General Order dealing with subdivisions down to quarter sections was first adopted in 1977 as General Order #6969/77 and was based on two main factors.

Firstly, that the Peace River-Liard Regional District contained many lands that were held in sections of 640 acres, or in parcels consisting of multiples of 160 acres, more or less. Secondly, that the agricultural production and economy of the Peace River-Liard Regional District was facilitated, encouraged and benefited by exchange of lands on a quarter section or 160 acre more or less parcel basis. At the time, quarter sections were considered the "building blocks" of farms in this area of the province and were available to be used to build and trade between farm operations. Quarter sections were not considered to be stand alone farms but a standard unit used to modify larger farm operations.

Wording in the general order (General Order #8314/78) was changed but was based on the same assumptions. The wording in this general order was, the Peace River and Fort Nelson-Liard (now Northern Rockies) Regional Districts are facilitated, encouraged and benefited by exchange of lands on a quarter section or 64.75 hectares or more or less.

A copy of rescinded General Order #8314/78 is attached.

Decision to Rescind General Order #8314/78

The Commission was concerned that the General Order was out of date and being used contrary to the original purpose of the General Order. Rather than being used as a tool for creating transferable blocks of land for the encouragement and benefit of farming the Commission believed the General Order was being used more so today to create subdivisions for rural/estate residential purposes. The Commission was also concerned that good agricultural land was being subdivided based solely on parcel size and without consideration of the relevant agricultural issues or the agricultural appropriateness of the subdivision. Furthermore, this "*carte blanche*" approach to subdivisions down to quarter sections also gave rise to substantial road dedications that have not been scrutinized by the Commission.

The Commission also recognized there were other areas of the Province where landowners have substantial-sized lots that cannot avail themselves of the provisions of the General Order as it was specific to the Peace River and Northern Rockies Regional Districts. The Commission considered this inequitable.

Based on these factors the Commission believed the General Order was no longer appropriate and that proposed subdivisions into quarter sections should be scrutinized, like any other subdivision proposal, through the application process on a case by case basis. The Commission also believed that the rescission of the General Order will enable it to better meet the objectives of the Agricultural Land Commission Act.

"In-Process" Subdivisions

All "In-Process" subdivision proposals received by the appropriate Approving Officer as of January 26, 2004 will be allowed to be completed as if General Order #8314/78 was still in place.

All applications for subdivision under General Order #8314/78 received by the appropriate Approving Officer after January 26, 2004 must be rejected. An application pursuant to section 21(2) of the Agricultural Land Commission Act will now be necessary. As with all subdivision applications the Commission will consider these applications on a case by case basis and will consider whether the proposed subdivision is in the best interest of agriculture and farming.

Completed Subdivisions

All subdivisions lawfully established by authority of General Order #8314/78 have the status of subdivisions approved by order of the Commission.

Alerting Persons Affected

Local governments and Ministry of Transportation Approving Officers are asked to circulate this material to all staff who deal with owners of land in the ALR.

PROVINCIAL AGRICULTURAL LAND COMMISSION

per: *original signed*

K.B. Miller, Chief Executive Officer

**Rescinded
General Order 8314/77**

WHEREAS Section 18(b) of the *Agricultural Land Commission Act* prohibits an Approving Officer under the *Land Title Act*, the *Local Government Act* or the *Strata Property Act* or a person who exercises the powers of an approving officer under any other Act to approve a subdivision of agricultural land;

AND WHEREAS Section 19 of the *Agricultural Land Commission Act* prohibits the Registrar of Titles from accepting an application for deposit of a plan of subdivision under the *Land Title Act* or *Strata Property Act*, in respect of land, all or part of which consists of land in an Agricultural Land Reserve;

AND WHEREAS the objective of this prohibition of subdivision is to prevent the fragmentation and parcelization of agricultural land to the detriment of agriculture;

AND WHEREAS the Peace River and Northern Rockies Regional Districts contain many lands that are held in sections of 259 ha or in parcels consisting of multiples of 64.75 ha, more or less;

AND WHEREAS the agricultural production and economy of the Peace River and Northern Rockies Regional Districts are facilitated, encouraged, and benefited by exchange of lands on a quarter section or 64.75 ha or more or less;

NOW THEREFORE I hereby certify that the Agricultural Land Commission, by Resolution 8314/78 passed an Order of General Application pursuant to Sections 18 and 19 of the *Agricultural Land Commission Act* to apply to all lands in the Agricultural Land Reserve of the Peace River and Northern Rockies Regional Districts, to allow an Approving Officer to authorize subdivision and to allow the Registrar of Titles to accept an application for deposit of a subdivision plan or other document evidencing the subdivision of land for any lands within the Agricultural Land Reserve of the Peace River and Northern Rockies Regional Districts provided:

- a) that such subdivision plan or other document evidencing the subdivision of land does not create any parcel less than 62.78 ha;
- b) and further provided that any dedications of road rights-of-way are taken from no more than two sides of the parcel;
- c) and further provided that any dedications of road rights-of-way do not exceed 12.2 metres in width on any side of the parcel;

subject to compliance with the owner or occupier with all relevant Acts and regulations, the bylaws of the municipality or regional district, and the decisions and orders of any person or body having jurisdiction over the land under the enactment, including zoning, subdivision, and any other land use bylaws.