

# **Purchasing Crown land in Tumbler Ridge**

## **1. What is Crown Land?**

Crown land is land (or land covered by water like rivers or lakes) that is owned by the provincial government. This type of land is available to the public for many different purposes – including industrial development, recreational activities and research purposes among others.

## **2. Crown Land Uses**

There are many potential land uses for Crown Land. Each of these land uses have slightly different requirements when it comes to leasing or purchasing Crown Land from the provincial government.

The following guidelines pertain only to residential development and are intended for guidance only. It is important that applicants refer to the Front Counter BC website <http://www.frontcounterbc.gov.bc.ca/guides/crown-land/crown-land-tenure/overview/> to ensure that they have satisfied all application requirements prior to submission. The most common reason for a delay in processing an application is the submission of an incomplete application. Incomplete submissions are returned to the applicant.

The Economic development Office in Tumbler Ridge has identified five (5) initial parcels on the periphery of the existing town site that could provide viable rural residential development opportunities (see Appendix A). These lands are currently owned by the Crown. These lands have not been surveyed by the District of Tumbler Ridge, nor verified as suitable for rural residential development.

## **3. Applications for Acquiring Crown Land**

When making an application to the Province to purchase or lease Crown land, it is important to consider the perspective of the provincial government and their roles and responsibilities, as all applications are measured using consistent and unwavering guidelines. Provincial employees who are responsible for reviewing and assessing applications are required to base their decisions using business and legal principles to achieve the government's goals with respect to the management of Crown land. This is done in a manner that is consistent, fair and transparent. Some of these considerations are highlighted here: [http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/allocation\\_principles.pdf](http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/allocation_principles.pdf)

Applicants for Crown Land in the District of Tumbler Ridge should ensure that they provide sufficient evidence that:

- Rural residential use is considered the 'highest and best use' of the Crown land
- The area of Crown land is the minimum area that is reasonably necessary for residential use; this includes satisfying local government zoning and provincial sewage disposal requirements related to parcel size

- There is very limited private property available in the real estate market for the general area
- The use of the land will not be in conflict with approved local area land use plans
- The use of the land will not put unreasonable pressure on local infrastructure or services
- There is certainty of access to the subject parcel (note: resource roads (which may include private roads) cannot be relied upon to provide future access as they may be decommissioned or deactivated when no longer required for their primary use)

The provincial government will not process an application without thoroughly consulting with local First Nations. It is strongly advised to check whether there are any First Nation land claims or other interests on the parcels that you are interested in before investing too much time in the Crown land leasing/ purchasing processes. Providing evidence in this area will likely reduce the amount of time it takes to process your application.

### **Application Package**

Applications must be complete before they can be accepted by FrontCounter BC for processing. A complete application package will include all the material defined in the Application Checklist (see below). Residential applications are to include a sketch map showing the location and type of improvements and a schedule for their completion.

### **Application Acceptance**

New applications will be reviewed by provincial staff for acceptance based on application package completeness, compliance with provincial government policy and program criteria, preliminary statusing, and other relevant information as determined by provincial staff. The acceptance review will be completed within 7 calendar days. Applications that are not accepted will be returned to the applicant. *It must be noted that the acceptance of the application does not indicate that the application has been approved. It simply paves the way to the next steps in the process.*

At the time of application acceptance, provincial staff will notify applicants if advertising is required and provide the necessary instructions. Advertising of residential applications is done at the discretion of the Authorizing Agency. The following Advertising link will elaborate.

### **Clearance/Statusing**

After acceptance, provincial staff undertake a detailed land status of the specific area under application to ensure all areas are available for disposition under the Land Act and to identify potential issues.

### **Referrals**

Referrals are a formal mechanism to solicit written comments on an application from recognized agencies and groups. Referrals are initiated by the provincial government as per legislated responsibilities and formal agreements developed with other provincial and federal government agencies. Referrals may also be used to address the interests of local governments and Crown Land Use Operational Policy: Residential First Nations. Referral agencies, organizations and identified special interest groups provide their responses to the Authorizing Agency within 30

days, while First Nations have 45 days to provide a response. *The Authorizing Agency is the provincial ministry responsible for the specific land use authorization.*

Through the referral process, specific direction may be provided on:

- Provincial government requirements regarding assessment of parcels for sewage disposal
- Flood and terrain stability hazards, and the need for mitigative measures and restrictive covenants
- Local government zoning and building requirements

The Authorizing Agency is responsible for ensuring the Province's obligations to First Nations are met in the disposition of Crown land. Provincial staff carry out consultations in accordance with the consultation guidelines of the Province to identify the potential for aboriginal rights or title over the subject property and to determine whether infringement of either might occur. <http://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations>

### **Field Inspections**

Once referrals and other obligations are successfully completed, provincial staff will visit the site to evaluate the parcel of Crown land. The need to conduct a field inspection will vary and the decision to make an inspection ultimately lies with the Authorizing Agency.

### **Decision/Report**

The applicant will be notified in writing of the government's decision.

### **Issuing Documents**

If the government's decision is to approve the application, tenure documents are offered to the applicant. All preconditions must be satisfied prior to the Authorizing Agency signing the tenure documents. It is the applicant's responsibility to obtain all necessary approvals before placing improvements or commencing operations on the tenure.

## **4. Other Methods of Acquiring Crown Land**

### **Competitive Process**

The Authorizing Agency may initiate one of a number of different competitive processes (e.g. public auction, request for proposals) where permitted by program policy and when deemed appropriate by provincial staff. For further details and descriptions refer to the Allocation Procedure – Competitive process. [http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/ap\\_comp\\_process.pdf](http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/ap_comp_process.pdf)

### **Rural Residential Development**

Disposition of Crown land to private developers to create rural residential lots is normally by public offering. Conditions of development, if any, are prescribed in a development plan, secured by a development contract. Disposition may be by lease purchase where there is a need to ensure bona fide land development, or in fee simple with development secured through a bond or collateral agreement for development.

### **Land Development, Servicing and Marketing**

The Authorizing Agency may identify suitable blocks of land for residential development and offers them to the private sector by public offering (see above). Crown land for residential purposes is subdivided under the Land Title Act. Sites must meet standards prescribed by the local approving officer of the Ministry responsible for the Transportation Act. For procedures on marketing of rural residential lots, refer to the Allocation - Competitive Process Procedure [http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/ap\\_comp\\_process.pdf](http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/ap_comp_process.pdf).

### **Planned Tenure Dispositions**

Planned tenure dispositions involve the Province actively investigating and developing opportunities for Crown land tenures, followed by announced openings within specific geographic areas. Under a planned disposition project or study, Crown lands will be allocated by the Authorizing Agency in accordance with standard application procedures or by competitive process. Where private developers are unable or unwilling to meet a market demand to create urban or rural residential lots, the Province may develop and provide lots through a public offering.

### **Direct Sale**

Direct sales provide fee simple dispositions of Crown land through individual applications under the relevant land use program. Residual lots (urban, rural and recreational) may be available by direct sale for a period established by the Authorizing Agency subject to the Allocation Procedure - Direct Sales [http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/ap\\_direct\\_sales.pdf](http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/ap_direct_sales.pdf).

### **Access Requirements**

Parcels should have access by a public highway or be accessible by water. Where access is by water, the body of water fronting the parcel must have access by a public highway. The Crown Grant will contain a clause referring to “water access only”. Although Forest Service roads and other natural resource roads may be open to the public, their mid-long term availability cannot be guaranteed and should not be relied upon to satisfy access requirements. Once natural resource roads are no longer required for the intended use they are subject to deactivation or decommissioning which may restrict or prohibit vehicle access.

### **Health Requirements**

For parcels created under the Land Act, the requirements of the Medical Health Officer must be satisfied. Sale of lots which do not meet current standards for on-site sewage disposal may occur subject to registration in the Land Title Office of a restrictive covenant which ensures that future building of habitable improvements occurs in compliance with Health regulations. In some circumstances other options may need to be considered to address concerns of the Medical Health Officer.

### **Flood Hazard**

Where a parcel is located in a floodplain, or where the Ministry of Environment (MoE) expresses concern about flooding, a restrictive covenant prohibiting development in the floodplain, and a corresponding indemnity covenant are registered on the title. Standard floodplain setbacks and building elevations for specified lakes are provided by Water Stewardship, MoE.

### **Terrain Stability Hazard**

Terrain stability hazards may need to be assessed. Where risks have been identified as a concern, mitigation measures may need to be put in place, or it may be determined that the site is not appropriate for sale.

## **5. Purchasing One of the Five Crown Properties**

The following information provides guidance to prospective individual purchasers who may wish to purchase one of these properties from the Provincial government to develop residential acreage properties. These properties have been identified partly due to their close proximity to the existing town, highways and other infrastructure. The Province are more likely to look favourably on these types of properties rather than more remote residential land that is less able to accommodate modern infrastructural standards and requirements.

In Tumbler Ridge, and especially in more remote outlying areas of Tumbler Ridge, where the demand historically for residential land has not typically been high, Crown land may be available by application. This land will most likely be available when residential use is proven to be required in support of an industrial or commercial activity.

**Remote Residential Land** means Crown land (shoreland and upland), located outside of an urban area or municipal boundary, that is required for permanent or temporary (seasonal) residential occupancy in connection with employment in the remote area. Remote residential land is normally greater than 40 kilometres from an existing community; is not normally accessible by serviced roads; and is not subject to marketing methods. Remote residential use is only authorized by licence of occupation. Remote residential tenure is conditional upon maintenance of employment by the tenure holder in the commercial or industrial endeavor on which issuance of tenure was originally based. The term of the license will usually reflect the potential period of employment, and may be established well below the maximum term for a license of occupation. If the period of potential employment is unclear, the term will not typically exceed 10 years.

Applications for remote residential tenure are accepted only where:

- There is proven need for the applicant to reside on the site for reasons of proximity to employment in a commercial / industrial activity;
- No private residential sites are available in the area;
- A Crown land rural residential development is not anticipated in the vicinity;
- The commercial / industrial activity that the applicant is employed in is authorized under the *Land Act* and the program area does not provide for employee accommodation (e.g. a caretaker residence, industrial camp, lodging for workers, etc.);

- The commercial / industrial activity that the applicant is employed in is authorized under legislation other than the *Land Act* and such legislation provides for employee accommodation (e.g. short term logging camps, trailers or temporary cabins on mining claims); or
- The commercial activity that the employment is associated with is NOT authorized under the Wildlife Act (e.g. guide-outfitting, trapping, angler guiding).

## **6. Let's Get Started!**

The FrontCounter BC online tool will help you complete the tenure process. Start by submitting a Provincial Crown Land Use application.

Apply to use Crown land

If you have questions regarding a specific file or a proposal about a specific area, or any aspect of the application process, please contact FrontCounter BC.

By Phone: Call toll free at: 1-877-855-3222

Call from outside North America at: ++1-778-372-0729

By Email: [FrontCounterBC@gov.bc.ca](mailto:FrontCounterBC@gov.bc.ca)

Your local FrontCounter BC office is in Fort St. John:

Address: 10003 110 Ave, Fort St John, BC V1J 6M7

Phone: (250) 787-3415

For questions regarding specific files or a proposal about a specific area, please contact FrontCounter BC (see contact info above)

Telephone: 250 387-6730

Fax: 250 356-6791

Street Address: 4th Floor - 780 Blanshard St Victoria, BC V8W 2H1

Mailing Address: Land Tenures Branch

PO Box 9352

Stn Prov Govt

Victoria, BC V8W 9N1

Email: [LandTenures.Branch@gov.bc.ca](mailto:LandTenures.Branch@gov.bc.ca)

Please carefully review the following documents and complete all requirements in your application:

- Residential Policy (PDF)
- Sample Site Maps

The following documents **must be completed** prior to submitting your application:

- Crown Land Application Form - including site map
- Application Requirements Checklist/Management Plan (PDF)

Consultation with First Nations is an important part of land and resource decision-making.

- Find out more about this process.

### **Who May Apply?**

Eligibility for residential tenures is detailed in the Eligibility section of the operational policy (PDF). For more information or if you have questions please contact FrontCounter BC prior to submitting your application.

### **Fees and Costs**

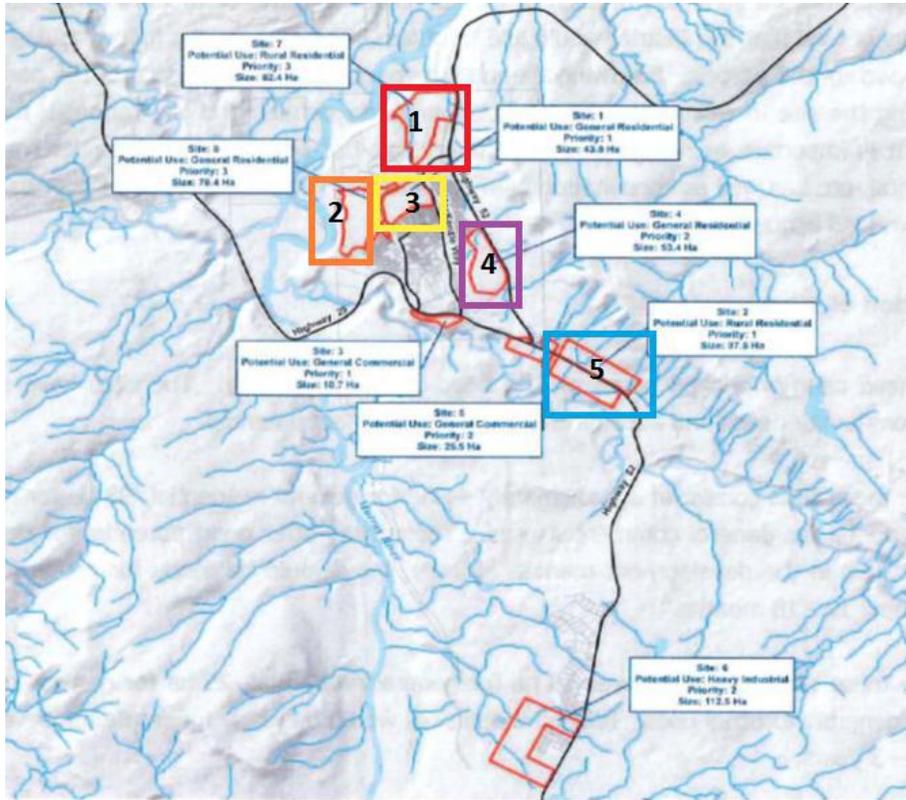
Pricing and tenure term for lease and license tenures is as follows:

- Urban and rural residential leases are priced at 5% of British Columbia Assessment (BCA) actual land value.
- Seasonal residential leases are priced at 3% of BCA actual land value.
- Remote residential licenses are priced at \$4.5% of BCA actual land value.

At no time will annual rent be less than \$500 year.

## APPENDIX A

The Economic development Office in Tumbler Ridge has identified five (5) initial parcels on the periphery of the existing town that could provide viable rural residential development opportunities. These lands are currently owned by the Crown and have not been surveyed by the District of Tumbler Ridge, nor verified as suitable for development.



**Area 1:**

Legal Description: PCL E DL 3164 PEACE RIVER PL 31305

PID: 003511529

Size of Land: 84.2 Ha (208 acres)

OCP Designation: Rural Residential

Zoning: Rural Resource



Lot lines are approximate



Lot lines are approximate

**Area 2:**

Legal Description: PCL F DL 3164 PEACE RIVER PL 31306

PID: 003511545

Size of Land: 76.4 Ha (189 acres)

OCP Designation: Future General Residential

Zoning: Future Development Residential



Lot lines are approximate



Lot lines are approximate

**Area 3:**

Legal Description: PCL G DL 31307

PID: 003511553

Size of Land: 43.85 Ha (108 acres)

OCP Designation: Future General Residential

Zoning: Future Development Residential



Lot lines are approximate

**Area 4:**

Legal Description: PCL C PL 31303

PID: 003511456

Size of Land: 53.35 Ha (132 acres)

OCP Designation: Future General Residential

Zoning: Future Development Residential



Lot lines are approximate



Lot lines are approximate

**Area 5:**

Legal Description: Unsurveyed Crown land

PID:

Size of Land: Approximately 97.6 Ha (241 acres)

OCP Designation: Rural Residential

Zoning: Rural Resource



Lot lines are approximate



Lot lines are approximate

