



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

December 15, 2005

Reply to the attention of BRANDY RIDOUT

Scott & Mary-Lou Stuchberry
194 Dure Meadow Road
Lumby, BC - V0E 2G7

Dear Sir/Madam:

RE: **Application #T-36309**
PID: 011-533-561

That portion of District Lot 419, which lies to the west of a Straight Line drawn from the SouthWest Corner of District Lot 417 in a Southerly Direction to the more Easterly NorthEast Corner of District Lot 436, Osoyoos Division Yale District.

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide a 12.1 ha lot from the 64 ha subject property and to dedicate a 10-metre road allowance along the easterly boundary of the proposed new lot. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission found the December 8, 2005 meeting and site visit to be informative and appreciated the opportunity to clearly see the proposed lot line and the location of the proposed road extension. The Commission did not believe the subdivision would negatively impact agriculture and had no objection to the dedication of a 10-metre road allowance to extend Dure Meadow Road along the easterly boundary of the new lot. As such, your application has been approved subject to:

- the subdivision being in substantial compliance with the attached plan, and
- compliance 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. The Commission suggests you contact the Regional District of North Okanagan at your earliest convenience.

The decision noted above is recorded as Resolution #660/2005.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

S & M Stuchberry
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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a horizontal line.

Erik Karlsen, Chair

cc: Regional District of North Okanagan - 05-0567-D-ALR
Peter Tassie, 10811 Coldstream Creek Road, Vernon, BC - V1B 1C8

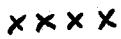
BR/lv/Encl.
36309d1

ALL DISTANCES ARE IN METRES.

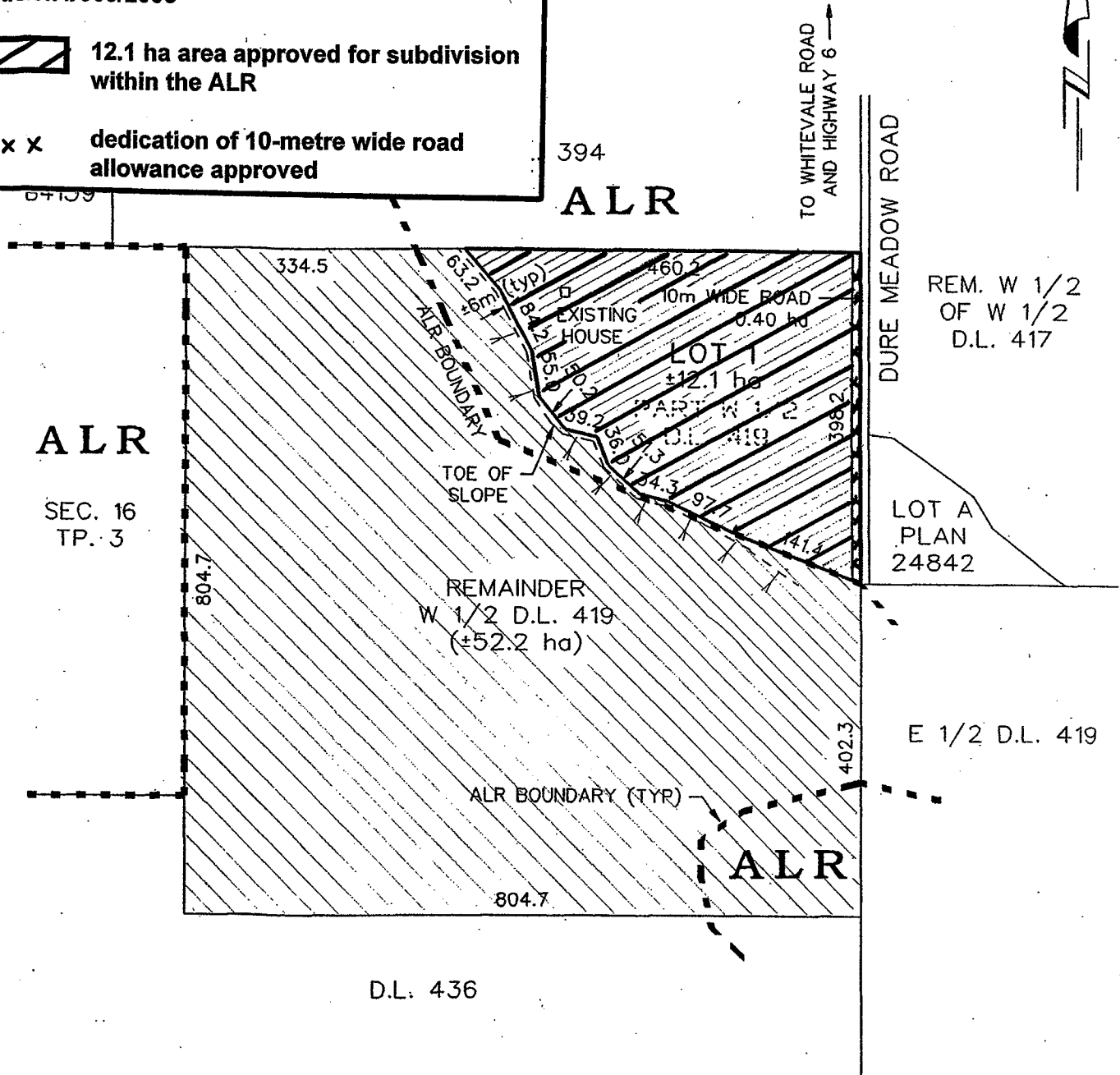
Provincial Agricultural Land Commission
Application #T-36309-0
Resolution #660/2005



12.1 ha area approved for subdivision within the ALR



dedication of 10-metre wide road allowance approved



74960A01

PLAN OF PROPOSED SUBDIVISION OF PART OF THE WESTERLY PORTION OF D.L. 419, O.D.Y.D.

BCGS 82L-025-2

SCALE: 1 : 7500 OUR FILE: R7496

DATE: 13 June 05 DRAWN: RB

Stuchberry

WILLIAM E. MADDOX
B.C. LAND SURVEYOR
3500 - 30th STREET
VERNON, B.C. V1T 5E8
TELEPHONE (250)542-4343

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on December 8, 2005 at 8090 Highway 97, Lake Country, BC.

PRESENT: Sue Irvine Chair
Sharon McCoubrey Commissioner

ABSENT: Sid Sidhu Commissioner

STAFF: Brandy Ridout, Regional Research Officer
Martin Collins, Planner

For Consideration

Brandy Ridout presented the November 15, 2005 staff report regarding application #T-36309-0.

Site Inspection

A site inspection was conducted on December 8, 2005 from 2:30 to 2:50 pm. Those in attendance were:

- Sue Irvine & Sharon McCoubrey, Commissioners
- Brandy Ridout and Martin Collins, Agricultural Land Commission staff
- Peter Tassie, agent
- Rick Fairbairn, Director, Electoral Area "D"

Commission Discussion

The Commission noted that the south edge of the proposed lot generally follows the ALR boundary, coming away from the ALR boundary to incorporate a gravelly flat area into the remainder. The Commission did not believe that the subdivision would negatively impact agriculture.

IT WAS

MOVED BY: Commissioner Irvine
SECONDED BY: Commissioner McCoubrey

THAT the staff report be received

AND THAT the application to subdivide a 12.1 ha lot from the 64 ha subject property and to dedicate a 10-metre road allowance for Dure Meadow Road along the easterly boundary of the proposed new lot be approved

AND FINALLY THAT this approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # T – 36309-0
Applicant: Scott & Mary-Lou Stuchberry
Agent: Peter Tassie
Location: 5 km southwest of Lumby

DATE RECEIVED: October 14, 2005

DATE PREPARED: November 15, 2005

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide a 12.1 ha lot, which would contain all of the productive land on the property, from the 64 ha subject property. In addition, to dedicate a 10-metre road allowance for Dure Meadow Road along the easterly boundary of the proposed new lot.

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

BACKGROUND INFORMATION:

Originally the applicant intended to subdivide the property as divided by the ALR boundary (a 14 ha lot), but noted that about 2 ha of this area was unproductive hillside and unnecessary to the farm.

Much of the property (49 ha) was excluded from the ALR in 2000 as part of a block application arising from a fine tuning exercise.

Local Government:

Regional District of North Okanagan

Legal Description of Property:

That portion of District Lot 419, which lies to the west of a Straight Line drawn from the Southwest Corner of District Lot 417 in a Southerly Direction to the more Easterly Northeast Corner of District Lot 436, Osoyoos Division Yale District (PID: 011-533-561)

Purchase Date:

October 2001

Location of Property:

194 Dure Meadow Road, 5 km southwest of Lumby

BACKGROUND INFORMATION (continued):

Size of Property:

61 ha (about 14 ha is in the ALR)

Present use of the Property:

Homesite, hayland (about 11 ha), forested hillside

Surrounding Land Uses:

WEST: Forested non-ALR hillsides
SOUTH: Forested non-ALR hillsides
EAST: Large ALR parcels, used for pasture and hay
NORTH: Large ALR parcels, used for pasture and hay

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/3
The majority of the ALR portion of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

Electoral Areas D and E Official Community Plan Bylaw No. 1690 (2002)
Designation: Agricultural/Non-urban

Zoning Bylaw and Designation:

Zoning Bylaw No. 1888 (2003)
Designation: Non-Urban Zone (NU)
Minimum Lot Size: 7.2 ha

PREVIOUS APPLICATIONS:

Application #30669-0

Applicant: Doug & Gisele Andrews
Decision Date: June 24, 1996
Proposal: To continue to extract gravel and sand from the existing pit. Area of hillside to be affected by extraction is 1.6 hectares.
Decision: Allowed - subject to reclamation conditions and a \$60,000 bond (based on \$15,000 per acre of active extraction).

Application #33425-0

Applicant: Regional District of North Okanagan
Decision Date: October 24, 2000
Proposal: To exclude approximately 4,064 ha from the ALR in the North Okanagan Regional District in Electoral Areas D and E.
Decision: Refused as proposed. Retained 404 ha in the ALR because lands had agricultural capability and agreed to exclude approximately 3,660 ha because these lands had minimal agricultural capability due to soil, topographic factors or existing non-farm uses.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of North Okanagan: Forwarded the application without a recommendation.

STAFF COMMENTS:

Staff recommends that a site visit be undertaken to examine how the proposed subdivision boundary relates to the topography of the property and the ALR boundary.

END OF REPORT



Signature

Nov 16, 05

Date