



**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

January 31, 2006

Reply to the attention of Brandy Ridout  
ALC File #G-36412

Protech Consultants  
200-1461 St. Paul Street  
Kelowna, BC V1Y 2E4

Dear Mr. Maddock:

**Re: Application for Transportation or Utility Uses in the Agriculture Land Reserve**

Please find attached the Minutes of Resolution #22/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that the plan is acceptable, it will authorize the Registrar of Land Titles to accept registration.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik ~~Karlsen~~, Chair

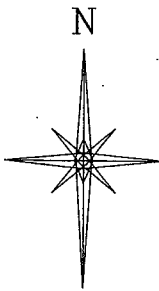
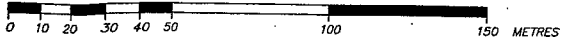
cc: Regional District of Central Okanagan

BR/lv/Encl.: Minutes  
Reference Plan

36412d1

**REFERENCE PLAN OF PART OF LOT C  
PLAN 23154 D.L. 2601 O.D.Y.D.**

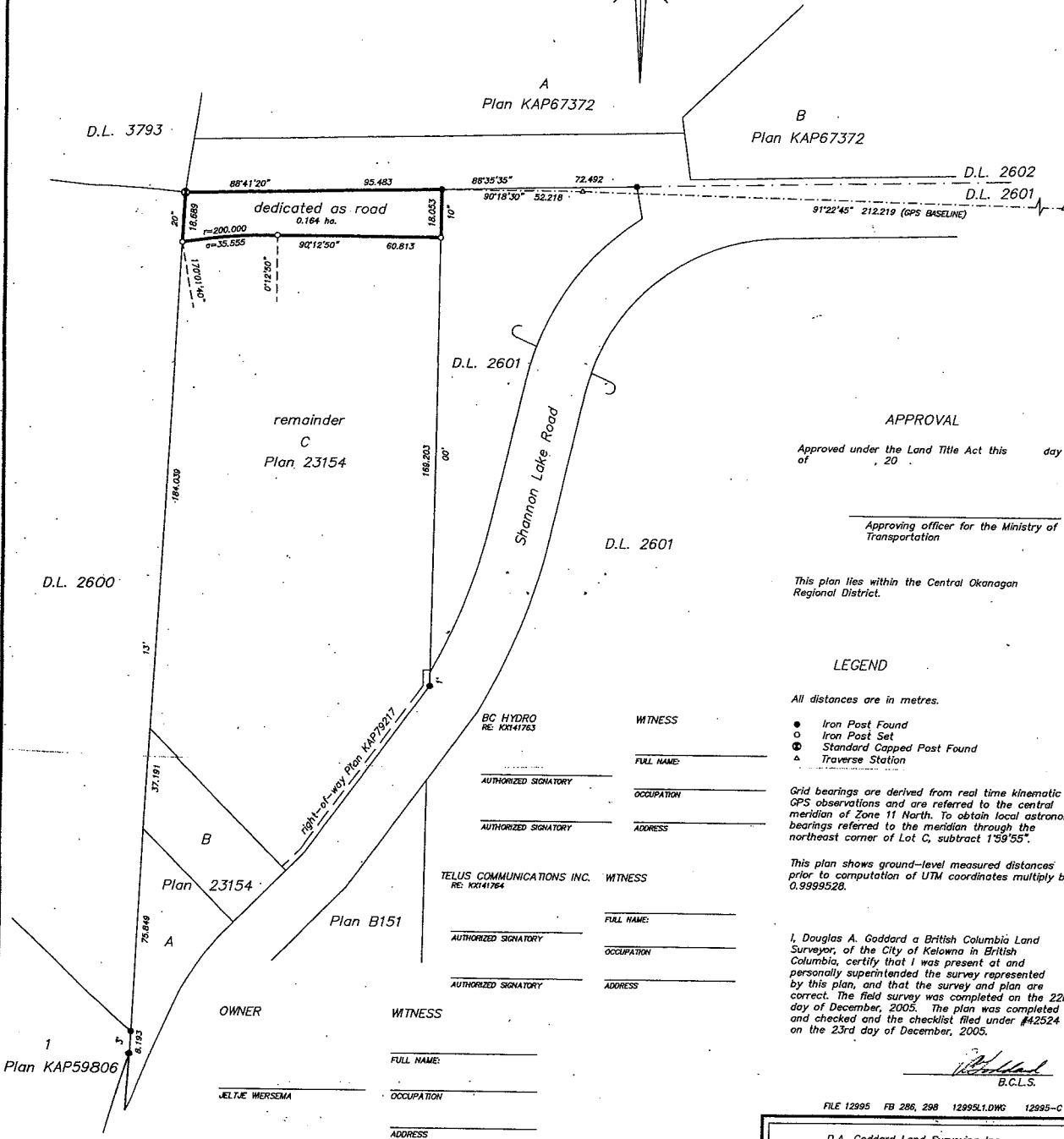
PURSUANT TO SECTION 107 OF THE LAND TITLE ACT.  
SCALE 1:1000 BCGS 82E.082



**PLAN No. KAP \_\_\_\_\_**

Deposited in the Land Title Office at Kamloops, B.C.  
this day of \_\_\_\_\_, 20\_\_

Registrar



**APPROVAL**

Approved under the Land Title Act this day of \_\_\_\_\_, 20\_\_

Approving officer for the Ministry of Transportation

This plan lies within the Central Okanagan Regional District.

**LEGEND**

All distances are in metres.

- Iron Post Found
- Iron Post Set
- ⊙ Standard Capped Post Found
- △ Traverse Station

Grid bearings are derived from real time kinematic GPS observations and are referred to the central meridian of Zone 11 North. To obtain local astronomic bearings referred to the meridian through the northeast corner of Lot C, subtract 1°59'55".

This plan shows ground-level measured distances prior to computation of UTM coordinates multiply by 0.9999528.

I, Douglas A. Goddard a British Columbia Land Surveyor, of the City of Kelowna in British Columbia, certify that I was present at and personally superintended the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the 22nd day of December, 2005. The plan was completed and checked and the checklist filed under #42524 on the 23rd day of December, 2005.

*[Signature]*  
B.C.L.S.

FILE 12995 FB 286, 298 12995L1.DWG 12995-C

D.A. Goddard Land Surveying Inc.  
103-1358 ST. PAUL STREET KELOWNA PHONE 763-3733.

DUPLICATE

WITNESS

FULL NAME: \_\_\_\_\_

OCCUPATION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

WITNESS

FULL NAME: \_\_\_\_\_

OCCUPATION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

BC HYDRO  
RE: KRI41763

AUTHORIZED SIGNATORY \_\_\_\_\_

AUTHORIZED SIGNATORY \_\_\_\_\_

TELUS COMMUNICATIONS INC.  
RE: KRI41764

AUTHORIZED SIGNATORY \_\_\_\_\_

AUTHORIZED SIGNATORY \_\_\_\_\_

OWNER

WITNESS

FULL NAME: \_\_\_\_\_

OCCUPATION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

JELIJE WERSEMA

## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 19, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23<sup>rd</sup> Street, Vernon, BC.

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

### For Consideration

Application # G-36142  
Applicant Jeltje Wiersema  
Proposal To use 0.164 ha on the northerly edge of the 2 ha property for a road and service right of way to access lands lying to the west that are conditionally excluded from the ALR. The right of way is 18 meters wide by 90 meters long. No road exists presently.  
Legal PID: 006-559-204  
Location Lot C, District Lot 2601, Osoyoos Division Yale District, Plan 23154  
Shannon Lake Rd, Westbank

### Site Inspection

No site inspection was conducted.

### Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The Act provides processes for landowners, local governments and First Nation governments to apply to the Commission to include land into the ALR, remove land from the ALR, subdivide land in the ALR and use land in the ALR for non-farm purposes. The Commission decides applications with the objective of ensuring that lands suitable for agriculture are retained in the ALR and that non-farm development of ALR land is restricted.

**Discussion**

The Commission assessed the impact of the proposal on agriculture both on the subject property and in the surrounding area. The Commission noted that the area being requested for road dedication is approximately 0.17 ha and that the road is necessary to access lands proposed for exclusion from the ALR and residential development. The Commission also considered staff's comment regarding the usefulness of retaining the subject property within the ALR, given its size and location adjacent to (and surrounded by) golf course and urban development. The Commission did not believe the proposal would impact existing or potential agricultural use of the subject property or surrounding lands.

**IT WAS**

**MOVED BY:** Commissioner McCoubrey

**SECONDED BY:** Commissioner Irvine

THAT the application be approved

AND THAT the approval is subject to the following conditions:

- the area dedicated as road be in substantial compliance with the plan submitted with the application

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.

**CARRIED**

**RESOLUTION #22/2006**



**Staff Report**  
**Application # G – 36412**  
**Applicant: Jeltje Wiersema**  
**Agent: Protech Consultants (1989) Ltd**  
**Location: Shannon Lake area, Westbank**

**DATE PREPARED:** January 10, 2006

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Regional Research Officer

**PROPOSAL:** To use 0.164 ha on the northerly edge of the 2 ha (approx.) property for a road and service right of way to access lands lying to the west that are conditionally excluded from the ALR. The right of way is 18 meters wide by 90 meters long. No road exists presently.

This application is made pursuant to Part 4 Section 6 of BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation).

**BACKGROUND INFORMATION:**

The Commission conditionally allowed the exclusion of lands to the west. See below for details.

**Local Government:**

Regional District of Central Okanagan

**Legal Description of Property:**

PID: 006-559-204

Lot C, District Lot 2601, Osoyoos Division of Yale District, Plan 23154;

**Location of Property:**

Shannon Lake Rd, Westbank

**Size of Property:**

2 ha approx. (The entire property is in the ALR).

**Present use of the Property:**

House, smallholding

**Surrounding Land Uses:**

- SOUTH:** Rural residences in the ALR
- NORTH:** Steep, forested non ALR land
- EAST:** Shannon Lake Rd, Gold Course
- WEST:** Undeveloped land, proposed for urban development

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.082  
The majority of the property is identified as having prime dominant ratings.

**Official Community Plan and Designation/ Zoning Bylaw and Designation:**

Not provided

**PREVIOUS APPLICATIONS:**

There have been no previous applications on the property.

**RELEVANT APPLICATIONS:**

**Application #26186-0**

- Applicant:** Hoyer, Mr. & Mrs. A. C.
- Decision Date:** May 27, 1992
- Proposal:** Exclude 107 hectares of land
- Decision:** Refused, but would allow exclusion of approx. 50 ha subject to receipt of a satisfactory development plan for the non-A.L.R. and excluded areas, buffering plan, water provision plan.

**Application #26186-1**

- Applicant:** Hoyer, Mr. & Mrs. A. C.
- Decision Date:** April 21, 1997
- Proposal:** The current proposal is to exclude an additional 19 hectares (approx.) in addition to the 50 hectares conditionally approved by Resolution #610/92.
- Decision:** Approval in principle in view of the benefit gained to agriculture through the development of the proposed road network, and the provision of irrigation and buffering

**Application #26186-2**

- Applicant:** Hoyer, Mr. & Mrs. A. C.
- Decision Date:** June 26, 2001
- Proposal:** Request exclusion of DL. 3793 as all terms of conditional approval for exclusion are associated with DL.2600 which will be retained by the applicant. The sale of DL. 3793 will provide funding to complete the conditional requirements for exclusion of DL.
- Decision:** Allow exclusion of DL. 3793 on the grounds that all the conditions for exclusion are associated with DL. 2600.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

The Regional District of Central Okanagan did not comment on the proposal.

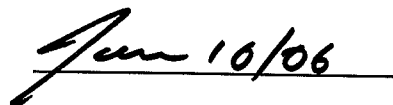
**STAFF COMMENTS:**

Staff recommends that the application be allowed as proposed, on the grounds the road is necessary to access lands proposed for exclusion from the ALR and residential development. There is some question as to the usefulness of retaining the subject property within the ALR, given its size and location adjacent to (and surrounded by) golf course and urban development

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**END OF REPORT**

  
Signature

  
Date