



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

July 19, 2006

Reply to the attention of Simone Rivers

Mary MacGregor Law Corporation
975 Victoria Street
Kamloops, B.C. V2C 2C1

Dear Ms. MacGregor:

Re: **Application # ZZ-36766**
All that unsurveyed Crown foreshore being part of the bed of Separation Lake and lying within South East ¼, Section 4, Township 19, Range 17, West of the 6th Meridian, Kamloops Division of Yale District

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your client's application to register an easement across the Crown Land described above. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission writes to advise that it approved your application subject to:

- the use being restricted to the 0.12 ha area identified on the attached plan.
- 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 Thompson-Nicola Regional District at your earliest convenience.

The decision noted above is recorded as Resolution **#372/2006**.

Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District

SBR/lv/Encl.
36766d1.



Staff Report
Application # ZZ – 36766
Applicant: Sunny Hills Ranch Ltd
Agent: Mary MacGregor Law Corp

DATE RECEIVED: June 15, 2006

DATE PREPARED: July 5, 2006

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To register an easement across Crown land to create an access road and utility corridor.

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

BACKGROUND INFORMATION:

The purpose of the proposed easement is to allow access to a parcel of land that was sold to Mr. and Mrs. Jolicoeur by Sunny Hills Ranch, a couple of years ago. At the time the land was sold, the Ranch wished to grant access to the Jolicoeur land by way of easement. In the course of completing the sale, it was discovered that not all of the land between Highway 5A and the Jolicoeur parcel was owned by Sunny hills Ranch Ltd. One parcel was a former lake bed and is owned by the Crown.

The Crown granted a permit to cross Crown Land for an access road and a utility line. These have been constructed. However, the Jolicoeurs wish to have a permanent easement for the access road and utility line. The Ranch and the Jolicoeurs have applied for a grant of easement, and the Crown has issued an offer to grant an easement.

In making application for the easement, the Ranch asked the provincial government to benefit not only the Jolicoeur property, but also a number of other ranch parcels south and east of the Jolicoeur property. This is out of an excess of caution. Those parcels can be accessed by the Ranch in other ways, but they do not wish to foreclose the possibility of accessing them by using this road should the need arise in the future.

The road is, and will remain a private road. It will not be dedicated as road. It has not been, nor is it expected to be, paved.

Local Government:

Thompson-Nicola Regional District

Legal Description of Property:

All that unsurveyed Crown foreshore being part of the bed of Separation Lake and lying within SouthEast 1/4, Section 4, Township 19, Range 17, W6M, Kamloops Division of Yale District

Location of Property:

South of Knutsford, just off of Highway 5A

Area of Easement:

0.12 ha

Present use of the Property:

Grazing cattle

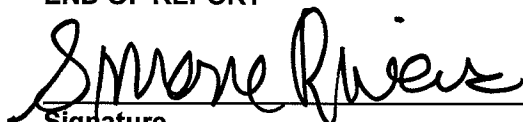
Agricultural Capability:

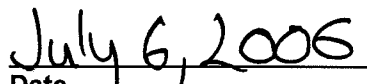
Data Source: Agricultural Capability Map # 921/9
The majority of the property is identified as having Prime Dominant ratings.

STAFF COMMENTS:

The road currently exists and the application is to formalize the existing situation. The plans show a registered easement over the properties owned by Sunny Hills Ranch. The current application is to register the easement over the portion owned by the Crown.

END OF REPORT


Signature


Date