



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

Ron & Diana Gauthier
700 Creighton Valley Road
Lumby, BC - V0E 2G1

Dear Mr. and Mrs. Gauthier:

Re: Application to subdivide land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #662/2005 outlining the Commission's decision as it relates to the above noted application.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

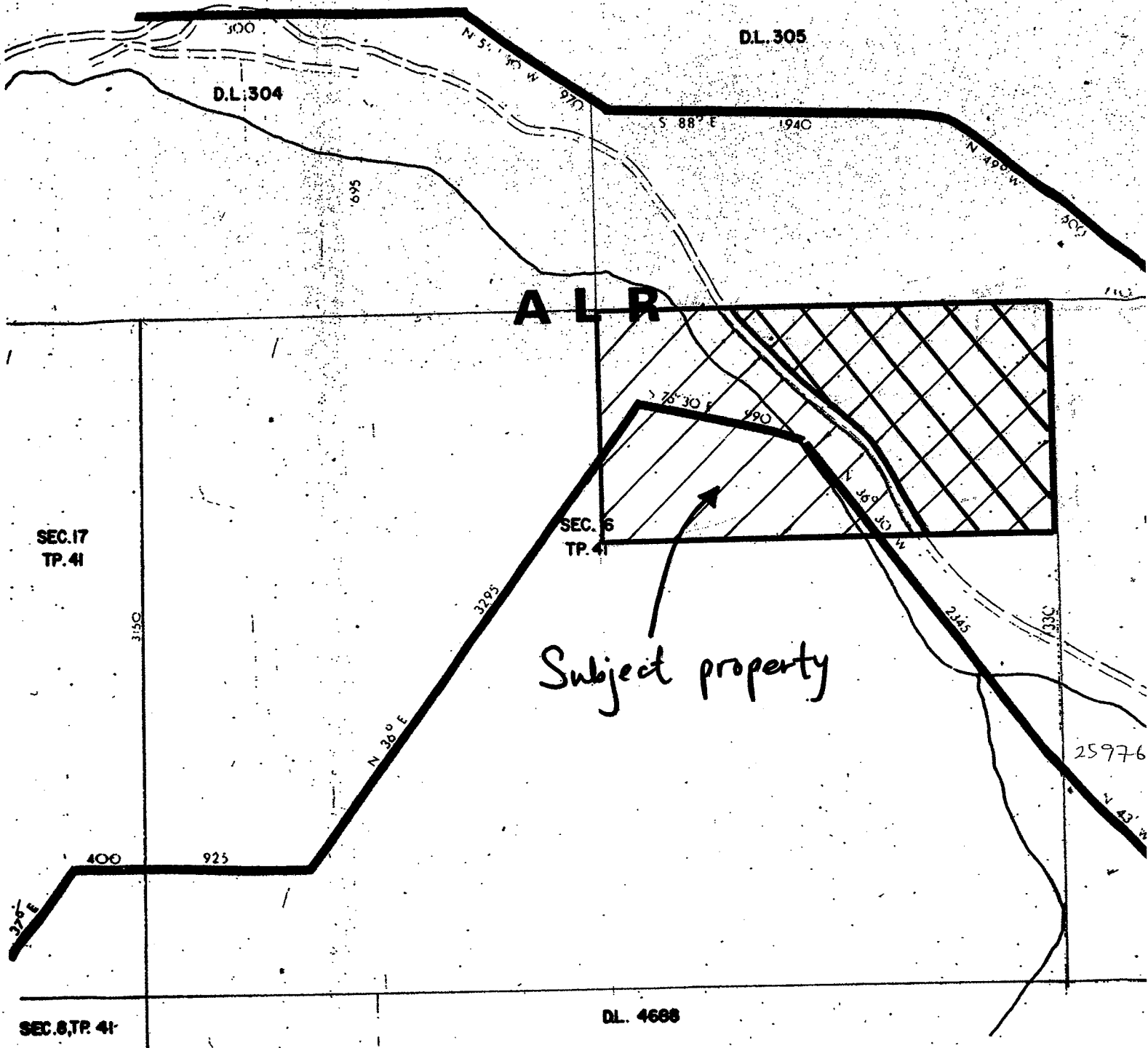
Per:

Erik Karlsen, Chair

cc: Regional District of North Okanagan - 05-0642-D-ALR

BR/lv/Enclosure: Minutes
Sketch Plan

36310d1



P NO. 82 L / 2 - 27

IPOSITE

Provincial Agricultural Land Commission
 Application #T-36310-0
 Resolution #662/2005



17 ha area approved for subdivision
 within the ALR

IT WAS

MOVED BY: Commissioner McCoubrey

SECONDED BY: Commissioner Irvine

THAT the staff report be received

AND THAT the application to subdivide the 31 ha property into two lots (14 ha and 17 ha) as divided by Creighton Valley Road be approved

AND THAT this approval is subject to the following conditions:

1. a minimum of 80% of the subject property's water rights being assigned to the lot lying to the east of Creighton Valley Road
2. the subdivision be in substantial compliance with the attached plan

AND FINALLY THAT 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



Staff Report
Application # T – 36310-0
Applicant: Ron & Diana Gauthier
Location: southeast of Lumby

DATE RECEIVED: October 14, 2005

DATE PREPARED: November 8, 2005

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide the 31 ha property into two lots (14 ha and 17 ha) as divided by Creighton Valley Rd. The proposed easterly 17 ha lot would lie wholly within the ALR. Only about 10 ha of the proposed 14 ha lot would lie within the ALR.

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

BACKGROUND INFORMATION:

No previous applications have been considered on the property. There have only been a few applications for subdivision in this area, mostly in the 1970's. Generally the Commission has resisted small lot subdivision in this area.

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 013-585-274

The South ½ of the NE ¼, Section 16, Township 41, ODYD, EXCEPT Plan KAP44826

Purchase Date:

July 2001

Location of Property:

700 Creighton Valley Road, 6 km southeast of Lumby

Size of Property:

31 ha (approximately 27 ha is in the ALR)

BACKGROUND INFORMATION (continued):

Present use of the Property:

Mobile home, dog kennels, Pole Shelter, pasture, forested hillside

Surrounding Land Uses:

WEST: Forested upland within the ALR
SOUTH: Hayfield, and forested hillside outside the ALR
EAST: Forested hillside within the ALR
NORTH: Homesite and hayfield beyond on a similarly configured parcel in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/2
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

Electoral Area D and E Official Community Plan (OCP) Bylaw No. 1690 (2002)
Designation: Agricultural

Zoning Bylaw and Designation:

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

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

Local Government Staff: Recommended that the application not be forwarded to the Commission as it does not conform to the policies of Electoral Areas D and E OCP.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- The subdivision of the property would result in the reduction of agricultural land as a homesite would be developed west of Creighton Valley Road on land currently in pasture.
- Creighton Valley Road may not be a significant impediment to farming.
- As a unit, the property likely has greater agricultural utility than if divided, because the whole unit has access to water, woodlot opportunities, and substantial pasture.
- Parcels in this area are typically quite large. Subdivision could raise expectations for similar parcelization in this area of the ALR.

END OF REPORT

Signature

Date



Nov 16, 05