



**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

June 12, 2006

Reply to the attention of Brandy Ridout  
ALC File #T-36634

William Maddox  
5 - 3500 - 30<sup>th</sup> Street  
Vernon, BC V1T 5E8

Dear Mr. Maddox:

Re: Application for transportation use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #270/2006 outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

BR/lv/Encl.: Minutes  
Sketch Plan

36634d1

## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 25, 2006 in Kelowna, BC.

**PRESENT:** Sue Irvine Chair, Okanagan Panel  
Sharon McCoubrey Commissioner  
Brandy Ridout Staff  
Martin Collins Staff

**ABSENT:** Sid Sidhu Commissioner

### For Consideration

Application # T – 36634  
Applicant Township of Spallumcheen  
Proposal To dedicate a total of 0.76 ha of ALR for road right of way (in excess of the 24 metres permitted by Regulation 171/2002) from three properties to widen Otter Lake Road for safety purposes.  
Legal 1. PID: 011-520-213  
Lot 4, District Lot 99, Osoyoos Division Yale District, Plan 1587, Except Plan KAP48858  
2. PID: 006-934-056  
That part of the South East ¼, Section 22, shown on Plan B4635 Township 7, Osoyoos Division Yale District  
3. PID: 013-013-190  
The Fractional West ½, Section 23, Township 7, Osoyoos Division Yale District, Except Plans B822, 1766, 21463 and KAP50108  
Location Otter Lake Road, south Spallumcheen

### Site Inspection

No site inspection was conducted.

### Discussion

The Commission noted that the widening of Otter Road would affect a small amount of ALR land and was being made for safety purposes. The Commission did not believe that the project would negatively impact agriculture if fencing and other agricultural infrastructure disturbed by road construction was replaced.

### **IT WAS**

**MOVED BY:** Commissioner McCoubrey  
**SECONDED BY:** Commissioner Irvine

Page 2 - #36634

THAT the application be approved

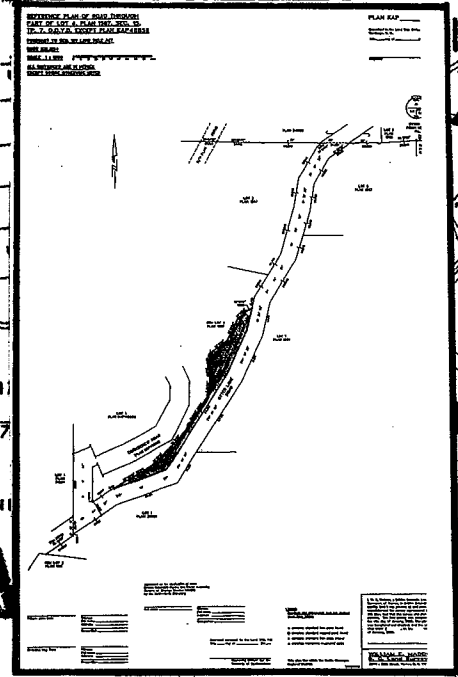
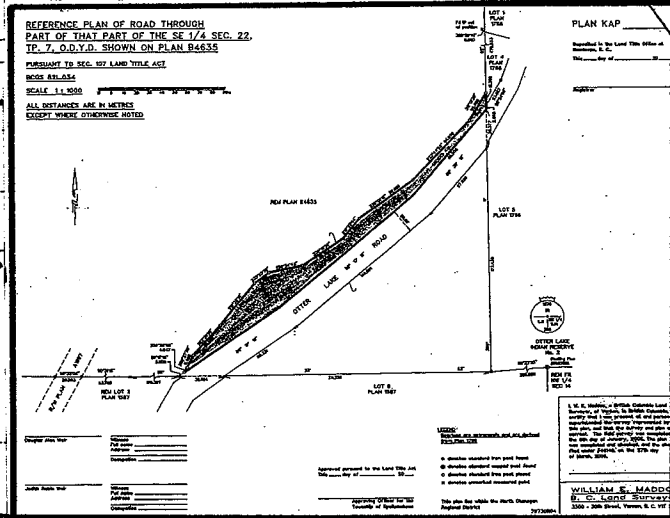
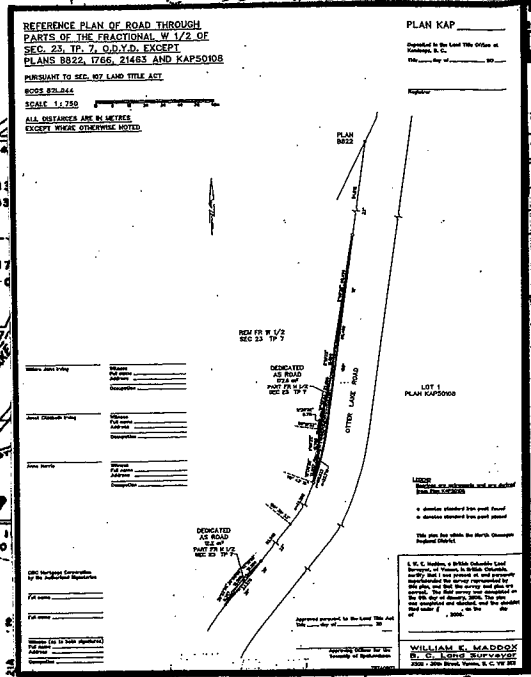
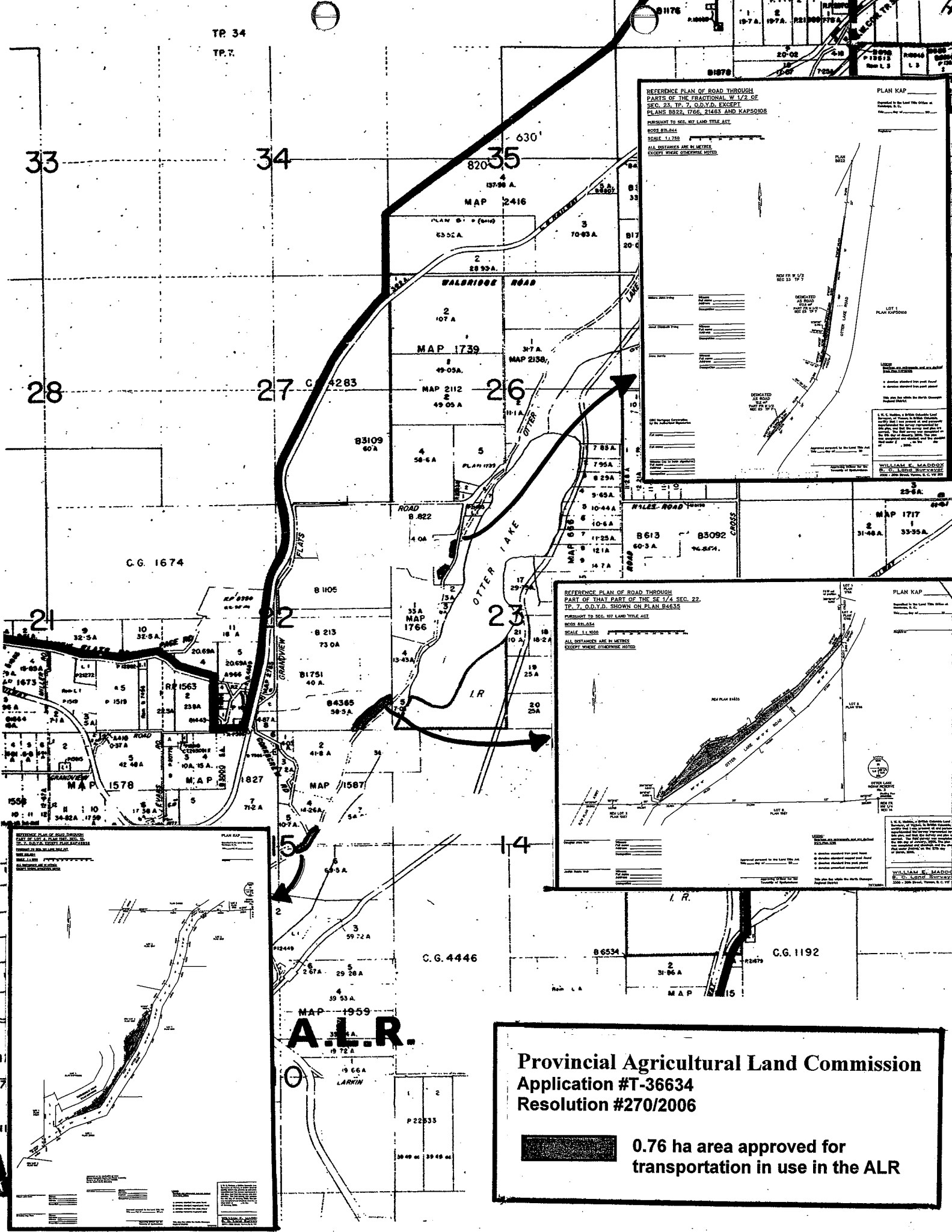
AND THAT the approval is subject to:

- the road widening being in substantial compliance with the three plans submitted with the application, and
- the replacement of fencing and other agricultural infrastructure disturbed by road construction.

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 #270/2006**

TP. 34  
TP. 7



**A.L.R.**

**Provincial Agricultural Land Commission**  
**Application #T-36634**  
**Resolution #270/2006**

 **0.76 ha area approved for transportation in use in the ALR**

REID

REFERENCE PLAN OF ROAD THROUGH  
PART OF LOT 4, PLAN 1587, SEC. 15,  
TP. 7, O.D.Y.D. EXCEPT PLAN KAP48858

PURSUANT TO SEC. 107 LAND TITLE ACT

BCGS 82L.034

SCALE 1 : 1000

ALL DISTANCES ARE IN METRES  
EXCEPT WHERE OTHERWISE NOTED

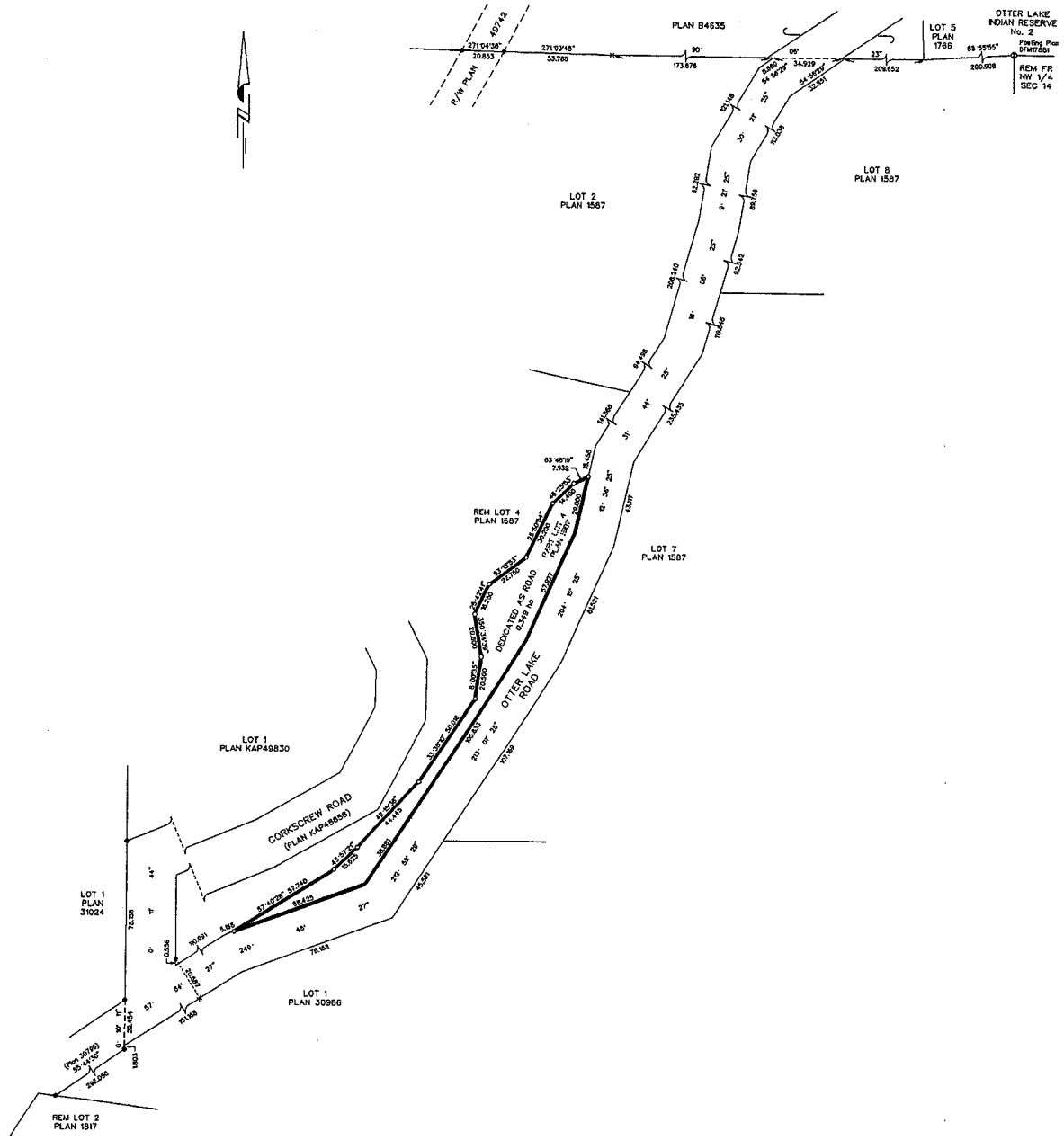
PLAN KAP \_\_\_\_\_

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

Registrar \_\_\_\_\_



OTTER LAKE  
INDIAN RESERVE  
No. 2  
65 90555' Feeble Plan  
S1M7601  
REM FR  
NW 1/4  
SEC 14



Approved as to dedication of road  
British Columbia Hydro and Power Authority  
Orders of Change Number M8270  
by its Authorized Signatory

Witness  
Full name \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_

Witness  
Full name \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_

Witness  
Full name \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_

Approved pursuant to the Land Title Act  
This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Approving Officer for the  
Township of Spallumcheen

LEGEND

- denotes standard iron post found
- ⊙ denotes standard capped post found
- denotes standard iron post placed
- x denotes unmarked measured point

I, W. E. Maddox, a British Columbia Land  
Surveyor, of Vernon, 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 4th day of January, 2006. The plan  
was completed and checked, and the checklist  
filed under # \_\_\_\_\_ on the \_\_\_\_\_ day  
of January, 2006.

WILLIAM E. MADDOX  
B. C. Land Surveyor  
3500 - 30th Street, Vernon, B. C. V1T 3E8

This plan lies within the North Okanagan  
Regional District  
79720R02

**REFERENCE PLAN OF ROAD THROUGH  
PART OF THAT PART OF THE SE 1/4 SEC. 22,  
TP. 7, O.D.Y.D. SHOWN ON PLAN B4635**

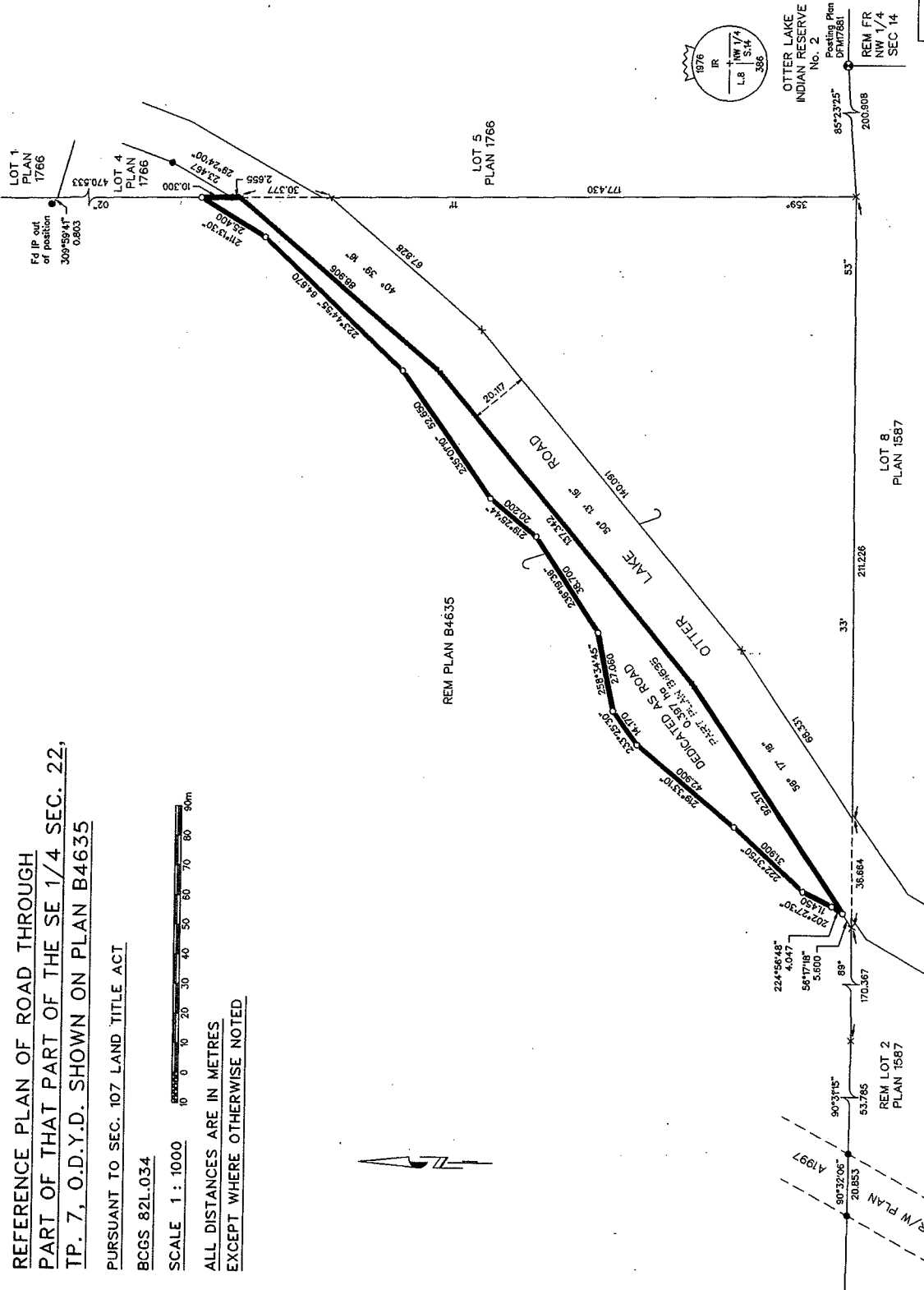
PURSUANT TO SEC. 107 LAND TITLE ACT

BCGS 82L.034

SCALE 1 : 1000



ALL DISTANCES ARE IN METRES  
EXCEPT WHERE OTHERWISE NOTED



**PLAN KAP**

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

Registrar

**WEIR**

I, W. E. Maddox, a British Columbia Land Surveyor, of Vernon, in British Columbia, certify that I was present at and personally supervised the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the 6th day of January, 2006. The plan was completed and checked, and the checklist filed under #46146, on the 27th day of March, 2006.

**WILLIAM E. MADDOX**  
**B. C. Land Surveyor**  
3500 - 30th Street, Vernon, B. C. V1T 5E8

FILE: R7973-4

**LEGEND:**  
Bearings are astronomic and are derived from Plan 1766

- denotes standard iron post found
- denotes standard capped post found
- denotes standard iron post placed
- x denotes unmarked measured point

Approved pursuant to the Land Title Act  
This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Approving Officer for the  
Township of Spallumcheen

This plan lies within the North Okanagan  
Regional District

79730804

Witness  
Full name \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_

Witness  
Full name \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_

Douglas Alan Weir

Judith Robin Weir

REFERENCE PLAN OF ROAD THROUGH PARTS OF THE FRACTIONAL W 1/2 OF SEC. 23, TP. 7, O.D.Y.D. EXCEPT PLANS B822, 1766, 21463 AND KAP50108

PLAN KAP \_\_\_\_\_

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

PURSUANT TO SEC. 107 LAND TITLE ACT

BCGS 82L.044

SCALE 1 : 750



ALL DISTANCES ARE IN METRES EXCEPT WHERE OTHERWISE NOTED

Registrar \_\_\_\_\_



REM FR W 1/2 SEC 23 TP 7

PLAN B822

OTTER LAKE ROAD

LOT 1 PLAN KAP50108

DEDICATED AS ROAD 172.6 m<sup>2</sup> PART FR W 1/2 SEC 23 TP 7

DEDICATED AS ROAD 12.2 m<sup>2</sup> PART FR W 1/2 SEC 23 TP 7

William John Irving  
Witness  
Full name \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_

Janet Elizabeth Irving  
Witness  
Full name \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_

Anne Harris  
Witness  
Full name \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_

CBC Mortgage Corporation by its Authorized Signatories

Full name \_\_\_\_\_

Full name \_\_\_\_\_

Witness (as to both signatures)  
Full name \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_

LEGEND  
Bearings are astronomic and are derived from Plan KAP50108

- denotes standard iron post found
- denotes standard iron post placed

This plan lies within the North Okanagan Regional District

I, W. E. Maddox, a British Columbia Land Surveyor, of Vernon, in British Columbia, certify that I was present at and personally supervised the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the 6th day of January, 2006. The plan was completed and checked, and the checklist filed under # \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Approved pursuant to the Land Title Act  
This \_\_\_\_ day of \_\_\_\_\_ 20\_\_

Approving Officer for the Township of Spallumcheen

WILLIAM E. MADDOX  
B. C. Land Surveyor  
3500 - 30th Street, Vernon, B. C. V1T 5E8

79740R02



**Staff Report**  
**Application # T – 36634**  
**Applicant: Township of Spallumcheen**  
**Agent: William Maddox**  
**Location: Spallumcheen**

**DATE RECEIVED:** April 24, 2006

**DATE PREPARED:** May 10, 2006

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

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

**PROPOSAL:** To dedicate a total of 0.76 ha of ALR for road right of way (in excess of the 24 metres permitted by Regulation 171/2002) from three properties to widen Otter Lake Road for safety purposes.

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

**BACKGROUND INFORMATION:**

The road is already constructed, but the subdivision/right of way plans have not been registered.

No agricultural activity is affected by the road widening. Most of the right of way is taken by steep banks that needed to be cut back to accommodate the road.

**Local Government:**

The Township of Spallumcheen

**Legal Description of Property:**

PID: 011-520-213

Lot 4, District Lot 99, Osoyoos Division Yale District, Plan 1587, Except Plan KAP48858

PID: 006-934-056

That part of the South East ¼, Section 22, shown on Plan B4635 Township 7, Osoyoos Division Yale District

PID: 013-013-190

The Fractional West ½, Section 23, Township 7, Osoyoos Division Yale District, Except Plans B822, 1766, 21463 and KAP50108

**Location of Property:**

Otter Lake Road, south Spallumcheen



**BACKGROUND INFORMATION (continued):**

**Size of Property:**

0.76 ha of ALR is requested for right of way in two primary blocks (0.35, 0.4 ha) and two very small areas (12 square metres and 172 square metres)

**Present use of the Property:**

Pasture, wooded areas.

**Surrounding Land Uses:**

Farming activity, pasture.

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 83 L.034

The majority of the land proposed for right of way is identified as having secondary ratings.

**Official Community Plan and Zoning Designation:**

Road rights of way are permitted in all zones.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

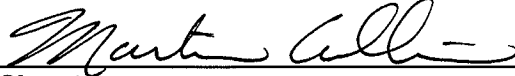
The District of Spallumcheen initiated the roadwork for safety purposes.

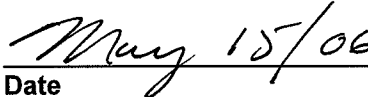
**STAFF COMMENTS:**

Allow as proposed, subject to replacement of fencing and other agricultural infrastructure disturbed by road construction.

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**END OF REPORT**

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date