



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 5, 2006

Reply to the attention of Brandy Ridout

Donald Clark
49 Hurt Rd.
Lumby, B.C. V0E 2G5

Dear Sir:

Re: **Application # T-36692**
Remnant Lot A, Plan KAP 80744

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to dedicate a 365 sq meter road right of way through a 0.33 ha portion of the above noted property. The application was submitted pursuant to Section 6 of BC Regulation 171/2002.

The Commission writes to advise that it approved your application as noted on the attached map, subject to 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 # **251/2006**.

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 right of way plan is acceptable and verifies that all conditions of approval have been met 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Kalsen, Chair

cc: Regional District of North Okanagan
William Dobbin, 2235 Whitworth Rd, Westbank, B.C. V4T 2K3

BR/lv/Encl.
36692d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on Thursday, May 25th, 2006.

PRESENT Sue Irvine Chair
Sharon McCoubrey Commissioner

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

For Consideration

Brandy Ridout presented her staff report dated May 16th, 2006 regarding application # T-36692.

Site Inspection

No site inspection was conducted. However, the Commission generally recalled visiting this property in June 2005.

Commission Discussion

The Commission had no objection to the proposed right of way, and suggested that the applicant be encouraged to make an application to exclude the 0.33 ha portion of the property from the ALR. This area was separated from the ALR remainder of the property by a non arable (non ALR hill).

IT WAS

MOVED BY: Commissioner S. Irvine

SECONDED BY: Commissioner S. McCoubrey

THAT the staff report be received and the application to dedicated a road right of way across the 0.33 ha portion of the property be allowed.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # T – 36692
Applicant: William Dobbin
Location: north of Lumby

DATE RECEIVED: May 8, 2006

DATE PREPARED: May 16, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To use 365 square metres for a road right of way to cross a sliver of ALR comprising Lot A, Plan KAP80744 to access a 12 lot subdivision lying outside the ALR.

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

BACKGROUND INFORMATION:

The Commission recently allowed a subdivision of the property, which lies partly within the ALR. In addition the Commission excluded the adjoining area to the east by way of a block exclusion application in 2001, which is now proposed for residential subdivision into 12 - 1 ha lots.

Local Government:

Regional District of North Okanagan

Legal Description of Property:

Lot A, KAP80744, Osoyoos Division Yale District

Location of Property:

Hurt Road, off of Mabel Lake Road, north of Lumby

Size of Property:

10.7 ha (approximately 7 ha is in the ALR)

Present use of the Property:

Forested land on the southerly part of the property. Tree farm and residence on the northerly 7 ha

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: 2 ha lot in the ALR, large hayfield beyond
SOUTH: Lumby - Mabel Lake Rd.
EAST: Forested non ALR - proposed for rural residential subdivision
NORTH: Non-ALR forested hillside

Agricultural Capability:

Data Source: Agricultural Capability Map # 82 L/7
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Zoning Designation:

Not provided

PREVIOUS APPLICATIONS:

Application #35916-0

Applicant: Donald Clark
Decision Date: June 9, 2005
Proposal: To subdivide the 29 ha property into two lots of 17 ha and 11 ha as divided by Hurt Road. The subdivision would separate the two farming operations on either side of the road. One property is an emergent tree farm, the other a hay farm.
Decision: Allowed - subject to the registration of a covenant on each of the two parcels restricting the number of dwellings to one per parcel.

RELEVANT APPLICATIONS:

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: The Commission retained 404 ha in the ALR because some lands proposed for exclusion had agricultural capability, but excluded approximately 3,660 ha because of minimal agricultural capability due to soil, topographic factors or existing non farm uses.


LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

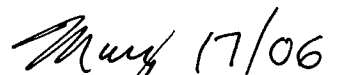
Not provided or solicited

STAFF COMMENTS:

Staff recommends that the application be allowed, and that the 0.33 ha area of the subject property traversed by the right of way (and separated from the ALR remnant by the 4 ha non-ALR portion of the property) be recommended for exclusion to simplify the administration of this area.

END OF REPORT


Signature


Date

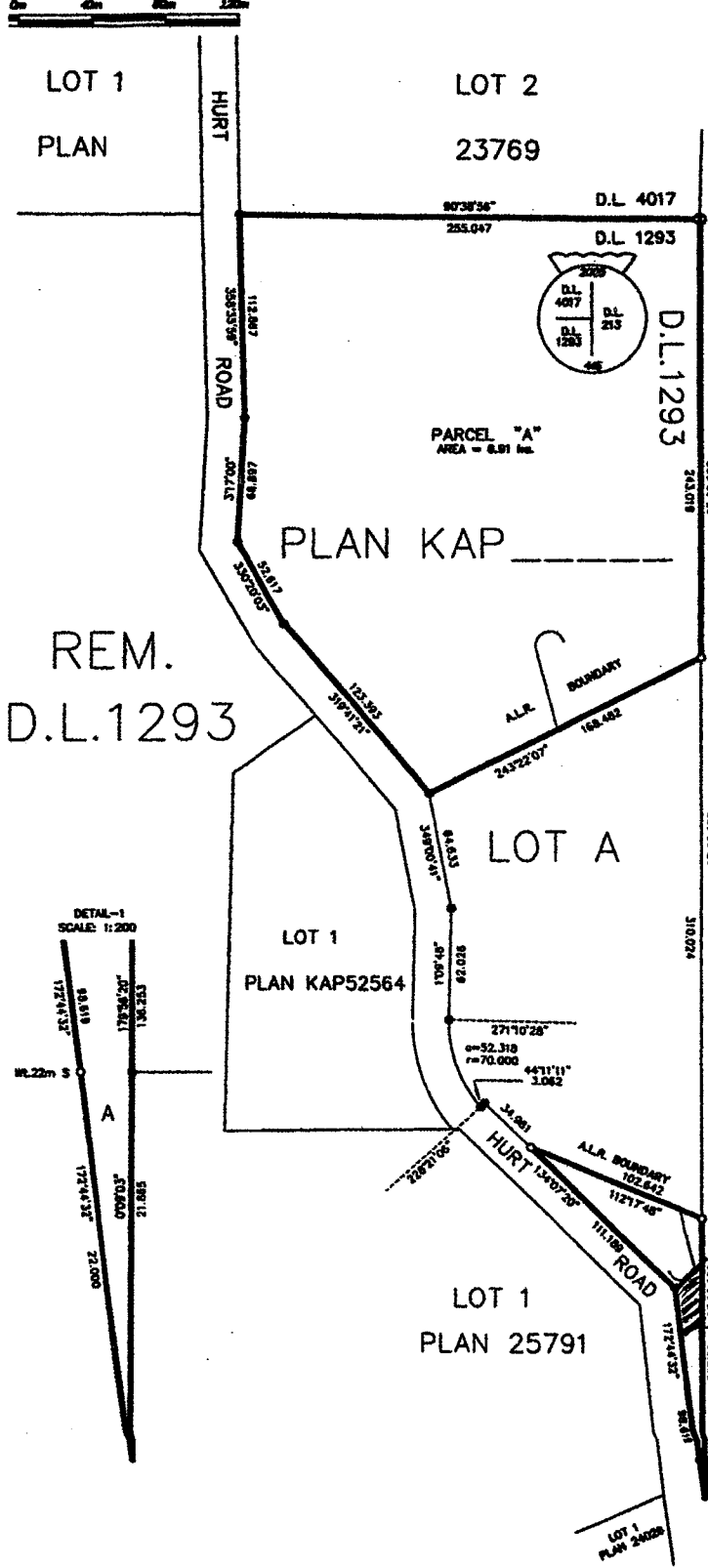
REFERENCE PLAN OF COVENANT IN LOT A,
 N KAP _____, D.L. 1293, O.D.Y.D.

PLAN No. OP

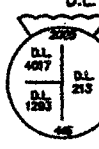
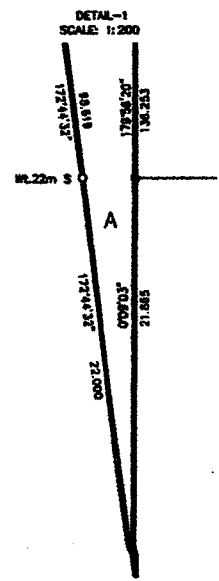
DEPOSITED IN THE LAND TITLE OFFICE AT _____ B.C. THIS
 OF _____

uant to Section 99 of the Land Title Act

S. No. 82L.026
 1:2000 (All distances are in metres and decimals thereof)



REM.
 D.L.1293



LEGEND
 BEARINGS ARE ASTROMOMIC AND ARE DERIVED FROM PLAN KAP78

- DENOTES STANDARD TYPE 5 IRON POST FOUND
- ⊙ DENOTES STANDARD TYPE 4 CAPPED POST FOUND
- DENOTES STANDARD TYPE 5 IRON POST PLACED

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NORTH CROWS

BOOK OF REFERENCE		
PARCEL	LEGAL DESCRIPTION	TOTAL
PARCEL A	LOT A, PLAN KAP _____, D.L. 1293, O.D.Y.D.	6.91
PARCEL B	LOT A, PLAN KAP _____, D.L. 1293, O.D.Y.D.	0.33
TOTAL	LOT A, PLAN KAP _____, D.L. 1293, O.D.Y.D.	7.24

AFFECTED AREA

LARRY M. BLOCK, A BRITISH COLUMBIA LAND SURVEYOR, OF
 IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND HE
 SUPERVISED THE SURVEY REPRESENTED BY THIS PLAN, AND
 THE SURVEY AND PLAN ARE CORRECT. THE SURVEY WAS COMPLE
 THE 12TH DAY OF DECEMBER, 2008.
 THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST
 UNDER § 433(7) ON THE 18TH DAY OF JANUARY, 2008.

RUSSELL N. SHORTT
 British Columbia Land Sur
 2024 32nd Street, Vancouver, B.C.
 Phone 545-0811 Fax 545-2

Form 243(2010)
 F.R. 1089 P. 64
 2008111024

