



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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December 21, 2006

Reply to the attention of Brandy Ridout
ALC File: #T - 37017

Albas Ventures
PO Box 793
Salmon Arm, B.C. V1E 4N9

Dear Sirs:

Re: Application to dedicate and construct a road in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 651/2006 outlining the Commission's decision as it relates to the above noted application.

Please submit your inclusion application before sending 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:

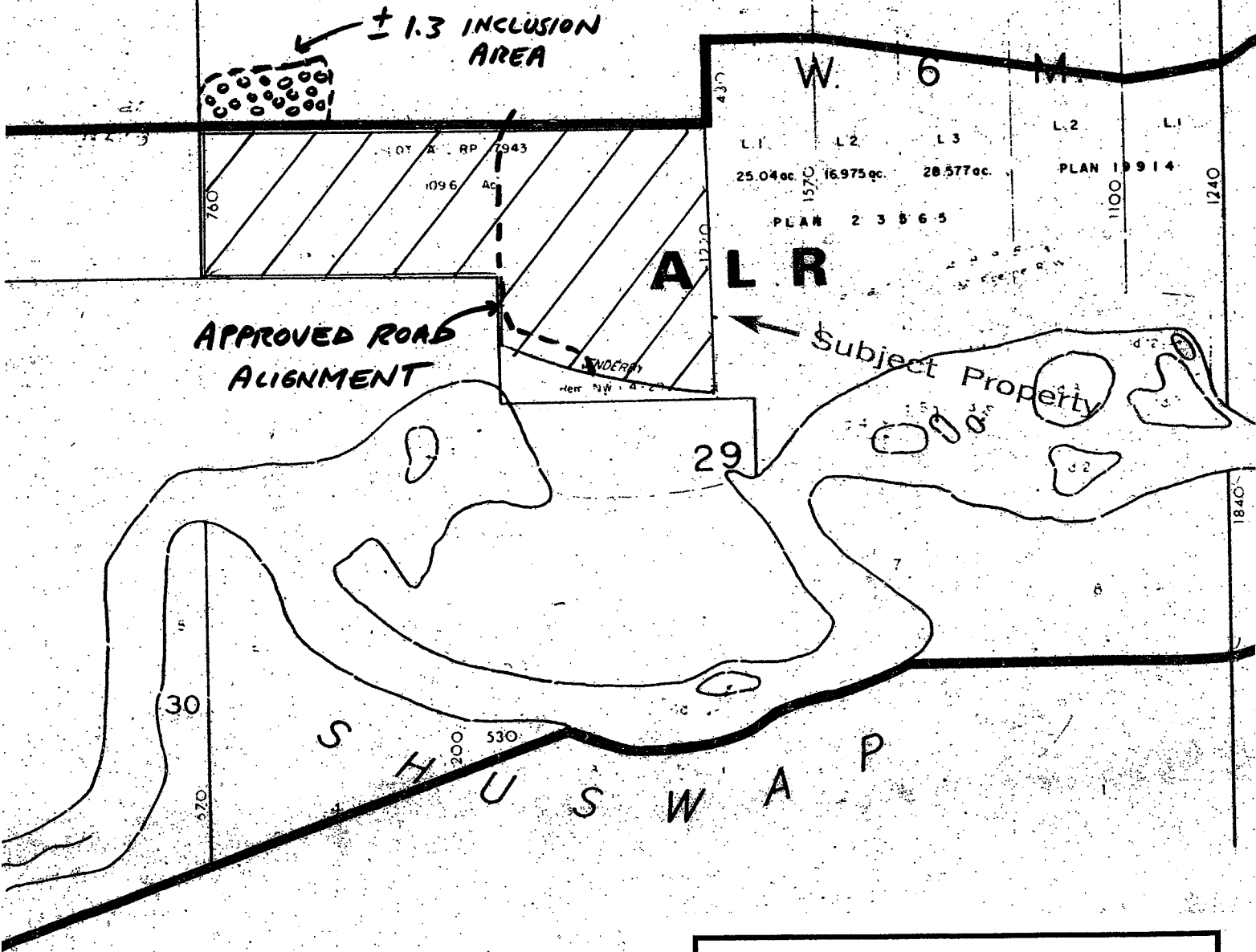
Erik Karlsen, Chair

cc: Regional District of North Okanagan (#06-0774-F-ALR)

MC/lv/Encl.: Minutes/Sketch Plan
37017d1

APPLICATION # T-37017
RES. # 651/2006

T P. 18. R.



Constituent _____

Map # 27

Scale: ~~1:10,000~~ 1" = 800'

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N

| AMENDMENTS | |
|-------------|-------------|
| Date | Signature |
| Oct 3, 1979 | [Signature] |



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on December 12, 2006 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

| | |
|----------------------------|-----------------------|
| PRESENT: Sue Irvine | Chair, Okanagan Panel |
| Sharon McCoubrey | Commissioner |
| Sid Sidhu | Commissioner |
| Martin Collins | Staff |

For Consideration

Application: # T- 37017
Applicant: Albas Ventures Inc.
Proposal: To construct a new road and to decommission the existing driveway/roadway through the property. The new road will be used to access the three non-ALR 8 ha lots presently being considered for subdivision and for the registered right-of-way for BC Hydro and BC Tel Mobility.
Legal: PID: 008-336-245
Lot A, Section 29, Township 18, Range 8, W6M, Kamloops
Division of Yale District, Plan 17943;
Location: 441 Mabel Lake Road, Enderby

Site Inspection

A site inspection was conducted on Friday, November 10, 2006. Those in attendance were:

- Commissioners Irvine, McCoubrey, Sidhu
- Staff: Brandy Ridout
- Bruce Gardiner, Doug Cliff

The Commission viewed the property, noting that the proposed road severs a productive field. The Commission expressed concern about the road alignment and questioned whether a less disruptive alignment could be achieved.

Mr. Gardiner and Mr. Cliff confirmed that the staff report dated October 30, 2006 was received and no errors were identified.

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.

Discussion

In assessing agricultural capability, the Commission confirmed that the original road alignment severed a productive field and was not supportive of agriculture or the ALR. A revised alignment was submitted on November 27, 2006 which proposes to avoid the field (by creating frontage road), and to include a 1.3 ha productive field area into the ALR, to balance the ALR that will be lost to road construction.

The Commission was prepared to allow the road through the ALR because;

- it now avoided the cultivated field, and
- portions of the alignment had minimal capability,
- the inclusion of 1.3 ha of productive field into the ALR, and its retention with the agricultural parcel balanced the loss of land for the road.

IT WAS

MOVED BY: Commissioner S. Irvine

SECONDED BY: Commissioner S. McCoubrey

THAT the application to dedicate and construct a road through the subject property be allowed, subject to the following conditions:

- the road alignment be in substantial compliance with the attached plan
- the inclusion of 1.3 ha into the ALR

AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of this decision. The conditions of approval must be completed with this time frame.

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 # 651/2006



Staff Report
Application # T – 37017
Applicant: Albas Ventures Inc.
Agent: Keith Wahlstrom, P.Eng
Location: Enderby

DATE RECEIVED: October 13, 2006

DATE PREPARED: October 30, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To construct a new road and to decommission the existing driveway/roadway through the property. The new road will be used to access the three non-ALR lots presently being considered for subdivision and for access to the registered right-of-way for BC Hydro and BC Tel Mobility. The area required for the new road will be approximately 2 ha.

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

BACKGROUND INFORMATION:

The Ministry of Transportation will not approve an access road off Mabel Lake Road at the present location of the driveway for safety reasons. The expectation of extra traffic flow and safety issues on a road with a speed limit of 80 km/h dictates that the road be located further to the east than the present driveway.

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 008-336-245
Lot A, Section 29, Township 18, Range 8, W6M, Kamloops Division Yale District, Plan 17943

Purchase Date:

June 2006

Location of Property:

441 Mabel Lake Road, Enderby

Size of Property:

44.4 ha (approximately 22 ha are in the ALR).

BACKGROUND INFORMATION (continued):

Present use of the Property:

One residence, hayfield

Surrounding Land Uses:

WEST: ALR
SOUTH: ALR
EAST: ALR
NORTH: non-ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/11
The majority of the property is identified as having mixed Prime and Secondary ratings.

Official Community Plan/Zoning and Designation:

Information not provided.

PREVIOUS APPLICATIONS:

Application #27028-0

Applicant: William Gorlich
Decision Date: May 20, 1993
Proposal: To subdivide a 2 ha homesite lot from the 44.4 ha subject property (of which only 21.3 ha are in the ALR).
Decision: Refused as proposed. The Commission would allow the subdivision of a 0.5 ha homesite lot in the southeast corner of the property subject to its being fenced and compliance with all homesite severance policy guidelines.
Subdivision was never undertaken.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

No comment received at time of staff report preparation (requested by November 8, 2006).

STAFF COMMENTS:

- The proposed road would divide one of the hayfields on the property in half.
- A portion of the property that has been developed as a hayfield is not in the ALR.

ATTACHMENTS:

- ALR Base map #82 L/11
- ALR Constituent map #27
- Map showing proposed road (provided by applicant)
- Airphoto showing current road (provided by applicant)

END OF REPORT

Signature

Date



Oct 30, 06