



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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February 22, 2007

Reply to the attention of Brandy Ridout  
ALC File: #G - 37104

Randy Woods  
5806 Farmers Drive  
Kelowna, BC V1P 1A3

Dear Sir:

**Re: Application for an Easement through the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 22/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Please send two (2) paper prints of the final easement 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:

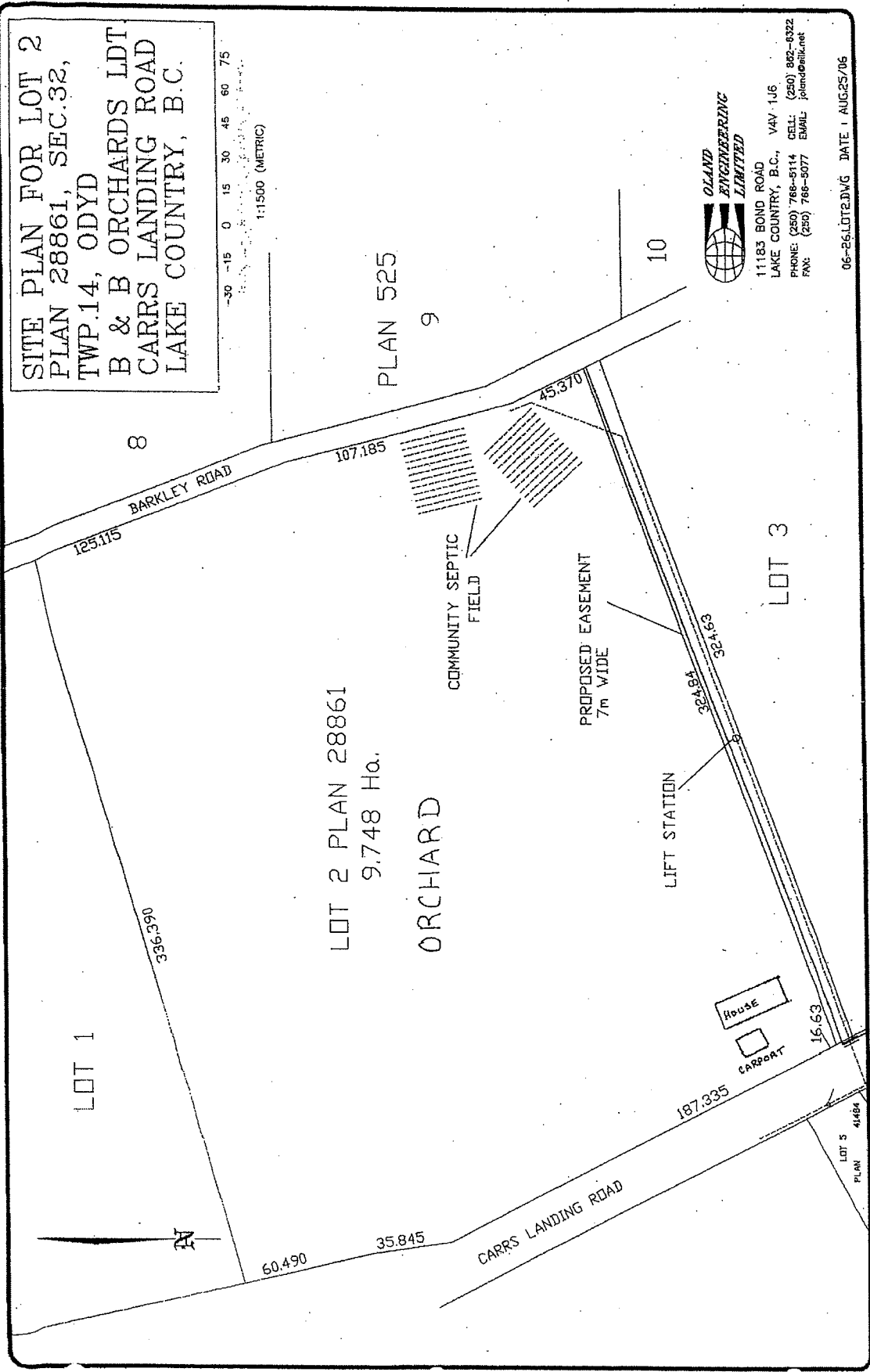
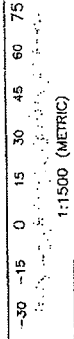
Erik Karlsen, Chair

cc: District of Lake Country (#ALR2006-005)

Enclosure: Minutes/Sketch Plan

MC/lv/37104d1

SITE PLAN FOR LOT 2  
 PLAN 28861, SEC.32,  
 TWP.14, ODYD  
 B & B ORCHARDS LTD.  
 CARRS LANDING ROAD  
 LAKE COUNTRY, B.C.



11183 BOND ROAD  
 LAKE COUNTRY, B.C., V4V 1J6  
 PHONE: (250) 766-8114 CELL: (250) 882-8322  
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06-26-LOT2.DWG DATE: 1 AUG 25/06

FILE  
 G-37104  
 RES # 22/2003



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on February 12, 2007 at Salmon Arm, B.C.

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Jennifer Carson	Staff
	Martin Collins	Staff

### For Consideration

Application: # G- 37104  
Applicant: B & B Orchards  
Agent: Randy Woods  
Proposal: To install 18 water lines within a 7.5 meter wide easement adjacent to the south property boundary of the 9.5 ha property. The easement would occupy 0.24 ha.  
Legal: PID: 004-478-657  
Lot 2, Section 5, Township 14, Osoyoos Division of Yale District, Plan 28861;  
Location: 14551 Carr's Landing Road, Lake Country, off of Barkley Road

### Site Inspection

No site inspection was conducted.

### 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.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from or to include land into the ALR or to subdivide or use land in the ALR for non-farm purposes.

### Discussion

The Commission noted that the proposed 0.24 ha easement is not cultivated and is used as a road. It has no objection to the registration of the 7.5 meter wide easement and the installation of 18 residential water lines within the easement because no cultivated land is affected by the proposal.

**IT WAS**

**MOVED BY:** Commissioner Sue Irvine

**SECONDED BY:** Commissioner Sharon McCoubrey

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- the easement is in substantial compliance with the attached plan
- the easement and works must be completed within three (3) years from the date of this decision.

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 # 22/2007**



**Staff Report**  
**Application # G – 37104**  
**Applicant: B & B Orchards**  
**Agent: Randy Woods**  
**Location: Carr's Landing, Lake Country**

**DATE RECEIVED:** December 4, 2006

**DATE PREPARED:** January 8, 2007

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

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To install 18 water lines within a 7.5 metre wide easement adjacent to the south property boundary of the 9.5 ha subject property. The easement would occupy 0.24 ha.

This application is made pursuant to section 22(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

As there are ongoing issues with water coming to the residents of Barkley Road, the majority of the owners have worked towards plans to improve their current water systems by installing individual water lines from Okanagan Lake.

**Local Government:**

District of Lake Country

**Legal Description of Property:**

PID: 004-478-657

Lot 2, Section 5, Township 14, Osoyoos Division Yale District, Plan 28861

**Purchase Date:**

03/03/1992

**Location of Property:**

14551 Carr's Landing Road, Lake Country, off of Barkley Road

**Size of Property:**

9.75 ha (The entire property is in the ALR).

**Present use of the Property:**

Orchard and Residence

**BACKGROUND INFORMATION (continued):**

**Surrounding Land Uses:**

**WEST:** Residential outside the ALR  
**SOUTH:** 10 ha orchard in the ALR  
**EAST:** Residential, large parcels lying outside the ALR  
**NORTH:** 8 orchard in the ALR

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82L.003  
The majority of the property is identified as having prime dominant ratings.

**Official Community Plan and Designation:**

OCP Designation: Agricultural

**Zoning Bylaw and Designation:**

Zoning Bylaw No. 176 (1980)  
Designation: RU - Ag (Agricultural)  
Minimum Lot Size: 3.8 ha

**PREVIOUS APPLICATIONS:**

**Application #24054-0**

**Applicant:** Edward & Elaine Nuyens  
**Decision Date:** March 16, 1990  
**Proposal:** To use 0.6 ha of the 9.75 ha property for a septic field for an adjoining non-ALR development. The area proposed for the septic field is not considered arable.  
**Decision:** Allowed. It later refused a request to subdivide the 0.6 ha area.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

The District of Lake Country Council and Agricultural Advisory Committee forwarded the application with a recommendation of support.

**STAFF COMMENTS:**

- No cultivated land would be disturbed as the easement is currently occupied by a farm road.
- The proposal is consistent with permission for the sewer line and septic field.

**ATTACHMENTS:**

- ALR Base Map
- ALR Constituent Map
- Site plan showing proposed easement
- Air photo

**END OF REPORT**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

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1:1500 (METRIC)



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