



Agricultural Land Commission
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December 21, 2006

Reply to the attention of Brandy Ridout
ALC File: #T - 36344

Al McNiven,
Greater Vernon Services
3rd Floor - 3105 - 33rd Street
Vernon, BC V1T 9P7

Dear Sir:

Re: **Application to construct a trail within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 648/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Tom Ouchi, 6831 Bella Vista Rd., Vernon, B.C. V1H 1B9

MC/lvEncl.: Minutes/Sketch Plan
36344d1a



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on December 12, 2006 at Naramata, B.C.

PRESENT: Sue Irvine
Sharon McCoubrey
Sid Sidhu
Martin Collins

Chair, Okanagan Panel
Commissioner
Commissioner
Staff

For Consideration

Application: # T- 36344
Applicant: Greater Vernon Services
Proposal: To construct a public hiking trail along the the former Grey Canal.
This current application is for a westerly portion of the trail included in "The Rise" development that will run through the ALR.
Legal: PID: 010-910-824
Parcel 2 (Plan A911), South 1/2 and the NorthEast 1/4, Section 31, Township 9, Osoyoos Division of Yale District, EXCEPT Plans 20223 and 40116;
Location: City of Vernon - north of Bella Vista Rd.

Site Inspection

Several site inspections of the proposed trail have been undertaken, particularly when the Commission reviewed application T-36112 in October 2005, which proposed to install water and power infrastructure on the trail property.

However, the Commission did not view the property or meet with a representative of Greater Vernon Services when it considered the application.

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

The Commission noted that the trail property was neither suitable, nor capable of agricultural production because of its narrow configuration (about 20 meters wide). However, the property had a long history of significant value to the agricultural community because it contained the Grey Canal – an irrigation canal that enabled intensive agricultural production to be undertaken in the Vernon and Coldstream areas.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposed trail against the long term goal of preserving agricultural land. The Commission believes the proposal has potential to negatively affect existing or potential agricultural use of surrounding lands because of potential for trespass and vandalism, or complaints about spraying and other standard agricultural practices.

Assessment of Community Need

The Commission also considered the community benefit that would result from the proposed trail system. It concluded that while there may be a benefit to urban residents, the trail provided little, if any benefit to adjoining agricultural operations, with the possible exception of the opportunity for the trail to showcase a working agricultural landscape.

The Commission considered the mitigation measures proposed by Greater Vernon Services to be effective, and similar to those proposed elsewhere where public trails bisected and/or bordered farmlands. In addition the mitigation measures were consistent with the suggestions and recommendation found in "*A Guide to Using and Developing Trails in Farm and Ranch Areas*" (published by the Ministry of Agriculture and Lands).

Conclusions

1. That the land under application has little agricultural capability, and has limited use for agriculture..
2. That the proposed trail users could negatively affect adjacent agricultural operations unless the trail was buffered and fenced.
3. The mitigation (buffering/fencing etc.) proposed by Greater Vernon Services was considered to be suitable and consistent with advice provided by the Ministry of Agriculture and Lands, established adjacent to other trail facilities affecting the ALR elsewhere in the province.

IT WAS

MOVED BY: Commissioner S. Irvine
SECONDED BY: Commissioner S. McCoubrey

THAT the application to construct a trail within the 2.5 ha subject property be allowed subject to the following conditions:

- the trail be constructed as per the attached sketch profile and map,
- the successful negotiation with affected farmers as to suitable tree and shrub species comprising the vegetative buffer (with regard the disease and pests),
- the planting of vegetation for buffering on the south side of the trail abutting ALR parcels, with a minimum tree height of 1 meter, and the irrigation and maintenance of the vegetative buffer. In order to ensure that the buffer is maintained, the Commission requires the submission of a \$10,000.00 bond to be held for a three year period to ensure that any vegetation that dies will be replaced,
- construction of a 2 meter high trespass inhibiting fence (page wire) abutting orchard ALR parcels. A 1.3 meter page wire fence is suitable abutting pasture/cattle operations,
- Signage indicating that the path parallels a working agricultural landscape
- garbage receptacles at suitable intervals.
- information brochures be made available at trail access points outlining appropriate trail behavior and what agricultural activity can to be expected by trail users.
- that no parking lot be constructed at Pinto Place – beyond the street parking that is currently available.

AND THAT the approval is granted to the applicant only.

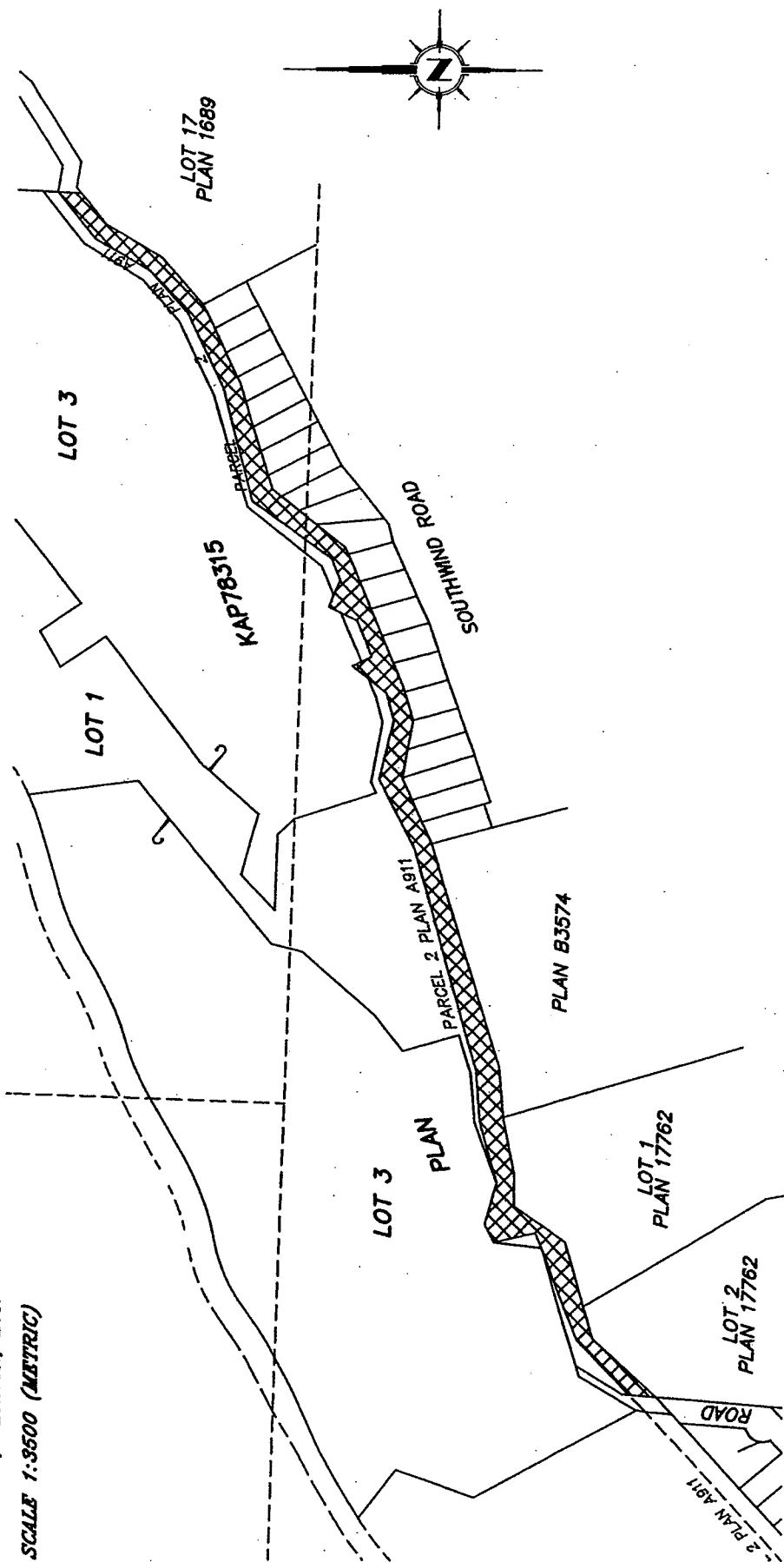
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 648/2006

**SKETCH PLAN OF ALR LANDS INCLUDED WITHIN THE BOUNDARY OF LOT 1,
SECTIONS 6 AND 31, TOWNSHIPS 8 AND 9, O.D.Y.D., PLAN KAP78315**

THE RISE, VERNON, B.C.

SCALE 1:3500 (METRIC)

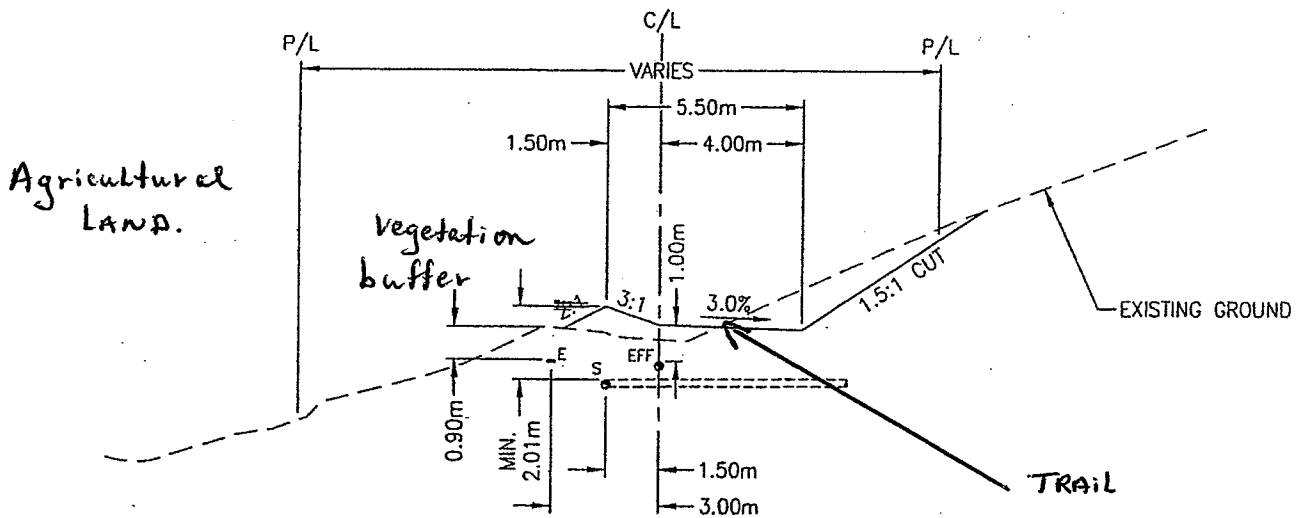


NOTE: AREA SHOWN IN CROSS HATCH IS LAND INCLUDED WITHIN THE AGRICULTURAL LAND RESERVE. SEE FAX DATED MAY 5, 2005 FROM BOYD PORTEOUS (GIS MANAGER AT A.L.C.)

MONASHEE SURVEYING AND GEOMATICS
 BC LAND SURVEYORS AND GEOMATICS ENGINEERS
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 FILE: D4-076 DRAWING: D4-076 ALR LANDS.DWG

LEGEND

E - ELECTRICAL
 S - SANITARY SEWER
 EFF - EFFLUENT MAIN
 P/L - PROPERTY LINE
 C/L - CENTER LINE



TYPICAL SECTION
 GREY CANAL
 SCALE 1:200



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OKANAGAN HILLS
 SECTION
 SCHEDULE D
 MARCH 22, 2005