



Agricultural Land Commission
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October 18, 2006

Reply to the attention of Brandy Ridout
ALC File #G-36876

Bob Corey, Project Manager
Southern Interior Region
523 Columbia St.
Kamloops, B.C. V2C 2T9

Dear Sir:

Re: Application for a Road Right of Way in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #502/2006 outlining the Commission's decision as it relates to the above noted application.

The Commission has allowed the application subject to conditions. However, it is very concerned about how the planning process advanced to the stage that the project would be very difficult to revise by any agency. As such the Commission requests that the Ministry be in contact with Commission staff at the early stages of planning significant highway projects that affect ALR land, with a view to incorporate suggestions to improve such projects from an agricultural perspective.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Cliff Serwa, Western Canadian Ranching Co. 3130A Hall Rd., Kelowna, B.C.

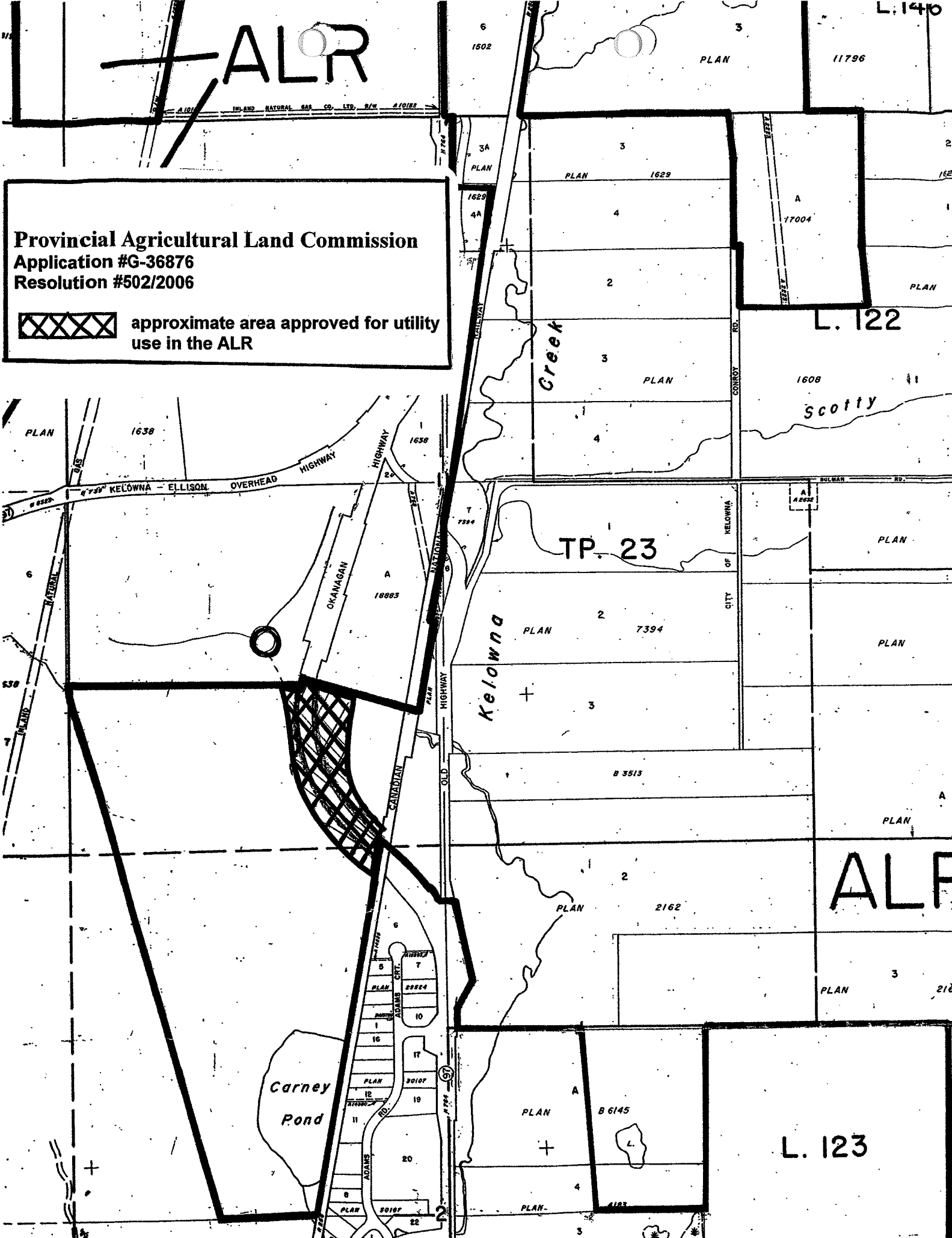
BR/lv/Encl.: Minutes
Sketch Plan
36876d1

ALR

Provincial Agricultural Land Commission
Application #G-36876
Resolution #502/2006



approximate area approved for utility use in the ALR





MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 29, 2006 at the Ministry of Agriculture and Lands office located at 4607, 23rd Street, Vernon, B.C.

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

For Consideration

Application # G- 36876

Applicant: Ministry of Transportation & Highways

Proposal: To construct a single lane bridge and ramps to provide access to the UBC campus from Highway #97. The bridge will eliminate left turns into UBC and thus improve safety and mobility on Highway 97. The project will also construct two roundabouts and internal roads on the UBC campus.

Legal: PID: 007-399-766

The South West 1/4 of, Section 11, Township 23, Osoyoos Division of Yale District, EXCEPT 1) Those parts shown on Plan attached to DD1953D
2) Plans 10273, 18883, H764 and H16596, 3) Parcels A (E10197);

Location: Kelowna

Site Inspection

A site inspection was conducted on Thursday, September 28th, 2006. Those in attendance were:

- Commissioners Irvine, Sidhu and McCoubrey
- Ed Wnuk, Ministry of Transportation
- Cliff Serwa, landowner
- Commission staff Terra Kaethler and Martin Collins

The Commissioners met with Cliff Serwa and Ed Wnuk and viewed the property. Mr Serwa indicated that he did not support the proposal because he believed that rather than an overpass in this location, it would be more cost effective and safer to develop an overpass and cloverleaf at the airport intersection, and access UBCO from this interchange. Mr Serwa believed that the proposed location for on and off ramps was unsafe because of the bend in the highway. He also did not support the proposal because he would lose a significant portion of his arable field. However, Mr Serwa indicated that if the project did proceed, he wanted the Ministry to fill in the ravine on the property and rehabilitate it to an agricultural standard so that he would suffer no net loss of agricultural land.

Ed Wnuk of the Ministry of Transportation had not been involved in the planning for this project so could not address Mr Serwa's criticisms of the location, or the potential for the alternate options.

The Commission suggested to Mr Wnuk that it had an appointment to meet with the City of Kelowna at its next meeting in November to discuss a link between Glenmore Drive and UBCO. It believed that this meeting would help it to view the larger regional road transportation picture in this area.

Discussion

The Commission was sympathetic to Mr Serwa's criticisms of the project, and did not consider the proposal to be supportive of agriculture. However, the Commission also recognized that the UBCO access improvements represented a significant community and regional transportation benefit.

Although the Commission had suggested that it would consider the matter at its next meeting it recognized that a significant level of planning that had gone into this project and expressed doubt that it was prepared to refuse a project of such significant import at this late stage in its planning. The Commission was very also concerned about how the transportation planning process had had not included agricultural land use issues early in the process, well before the application stage.

The Commission was prepared to allow the proposed interchange, subject to the Ministry of Transportation filling the ravine on the subject property and improving the filled land to the same or better agricultural standard than the lands alienated for the road (using the topsoil from the disturbed area).

IT WAS

MOVED BY: Commissioner Sue Irvine

SECONDED BY: Commissioner Sharon McCoubrey

THAT the application to use 1.5 ha for the UBCO overpass and interchange be allowed;

AND THAT the approval is subject to the following conditions:

- That the ravine area on the subject property be filled and rehabilitated to the same or better agricultural standard as the land to be used for road right of way
- That all agricultural fencing and drainage infrastructure be replaced to the same or better standard

AND THAT the approval is granted to the applicant only and is valid for 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 502/2006



Staff Report
Application # G – 36876
Applicant: Ministry of Transportation & Highways
Location: Kelowna

DATE RECEIVED: August 10, 2006

DATE PREPARED: September 19, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To construct a single lane bridge and ramps to provide access to the UBC campus from Kelowna. The bridge will eliminate left turns into UBC and thus improve safety and mobility on Highway 97. The project will also construct two roundabouts and internal roads on the UBC campus (non-ALR). The ALR area affected will be approximately 1.5 ha.

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

BACKGROUND INFORMATION:

Local Government:

City of Kelowna

Legal Description of Property:

PID: 007-399-766

The South West ¼ of, Section 11, Township 23, Osoyoos Division Yale District, Except 1) Those parts shown on Plan attached to DD1953D; 2) Plans 10273, 18883, H764 and H16596; 3) Parcel A (E10197)

Purchase Date:

May 1987

Location of Property:

Kelowna

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Hay production

Surrounding Land Uses:

WEST: Non-ALR
SOUTH: Non-ALR
EAST: Agriculture
NORTH: Non-ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.094
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan/Zoning Bylaw and Designation:

Information not provided

PREVIOUS APPLICATIONS:

Application #28713-0

Applicant: Western Canadian Ranching Co. Ltd.
Decision Date: February 23, 1994
Proposal: Fill of 23,000 metres
Decision: Allowed as requested

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Kelowna: No comment received.

STAFF COMMENTS:

Staff suggests a site visit would allow the Commissioners to get a complete understanding of the proposed project and the impact it may have on agriculture.

As of September 19, 2006, confirmation of written notification to the landowner had not been received. Ministry of Transportation will supply the copy of the letter as soon as possible.

ATTACHMENTS:

- ALR Constituent 13
- Air photo showing project layout (supplied by Ministry of Transportation)

END OF REPORT



Signature



Date