



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

October 26, 2011

Reply to the attention of Martin Collins
ALC File: 50620

Reid Drummond
Ministry of Transportation and Infrastructure
#342 - 447 Columbia St.
Kamloops, B.C.
V2C 2T3

Dear Sir:

Re: Application Use ALR land for a Drainage Right of Way.

Please find attached the Minutes of Resolution #1565C/2011 and a sketch plan outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the District of Lake Country.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

MC52303/d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on October 26, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

Application: (Submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

Application: 50620
Applicant: Ministry of Transportation and Infrastructure
Agent: Reid Drummond
Proposal: The original proposal was to dedicate and construct a new highway right of way through 11 ha of ALR. The application was conditionally approved, subject to several conditions; among them the necessity of preparing a drainage plan to ensure that runoff from the highway does not negatively affect farm operations.

The current request is to dedicate a statutory right of way (SRW) 6 meters wide, 330 meters in length (0.2 ha) and install a storm water drain pipe within the right of way. The proposed SRW is located along the north boundary of the 4.8 ha orchard parcel.

Legal: PID 010-859-543 Lot 1, Section 2, Twp 14, ODYD, Plan 3385
Location: District of Lake Country
Background: The Commission allowed the use of ~11 ha for road right of way for the relocation of Highway 97 (at Wood Lake) by Resolution # 1565/2009 subject to conditions.
Attachments: ALR map, Airphoto SRW Plan, August 10, 2011 MoTH submission

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27th, 2011 the Commission delegated decision-making to the CEO by Resolution #016N-2009 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following application may be decided by the CEO.

Criterion 4

Non-farm use applications made pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation).

DECISION:

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 4 of Resolution #016N/2011 and approve the application on behalf of the Commission.

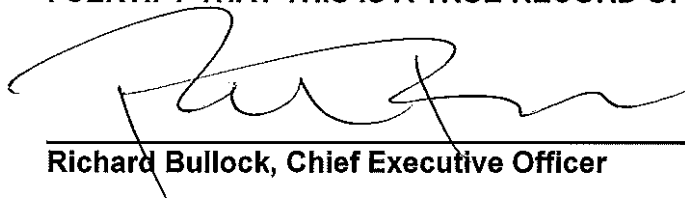
The decision to use 0.2 ha of the 4.8 ha property for a Statutory Right of Way is subject to the following conditions:

- The replacement of agricultural infrastructure disturbed by the project to the same or better standard upon completion of the project.
- The approval does not relieve the proponent from the responsibility of negotiating with the landowner to establish appropriate compensation for the right of way.

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.

RESOLUTION # 1565C /2011

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

A handwritten signature in black ink, appearing to read "Richard Bullock", is written over a solid horizontal line.

Richard Bullock, Chief Executive Officer

STATUTORY RIGHT OF WAY PLAN THROUGH LOT 1, SECTION 2, TOWNSHIP 14, O.D.Y.D., PLAN 3385

Pursuant to Section 113 of the Land Title Act

B.C.S. 82L014

SCALE 1 : 750

The blended plot size of this plan is defined as follows: by 50.0m in height (cont'd 25m) when plotted at a scale of 1:750

LEGEND

Lot and boundary (OAS OR CAS) are derived from electronic computer plan data and are shown in white. The center line of the UTA Zone 11 (117' total width) is shown in white. To obtain local astronomic bearings at the west 1/2 of Section 2, use a magnetic declination of 68.50° W.

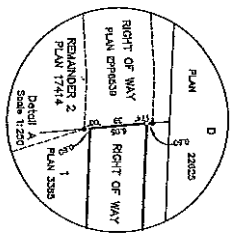
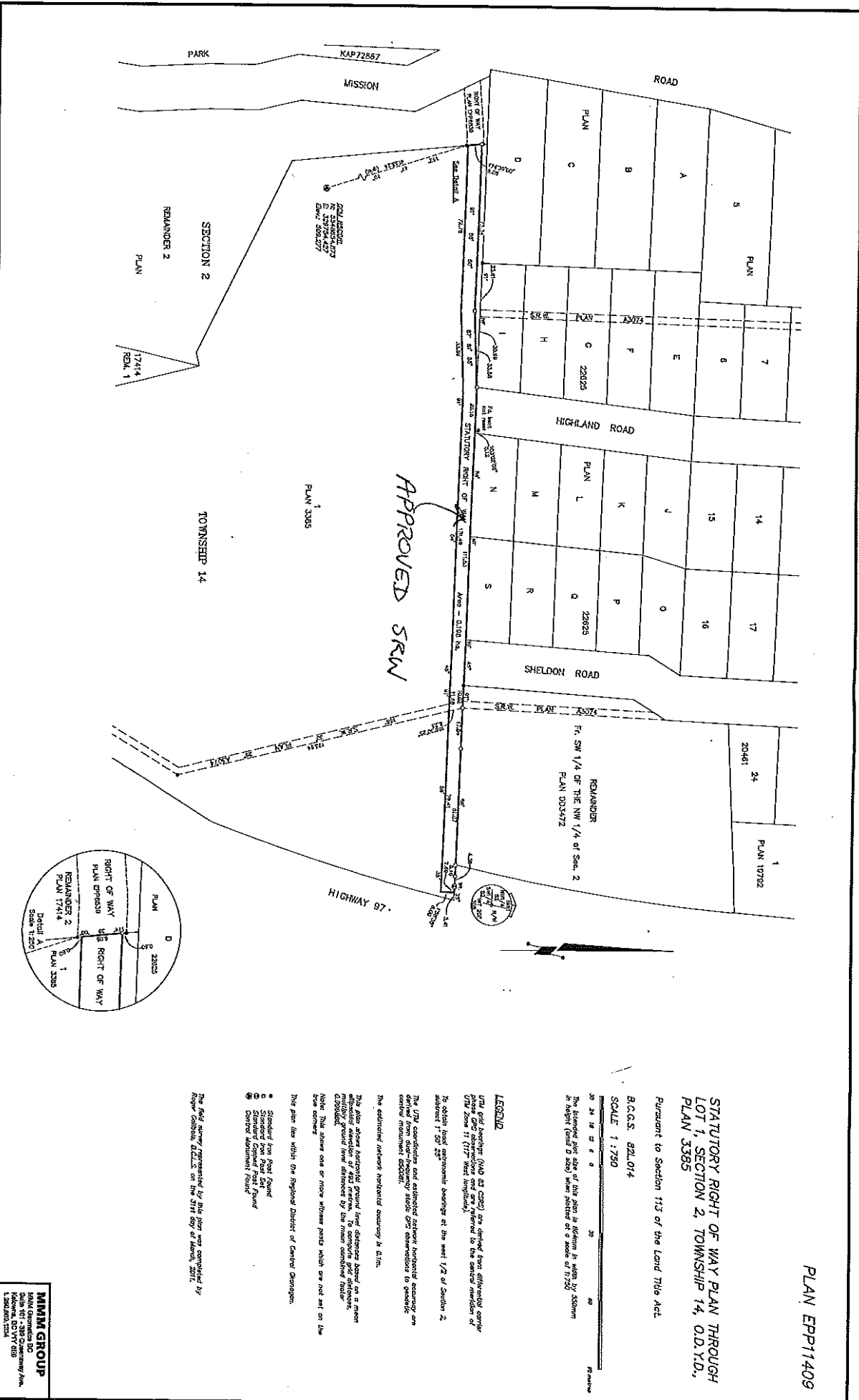
The UTA coordinates and estimated station horizontal accuracy are derived from dual-frequency static GPS observations to geoid reference monument 020201. The estimated network horizontal accuracy is 6.81m. This also shows horizontal ground level elevations based on a mean ellipsoid elevation of 493 meters. To compare and relate to existing ground level elevations by the nearest combined factor of 1:25,000.

Note: This shows one or more witness points which are not set on the lot boundary.

- Standard iron nail found
- Staked iron nail set
- Concrete monument post found
- ⊗ Concrete monument (new)

The field survey represented by this plan was completed by Roger Collins, D.C.S., on the 21st day of March, 2011.

MINN GROUP
 Suite 101 - 2350 Glenway Ave.
 Kelowna, BC V1Y 6B3
 250.860.5334
 Plan 2011002363 OVR# No. 201312



ALC APPLICATION # 50620
 RESOLUTION # 1565C/2011