



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

March 20, 2006

Reply to the attention of Brandy Ridout
ALC File #G-36336

Doug Gilchrist
City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Dear Mr. Gilchrist:

**Re: Application for Transportation, Utility & Recreational Trail Uses in the
Agriculture Land Reserve**

Please find attached the Minutes of Resolution #123/2006 outlining the Commission's decision as it relates to the above noted application. It is your responsibility to notify all affected landowners.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

BR/lv/Encl.: Minutes
Sketch

36336d1.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A teleconference was held by the Provincial Agricultural Land Commission on March 17, 2006.

PRESENT: Sue Irvine
Sid Sidhu
Chair, Okanagan Panel
Commissioner

ABSENT: Sharon McCoubrey
Commissioner

For Consideration

Application # G – 36336
Applicant(s) City of Kelowna
Proposal To widen Swamp Road and a small part of Casorso Road to a two lane rural standard of 29 meters (the road right of way is currently 20 meters wide). ALC Regulations permit road widening up to 24 meters without an application. The total area of new right of way required from the ALR is 4.8 ha. Twenty (20) properties are affected.
Location Southeast Kelowna, south of Mission Creek

Site Inspection

A site inspection was conducted on January 17, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout and Martin Collins
- City of Kelowna representatives: Doug Gilchrist (Property Officer), Forrest Klotzbach (Roadways Engineer), and Jordan Hettinga (Property Officer)

Mr. Gilchrist confirmed that he had received the staff report dated December 30, 2005 and noted the correction that the City is requesting to widen to 29.3 metres, not 29 metres as in the staff report.

After the site inspection, the Commission met with two landowners affected by the project. One landowner was concerned that the widening would have a negative affect on his vineyard and requested an alternate alignment. Through discussions with the City, this landowner's concerns were subsequently alleviated. The second landowner was concerned that the widening and straightening of Swamp Road would draw more traffic into a farming area, thereby creating more conflict between slow moving farm equipment and the increased number of cars. This landowner later withdrew his opposition to the project.

Meeting

As the Commission believed it still required additional information, a meeting was held at the City of Kelowna City Hall on February 28, 2006. Those in attendance at the meeting were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout and Martin Collins
- City of Kelowna representatives: Doug Gilchrist (Property Officer), Forrest Klotzbach (Roadways Engineer), and Jordan Hettinga (Property Officer)
- EarthTech Engineer: Brian Beach

Brian Beach from EarthTech described the project in detail, noting that upon completion the project would have widened the existing two 3 metre wide lanes to two 3.65 metre wide lanes. In addition, on the outside of each lane, there would be a 1.5 metre paved shoulder, a 1.5 metre unpaved shoulder, a 4 metre slope down to a 1 metre wide ditch, and a 3 metre slope back up to ground level.

The Commission raised a concern that the road would eventually be made into a 4-lane road. Forrest Klotzbach assured the Commission that this was not in the City's 20-year transportation plan.

After discussion regarding project details, six individuals affected by the project spoke to the Commission. The main issues raised included safety and improvement to the use of their agricultural properties because of improved drainage.

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 project is being proposed by the City to upgrade and widen Swamp Road due to concerns with the safety of the road in its current condition. The road has no shoulder, has suffered differential settlements (no longer level), and has frost pockets. The Commission believed that the upgrade and widening project were in the best interest of the community as it would address these safety concerns.

The Commission's two main concerns with the project were that increased use of Swamp Road would interfere with the agricultural operations along the road and the possibility that the road would eventually be 4-laned. With regard to the impact on farming as a result of the increased use of Swamp Road, the Commission noted that the concerns raised by one landowner had been resolved through discussions with the City and that numerous other affected farmers were in favour of the project. With regard to the future 4-laning of the widened road, the Commission was told by City representatives that this was not in the City's 20-year plan. As the current application is to accommodate the upgrade to a 2-lane vehicular travelled surface with associated shoulder and ditching, any widening of the travelled road surface to accommodate more driving lanes would require the Commission's review.

Page 3 - #36336

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner Sidhu

THAT the application be approved

AND THAT the approval is subject to the following conditions:

- the project be in substantial compliance with the plan submitted with the application, and
- mitigation of impacts on adjacent farms (in addition to work already done in this regard), if necessary

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

CARRIED

RESOLUTION #123/2006

Figure 1:

Magnitude and location of project with location of the 2 proposed traffic circles and new Mission Creek Bridge

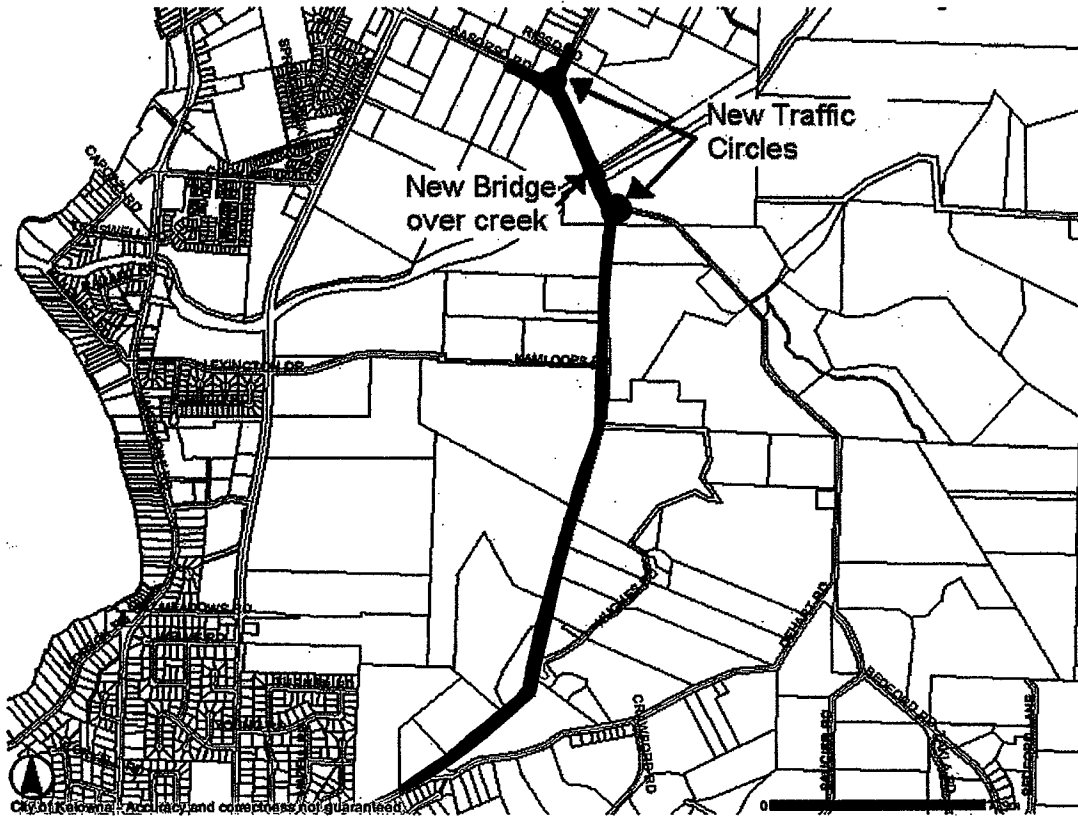
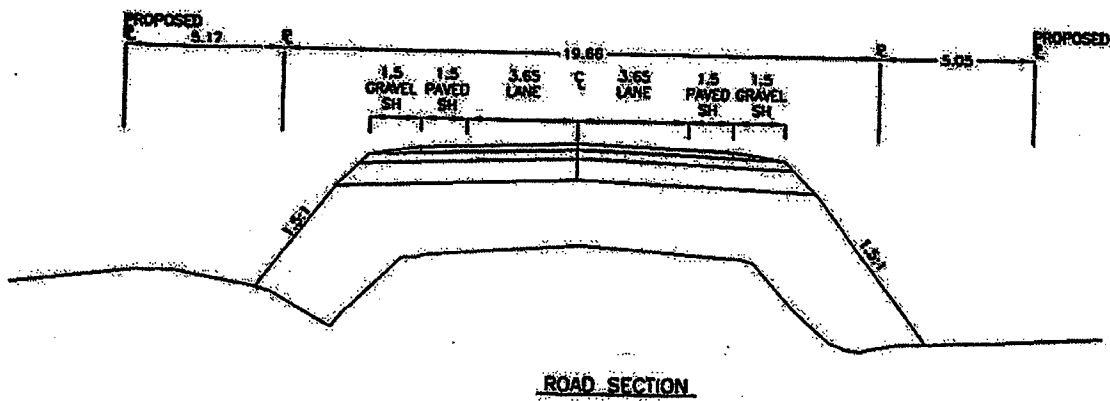


Figure 2:

Typical cross-section of 2 lane rural road



Provincial Agricultural Land Commission
Application #G-36336
Resolution #123/2006
Approved project proposal



Staff Report
Application # G – 36336
Applicant: City of Kelowna
Contacts: Jordan Hettinga, Doug Gilchrist
Location: Swamp Road, Southeast Kelowna

DATE RECEIVED: November 10, 2005

DATE PREPARED: December 30, 2005

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To widen Swamp Road and a small part of Casorso Road to a two lane rural standard of 29 meters (the road right of way is currently 20 meters wide). ALC Regulations permit road widening up to 24 meters without an application. The total area of new right of way required from the ALR is 4.8 ha. Twenty (20) properties are affected.

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

BACKGROUND INFORMATION:

The proposed widening of Swamp Road and Casorso Road are consistent with Kelowna's 2020 Official Community Plan. The upgraded road will remain two lanes wide with paved and gravel shoulders and ditching. The existing road is severely degraded. The project includes two traffic circles and a new bridge over Mission Creek. The proposed construction will occur in 2007.

Two landowners have expressed opposition to the proposal:

Doug Sperling, owner of Lot 262, Plan 1247, Sec. 31 and 32, Twp. 29, ODYD, (lying between Dehart and Swamp Road) indicates that the widening will remove a critical row of vines from the vineyard, reducing production.

Donald Gerein, (another landowner, but the parcel is not specified) submitted a letter indicating that Swamp Road is being used (and will be encouraged if widened) as a shortcut through farmland by hillside residents as an alternate route to downtown Kelowna and Highway #97. He believes the improvements will draw more traffic to this farm area, increase speeds and accidents, and generally be a detriment to farming.

Neither of the landowners signed the "letter of authorization" request authorizing the City to act as their representation in this application.

Local Government:

City of Kelowna

BACKGROUND INFORMATION (continued):

Legal Description of Properties:

1. PID: 012-542-989
Lot 12, District Lot 133, Block 1, ODYD, Plan 515
2. PID: 011-099-810
Lot b, District Lot 133, ODYD, Plan 1829
3. PID: 008-504-130
District Lot 3036, ODYD, EXCEPT Plans KAP77893 and KAP77894
4. PID: 011-079-142
Lot 3, Section 5, Township 26, ODYD, Plan 2243;
5. PID: 003-853-420
Lot A, Section 5, Township 26, ODYD, Plan 30744
6. PID: 005-554-454
Lot 1, Section 5, Township 26, ODYD, Plan 25257
7. PID: 011-146-338
Lot 6, Section 5, Township 26, ODYD, Plan 1837
8. PID: 009-565-884
Lot 4A, Section 5, Township 26, ODYD, Plan 1837
9. PID: 011-146-257
Lot 3A, Section 5 & 6, Township 26, ODYD, Plan 1837
10. PID: 011-146-192
Lot 2A, Section 5 & 6, Township 26, ODYD, Plan 1837
11. PID: 004-998-871
Lot 2, Section 6, Township 26, ODYD, Plan 26816
12. PID: 009-362-975
Lot 262, Section 31, Township 29, ODYD, Plan 1247, EXCEPT Plan H17881
13. PID: 024-289-574
Lot 2, Section 31, Township 29, ODYD, Plan KAP62654
14. PID: 024-095-150
Lot B, Section 31, Township 29, ODYD, Plan KAP61330
15. PID: 003-470-920
Lot 1, Section 6 & 31, Township 26 & 31, ODYD, Plan 32393
16. PID: 023-376-538
Lot B, Section 6 & 31, Township 26 & 29, ODYD, Plan KAP56611
17. PID: 023-376-414
Lot A, Section 6 & 31, Township 26 & 29, ODYD, Plan KAP56611
18. PID: 018-230-431
Lot 1, District Lot 168, Section 6, Township 26, ODYD, Plan KAP49584
19. PID: 016-005-139
Lot B, District Lot 168, ODYD, Plan 42985
20. PID: 010-917-471
Lot 2, District Lot 168, ODYD, Plan 3034

Location of Properties:

Southeast Kelowna, south of Mission Creek

Size of Properties:

Twenty properties of various sizes are affected. The ALR area required by the new road rights of way is 4.8 ha.

BACKGROUND INFORMATION (continued):

Present use of the Properties:

Various agricultural uses.

Surrounding Land Uses:

The lands affected by the road widening are Mission Creek floodplain lands with a variety of agricultural and golf course uses. However pasture predominates.

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.083
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

The properties affected by the road right of way are designated "Agriculture" in the OCP.


LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The City of Kelowna is making the application.

STAFF COMMENTS:

Staff suggests that the Commission meet with the two landowners that submitted in letters in order to discuss their agricultural concerns and mitigation or compensation options.

END OF REPORT


Signature


Date