



Agricultural Land Commission
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June 13, 2006

Reply to the attention of Brandy Ridout
ALC File #G-36655

Dale Pilling
D.E. Pilling & Assoc. Ltd.
#200 – 540 Groves Avenue
Kelowna, BC V1Y 4Y7

Dear Mr. Pilling:

Re: Application for utility use in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #271/2006 outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

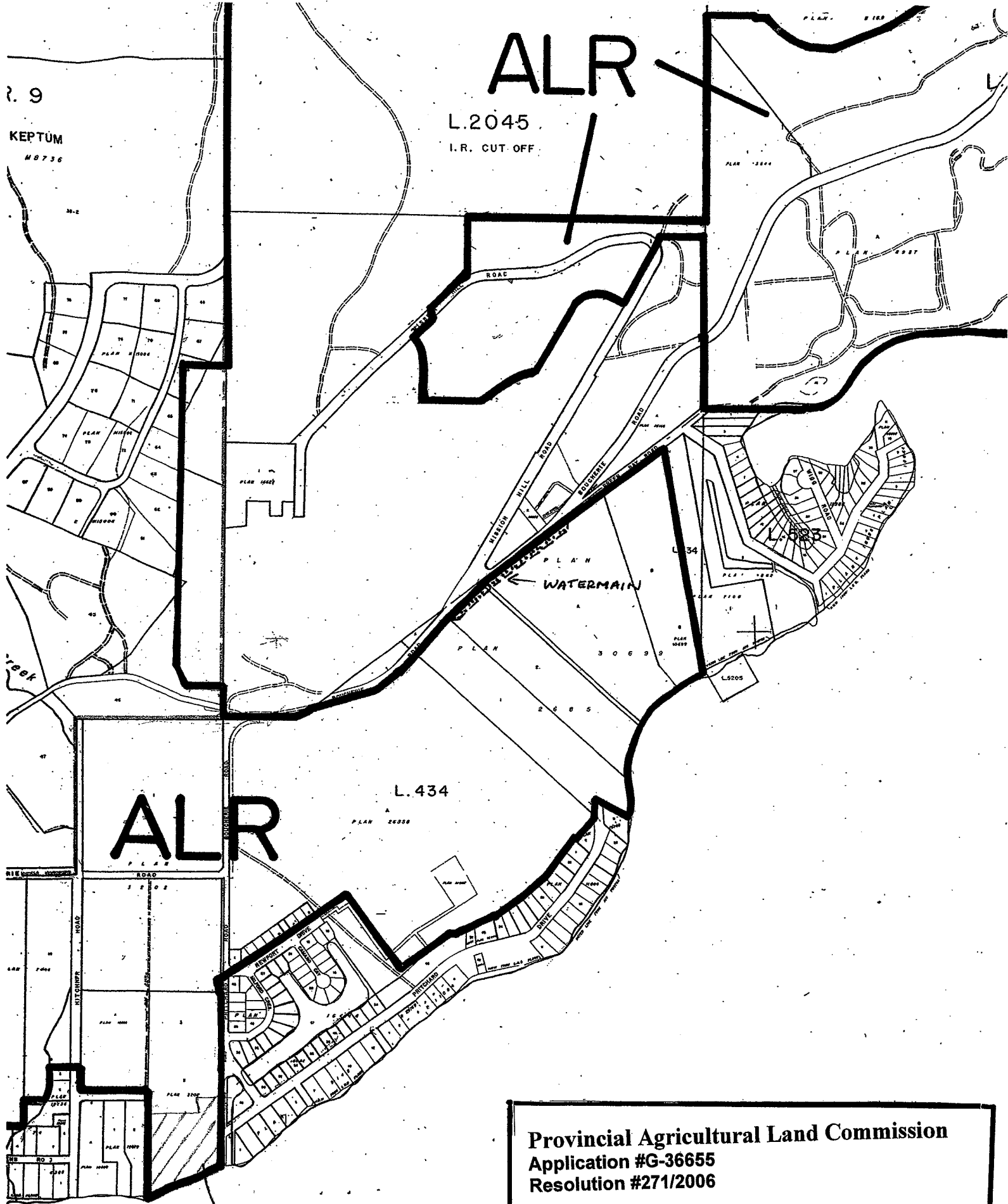
BR/lv/Encl.: Minutes
Sketch Plan

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P. 9
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ALR

L.2045
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ALR

L.434

RESORT

Provincial Agricultural Land Commission
Application #G-36655
Resolution #271/2006

 0.1 ha 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 May 25, 2006 in Kelowna, BC.

PRESENT: Sue Irvine Chair, Okanagan Panel
Sharon McCoubrey Commissioner
Brandy Ridout Staff
Martin Collins Staff

ABSENT: Sid Sidhu Commissioner

For Consideration

Application # G – 36655

Applicant Regional District of Central Okanagan

Proposal To construct a 30 cm diameter water main in a 4 metre wide statutory right of way over two adjoining properties in the ALR. Approximately 0.1 ha of ALR would be affected (4 metres wide by 250 metres long). The purpose of the water main is to service the Barona Beach Resort.

Legal 1. PID: 010-978-518

Lot 2, District Lot 434, Osoyoos Division Yale District, Plan 2685

2. PID: 003-862-640

Lot A, District Lot 434, Osoyoos Division Yale District, Plan 30699

Location Boucherie Road, Westbank

Site Inspection

No site inspection was conducted.

Discussion

The Commission believed that if the disturbed land is properly reclaimed, the impact on agriculture on the subject properties should be minimal.

In order to mitigate any impacts, the Commission would require that the water main be constructed within the statutory right of way, the replacement of all agricultural infrastructure disturbed by construction, and the reclamation of the disturbed area to the same or better agricultural standard.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner McCoubrey

THAT the application be approved subject to the following conditions:

- the water main be constructed within the 4 metre statutory right of way,
- the replacement of all agricultural infrastructure disturbed by construction, and
- the reclamation of the disturbed area to the same or better agricultural standard.

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 #271/2006



Staff Report
Application # G – 36655
Applicant: Central Okanagan
Agent: D E Pilling & Associates Ltd
Location: Westbank

DATE RECEIVED: April 28, 2006

DATE PREPARED: May 11, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To construct a 30 cm diameter water main in a 4 metre wide statutory right of way over two adjoining properties in the ALR. Approximately 0.1 ha of ALR would be affected (4 metres wide by 250 metres long). The purpose of the water main is to service the Barona Beach Resort.

The statutory right of way has already been registered against the subject properties. It lies adjacent to Boucherie Road.

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:

Regional District of Central Okanagan

Legal Description of Property:

1. PID: 010-978-518
Lot 2, District Lot 434, Osoyoos Division Yale District, Plan 2685
2. PID: 003-862-640
Lot A, District Lot 434, Osoyoos Division Yale District, Plan 30699

Location of Property:

Boucherie Road, Westbank

Size of Property:

Lot 2: 4 ha (0.04 ha area affected by proposal)
Lot A: 6 ha (0.06 ha area affected by proposal)

BACKGROUND INFORMATION (continued):

Present use of the Property:

Pasture

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.083

The majority of the 0.1 ha area affected by the right of way is identified as having prime dominant ratings 4W (2W).

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:


Regional District of Central Okanagan: (in a fax dated April 21, 2006) have advised the applicant that even though the right of way document has been registered, no construction can occur until approval has been received from the ALC.

STAFF COMMENTS:

Staff recommends that the water main be allowed within the statutory right of way, subject to the replacement of all agricultural infrastructure disturbed by construction and the reclamation of the disturbed area to the same or better agricultural standard.

If the disturbed land is properly reclaimed, the agricultural impact of the project on the subject properties should be minimal.

END OF REPORT


Signature


Date