



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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May 7, 2007

Reply to the attention of Brandy Ridout
ALC File: V-37276

Martin Van Hoof
Ministry of Transportation & Highways
523 Columbia Street
Kamloops, BC V2C2T9

Dear Mr. Van Hoof:

Re: Application for Transportation Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 190/2007 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name below.

Erik Karlsen, Chair

cc: District of Summerland (Gordon Morley)
Daniel and Sandra Beggs - 22402 Highway 97, Summerland, BC, V0H1Z6

Enclosure: Minutes/Sketch Plan

BR/eg
i/37276d1



A meeting was held by the Provincial Agricultural Land Commission on April 25, 2007, via conference call, at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT: Sue Irvine	Chair, Okanagan Panel
Sid Sidhu	Commissioner
Monika Marshall	Commissioner
Brandy Ridout	Staff

For Consideration

Application: # V- 37276
 Applicant: Ministry of Transportation & Highways
 Agent: Martin Van Hoof
 Proposal: To dedicate a 0.34 ha area as a Statutory Right of Way (SRW) for an enclosed drainage outfall to Okanagan Lake that is associated with the redesign and upgrade to a 4-lane design of Highway 97. In addition, a 0.28 ha area will be impacted by construction of the outfall (0.1 ha of which is currently a cherry orchard).
 The route of the proposed pipe has been designed in consultation with the affected landowner so as to minimize the impact on his agricultural business activities. Affected areas will be restored after placement of pipe and will remain available for use by the landowner. However, the 0.1 ha area will no longer be suitable for cherry tree production after construction.
 Legal: PID: 002-073-226
 Lot 7, District Lot 2562, Osoyoos Division Yale District, Plan 750, EXCEPT Plans B3577 and H578
 Location: 22402 Highway 97, Summerland

Site Inspection

No site inspection was conducted. Air photos and project plans were used to gain an understanding of the site and the potential impacts the project would have on agriculture.

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

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the majority of the subject property is Class 6 and Class 7 with limitations of shallow soil/bedrock outcroppings and topography.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It noted that the area of the Statutory Right of Way (SRW) was small (0.34 ha) and that the majority of the area would be available to agriculture once construction was complete.

It noted that consultation had taken place with the landowner to determine the best route for the SRW so that the farm operation was impacted as minimally as possible. Commission staff contacted the land owners to determine if they had any concerns with the project from an agricultural perspective and was not made aware of any issues.

Despite the fact that 0.1 ha would be permanently lost to agriculture, on the whole, the Commission did not believe that the project would have a large impact on agriculture.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT the application be allowed

AND THAT the approval is subject to:

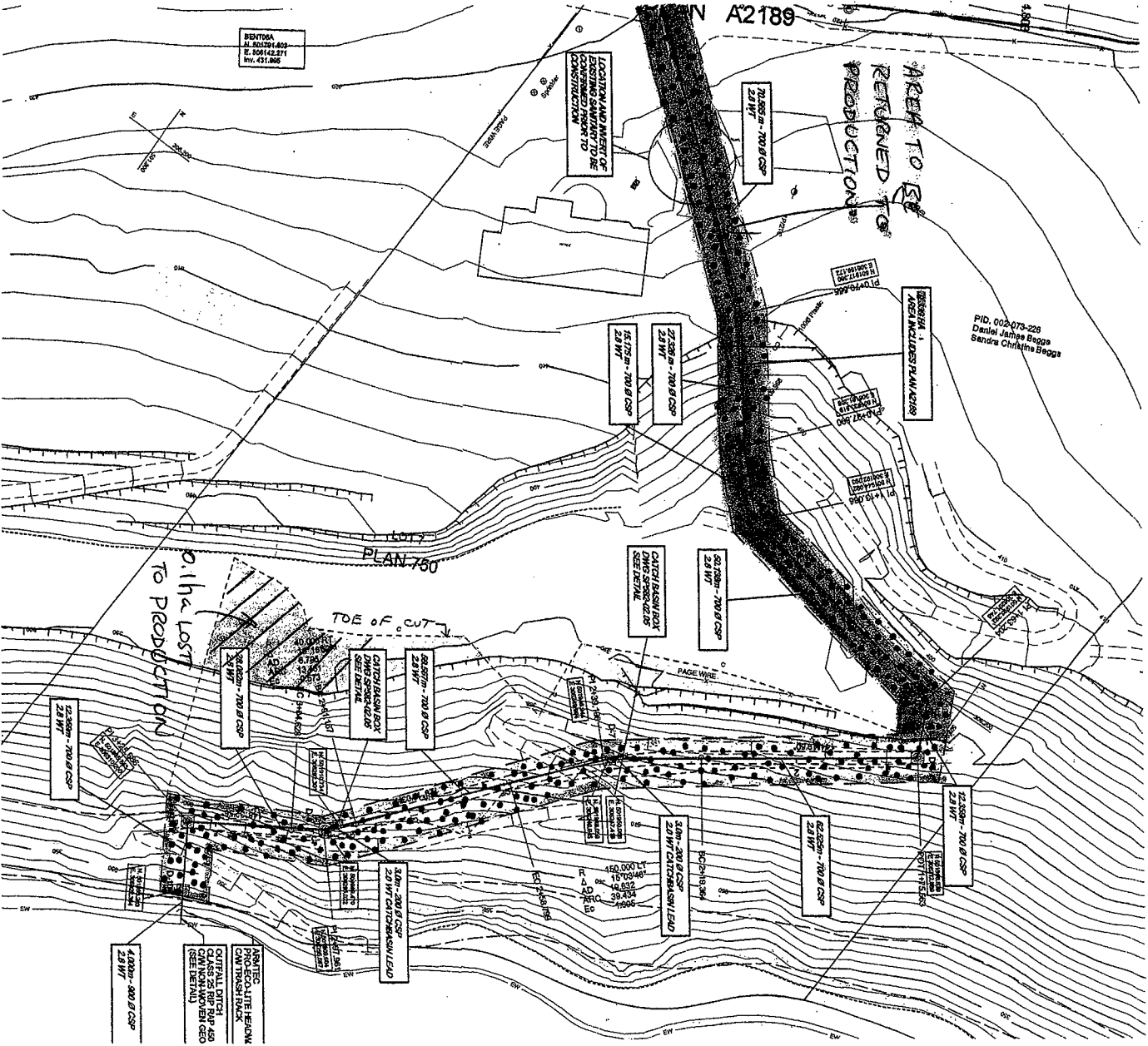
- the Statutory Right of Way being in substantial compliance with the plan submitted with the application.
- The portion of the 0.34 ha area disturbed for the installation of the underground outfall being rehabilitated to an agricultural standard.

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 # 190/2007

HIGHWAY 97



STATUTORY R/W (0.339 Ha)
 CHERRY ORCHARD (0.094 Ha)

ND

BENTON
 S. 803291-603
 E. 88412371
 PIV. 431.806

LOCATION AND AMOUNT OF
 EXISTING SAWMILL TO BE
 CONSIDERED SUBJECT TO
 CONSTRUCTION

AREA TO BE
 RETURNED TO
 PRODUCTIONS

PID. 002-075-228
 Daniel Johny Beggs
 Sandra Christina Beggs

SECTION 1
 A851 MCLURES PLANKERS

27.95m - 70.0 / CSP
 2.8 WT

27.25m - 70.0 / CSP
 2.8 WT
 25.75m - 70.0 / CSP
 2.8 WT

50.75m - 70.0 / CSP
 2.8 WT
 CATERPILLAR
 DMS SP300-42IS
 SEE DETAIL

Ditch Lost
 To Production

TOE OF CUT

27.95m - 70.0 / CSP
 2.8 WT

27.95m - 70.0 / CSP
 2.8 WT
 CATERPILLAR
 DMS SP300-42IS
 SEE DETAIL

27.95m - 70.0 / CSP
 2.8 WT

3.0m - 20.0 / CSP
 3.0m - 20.0 / CSP
 3.0m - 20.0 / CSP
 2.8 WT

27.95m - 70.0 / CSP
 2.8 WT

27.95m - 70.0 / CSP
 2.8 WT

4.00m - 80.0 / CSP
 2.8 WT

INSTALLING
 PRO-CO-LITE HEADS
 ON TRENCH BACK

INSTALL DITCH
 CLASS 25 RIP RAY 450
 (SEE DETAIL)

3.0m - 20.0 / CSP
 3.0m - 20.0 / CSP
 2.8 WT

OKANAGAN
 LAKE

SCALE	DATE	REVISIONS	DESIGNED BY	DRAWN BY	CHECKED BY	DATE
 Province of British Columbia MINISTRY OF TRANSPORTATION SOUTHERN INTERIOR REGION			 CH2MHILL			

Provincial Agricultural Land Commission
Application #V-37276
Resolution #190/2007

0.34 ha area approved for Statutory
 Right of Way in the ALR





Staff Report
Application # V – 37276
Applicant: Ministry of Transportation & Highways
Agent: Martin Van Hoof
Location: Summerland

DATE RECEIVED: March 7, 2007

DATE PREPARED: April 24, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To dedicate a 0.34 ha area as a Statutory Right of Way (SRW) for an enclosed drainage outfall to Okanagan Lake that is associated with the redesign and upgrade to a 4-lane design of Highway 97. In addition, a 0.28 ha area will be impacted by construction of the outfall (0.1 ha of which is currently a cherry orchard).

The route of the proposed pipe has been designed in consultation with the affected landowner so as to minimize the impact on his agricultural business activities. Affected areas will be restored after placement of pipe and will remain available for use by the landowner. However, the 0.1 ha area will no longer be suitable for cherry tree production after construction.

This application is made pursuant to Part 4 Section 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*).

BACKGROUND INFORMATION:

Local Government:

The Corporation of the District of Summerland

Legal Description of Property:

PID: 002-073-226
Lot 7, District Lot 2562, ODYD, Plan 750, EXCEPT Plans B3577 and H578

Location of Property:

22402 Highway 97, Summerland

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Cherry orchard on portions of property and landowner's residence

Surrounding Land Uses:

WEST: Highway 97, non ALR hillside beyond
SOUTH: 2 ha farm property in the ALR
EAST: Okanagan Lake
NORTH: 2 ha farm property in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.062
The majority of the property is identified as having secondary ratings.

Official Community Plan and Zoning Designation:

Not provided. However, typically utility works are permitted in all zones.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The District of Summerland supports the proposal because it supports the widening of Highway #97 for safety reasons.

STAFF COMMENTS:

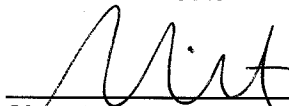
Staff suggests the Commission consider the following:

- The impacts on agriculture are minimal as most of the drainage outfall will be covered and therefore available to agriculture.
- The project aims to address regional concerns over safety.
- The proposal represents a permanent loss of 0.1 ha from agricultural production.

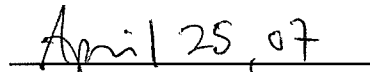
ATTACHMENTS:

- ALR maps – 1:50,000 and 1:10,000
- Detailed sketch map showing ROW (blue) and area of lost production (orange)
- Air photo showing main part of 0.1 ha area lost to production
- Photo showing area of impact

END OF REPORT



Signature



Date