



**Agricultural Land Commission**  
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November 30, 2007

Reply to the attention of Brandy Ridout  
ALC File: G-37694

Ryan Smith  
City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y1J4

Dear Mr. Smith:

**Re: Application for non-farm use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 583/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: City of Kelowna (0912-20-234-003)

Enclosure: Minutes/Sketch Plan

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on November 9, 2007 at the Ministry of Agriculture and Lands offices located at 4607 - 23rd St, Vernon, BC.

**PRESENT:**

Sue Irvine	Chair, Okanagan Panel
Sid Sidhu	Commissioner
Roger Mayer	Commissioner
Brandy Ridout	Staff
Martin Collins	Staff

### For Consideration

Application: # G- 37694  
Applicant: City of Kelowna  
Proposal: To install an underground sanitary sewer pipe through the southwest corner of the property. The pipe would be 125 metres long and lie within a 3 metre statutory right-of-way. This would impact a 375 square metre area. A 6 metre wide working easement is also being proposed to be used as a temporary working area.  
Legal: PID: 012-403-750  
Lot 11, District Lot 147, Osoyoos Division Yale District, Plan 415, EXCEPT Plans KAP77153 and KAP83366  
Location: Between Burtch Road and Munson Road, Kelowna

### Site Inspection

A site inspection was not conducted. Air photos were analyzed and the Commission recalled that it had recently visited the property to the south for another application.

### 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 Commission noted that the area proposed for installation of an underground pipe had both agricultural capability (predominantly Class 2) and suitability. However, the Commission also noted that the 0.04 ha area is currently not under cultivation and will be fully restored after the pipe has been installed. In addition, although the Burtch Road extension has not yet been constructed, once it is built, it will alienate the triangle of land on which the sewer will be located from the remainder of the property.

As such, the Commission believed that the proposal would have a minimal impact on agriculture.

**IT WAS**

**MOVED BY:** Commissioner Sidhu

**SECONDED BY:** Commissioner Irvine

THAT the application to install an underground sanitary sewer pipe through the southwest corner of the property be approved.

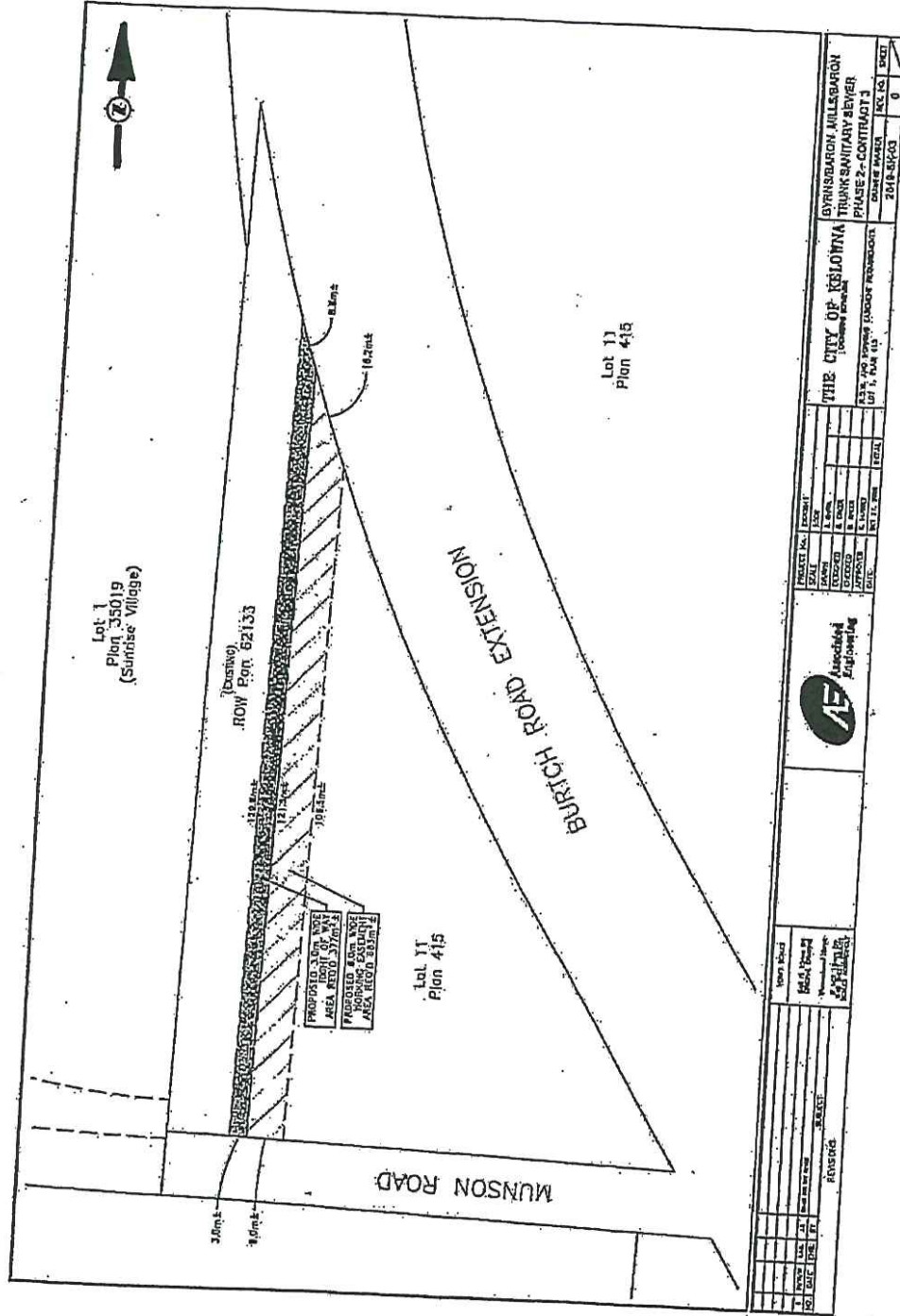
AND THAT the approval is subject to the following conditions:

- The project be in substantial compliance with the plan submitted with the application.
- The complete restoration of the affected area to an agricultural standard.
- The project must be completed within 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 # 583/2007**



Provincial Agricultural Land Commission  
 Application #G-37694  
 Resolution #583/2007

 Approximately 0.04 ha area approved for utility in the ALR