



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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November 5, 2009

Reply to the attention of Brandy Ridout  
ALC File: 50767

Christina Gutierrez  
BC Hydro & Power Authority  
12th Floor - 333 Dunsmuir Street  
Vancouver, BC V6B 5R3

Dear Ms. Gutierrez:

**Re: Application for Utility Use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #1267/2009 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

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

Enclosure: Minutes/Sketch Plan

cc: Regional District of Central Okanagan, 1450 KLO Road, Kelowna, BC, V1W 3Z4 (304-1602.0(X402) - BC Hydro)

BR/  
50767d1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

**Minutes of a decision of the Chief Executive Officer on behalf of the Provincial Agricultural Land Commission (the "Commission") on November 5, 2009 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.**

### FOR CONSIDERATION

**Application: 50767**

Submitted pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation)

**Applicant:** BC Hydro & Power Authority

**Agent:** Christina Gutierrez

**Proposal:** To dedicate a Crown Statutory Right of Way over an approximately 1.6 ha area for an existing electric distribution line. The line crosses District 2174, which is in the ALR. The rest of the line is outside the ALR.

**Property Description:** District Lot 2174, Osoyoos Division Yale District

**Property Location:** Blue Grouse Mountain, West Kelowna

**Background:** The proposal includes no new works - the existing electrical distribution works were built in the 1970's and have been in continuous use on the land since that time.

The power line was protected by Special Use Permit No. S03101 issued by Ministry of Forests in 1978. When the Special Use Permit came up for renewal in December 2008, the applicants were advised that the Ministry of Forests no longer issue tenures for this type of use and that tenure must be secured from the Provincial Crown. On September 11, 2009, the applicants received an offer of tenure from the Integrated Land Management Bureau. One of the conditions of the offer was approval from the Agricultural Land Commission for utility use through that portion of District Lot 2174 that is in the ALR.

The powerline provides services for existing utility and communications facilities located on Blue Grouse Mountain (i.e. radio and television receiving/broadcasting) and to the Wilson's Landing community.

**Attachment:** 1:20,000 ALR map  
1:20,000 Orthophoto map

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

On September 11, 2009 the Commission delegated decision-making to the CEO by Resolution #003N-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 6**

Subdivision applications that involve the dedication of a statutory right of way for existing electrical transmission infrastructure and oil and gas pipelines where the landowner(s) have no objection to the proposal.

**DECISION:**

After reviewing the entire file material, I, Erik Karlsen, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 6 of Resolution #003N/2009 and approve the application on behalf of the Commission.

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 # 1267/2009**

**I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION**

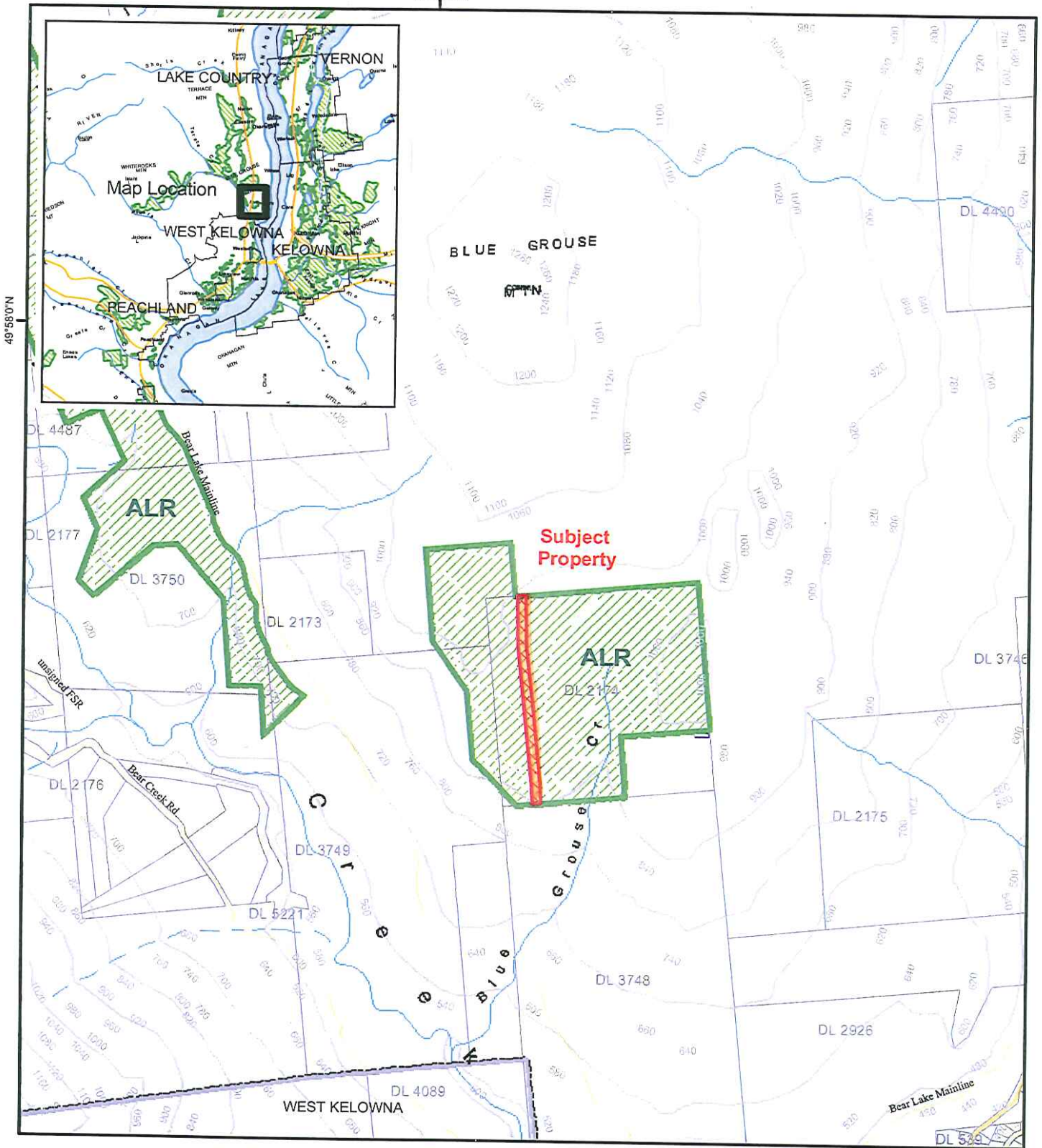


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**Erik Karlsen, Chief Executive Officer**



119°32'0"W



49°58'0"N



ALC Conte

Map Scale:



Meters

**Provincial Agricultural Land Commission  
 Application #50767  
 Resolution #1267/2009**



**Approximately 1.6 ha area approved for  
 utility use in the ALR**