



## Agricultural Land Commission Staff Report

**DATE:** November 18, 2009  
**TO:** Vice Chair and Commissioners - Okanagan Panel  
**FROM:** Brandy Ridout

**RE:** Application # 50620  
**PROPOSAL:** To realign Highway 97 through Lake Country. The proposal affects 7 properties in the ALR for a total of 10.4 ha.

### PROPOSAL INFORMATION

**Background:** Alternate routes for the realignment were considered.  
**Received Date:** August 17, 2009  
**Applicant:** Ministry of Transportation and Infrastructure  
**Agent:** N/A  
**Local Government:** District of Lake Country

### DESCRIPTION OF LAND

**PID:** 008-924-457  
**Legal Description:** Lot 8 Sections 11 and 14 Township 14 Osoyoos Division Yale District Plan 720 Except Plan 39753 and H823  
**Civic Address:** Owls Nest Road, Kelowna  
**Area:** 5.3 ha  
**ALR Area:** .1 ha  
**Purchase Date:** September 28, 2001  
**Owner:** Paul & Paul Scott Ivans

**PID:** 001-643-797  
**Legal Description:** Lot 1, Section 11, Township 14, Osoyoos Division of Yale District, Plan 720 Except Plan 39746  
**Civic Address:** 16350 Highway 97 N, Kelowna  
**Area:** 10 ha  
**ALR Area:** 3.3 ha  
**Purchase Date:** October 17, 2005  
**Owner:** Ronald & Amy Harmel

**PID:** 013-537-784  
**Legal Description:** The North West 1/4 of Section 22 Township 20 Osoyoos Division Yale District Except Plans 4291, 4407, 15018, B6150 and A955X

**Civic Address:** 12151 Ocoola Road, Kelowna

**Area:** 23 ha

**ALR Area:** 3 ha

**Purchase Date:** May 29, 2007

**Owner:**

**PID:** 013-552-554

**Legal Description:** The East 1/2 of the West 1/2 of the North West 1/4 Section 11 Township 14 Osoyoos Division Yale District, Except Part on Plan 10921

**Civic Address:** Old Mission Road, Kelowna

**Area:** 5 ha

**ALR Area:** .7 ha

**Purchase Date:** April 19, 1996

**Owner:** 515286 British Columbia Ltd.

**PID:** 012-111-643

**Legal Description:** Lot 2, Section 11 and 14, Township 14, Osoyoos Division of Yale District, Plan 720, EXCEPT Plans H823 and 39753

**Civic Address:** 16650 Gatzke Road, Kelowna

**Area:** 10 ha

**ALR Area:** 2.7 ha

**Purchase Date:** January 25, 2008

**Owner:** New Dawn Services

**PID:** 012-111-830

**Legal Description:** Lot 12 Section 14 Township 14 Osoyoos Division Yale District Plan 720 EXCEPT (1) Part on Plan Attached to DD 2081F (2) Plan 19539 (3) Plan 39753

**Civic Address:** Evans Road, Kelowna

**Area:** 1.5 ha

**ALR Area:** .3 ha

**Purchase Date:** July 3, 1973

**Owner:** The Owners, Strata Plan No. K1

**PID:** 009-533-931

**Legal Description:** Lot 1 Section 11 Township 14 Osoyoos Division Yale District Plan 10921 Except Plan 39746

**Civic Address:** 16040 Old Mission Road, Kelowna

**Area:** 15 ha

**ALR Area:** .4 ha

**Purchase Date:** January 16, 1997

**Owner:** Bruno & Alfred Witzke

**Total Land Area:** 69.8 ha  
**Total ALR Area:** 10.5 ha  
**Current Land Use:** North to south  
 PID: 012-111-830 - cleared land, 0.3 ha affected  
 PID: 008-924-457 - orchard, 0.2 ha affected  
 PID: 012-111-643 - not cultivated, 2.7 ha affected  
 PID: 001-643-797 – orchard, 3.3 ha affected  
 PID: 013-552-554 - gravel pit, 0.7 ha affected  
 PID: 009-533-931 - orchard/gravel pit, 0.4 ha affected  
 PID: 013-537-784 - orchard/cleared/treed, 3 ha affected

## PROPOSAL DETAILS

### Non Farm Use

Area	Agricultural Capability	Agricultural Capability Source
10.4	Mixed Prime and Secondary	BCLI

### Surrounding Land Uses:

North	ALR and non-ALR
East	Kalamalka Lake, Highway 97, Wood Lake
South	ALR
West	Non-ALR hillside, ALR

### Official Community Plan

**Bylaw Name:** Lake Country OCP Bylaw No. 391 (2001)  
**Designation:** Agricultural  
**OCP Compliance:** Yes

### Zoning

**Zoning Bylaw Name:** Lake Country Zoning Bylaw No. 561 (2007)  
**Zoning Designation:** A1 - Agriculture  
**Minimum Lot Size:** 3.8 ha  
**Zoning Compliance:** Yes

## STAFF COMMENTS

- Notices of intent (NOI) were previously submitted for two of the properties under current application (Lot 1 and 2, Plan 720). For Lot 1, the 45 day requirement for the CEO to respond was exceeded and the owner was notified that they could engage in the intended use without conditions imposed by the CEO and without application to the Commission (gravel extraction is currently taking place). The applicant for Lot 2 was requested to submit an application.
- The portion of the NW ¼, Section 22, Township 20, ODYD proposed for the highway alignment was included into the ALR in a block inclusion/exclusion application in 1982 (southernmost property on this application).
- Ministry of Transportation indicates that the project team looked at minimizing the impacts of the road

alignment on agricultural properties. With regard to the southern tie-in options, the “Oceola” option was discarded largely in part to the severe impacts it would have in bisecting property Remnant ¼ Section 22 of Township 20, which is in the ALR. With regard to the northern tie-in options, the “Short Highline A” option was also discarded in part to its large impacts to the ALR. The current design was able to keep ALR impacts to a minimum, staying west of the ALR boundary and only impacting the ALR at the tie-in point with the existing highway.

- The option of expanding the existing Lakeshore alignment was discarded due to environmental, local community and construction feasibility issues.

- The project team provided and received information throughout the project lifecycle through a Community Liaison Committee, on which Roger Bailey and Alan Gatzke both participated to provide a local agricultural perspective on concerns and impacts.

## **ATTACHMENTS**

Context Map 1-10,000.pdf

Context Map.pdf

proposal.pdf

design background.pdf

alternate routes.pdf

## **END OF REPORT**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**