



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

December 10, 2009

Reply to the attention of Brandy Ridout
ALC File: 50969

Fred Schaad
City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Dear Mr. Schaad:

Re: Application for Transportation and Utility Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #1669/2009 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify the landowners accordingly.

As indicated in your letter, the area that will be disturbed by the installation of the new pipe will be restored to a farmable condition. As a condition of approval, the Commission requires that the land be returned to an agricultural standard that is the same or better than existed before installation. All soil excavated during pipe installation must be offered to the landowners for use on their own properties and must not be removed from the properties unless it would be deleterious to the agricultural use of the property to leave it onsite.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

BR/
50969d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a decision of the Chief Executive Officer on behalf of the Provincial Agricultural Land Commission (the "Commission") on December 9, 2009 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application: 50969

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

Applicant: City of Kelowna (Fred Schaad, Utility Technologist)

Proposal: To dedicate a statutory right of way (SRW) over a portion of four properties to realign a storm water drainage pipe and dedicate the area required for the realignment of Rutland Road N on two of the subject properties. The drainage pipe currently runs diagonally across the properties (under an existing home at 1779 Rutland Road and a carport at 1844 Rutland Road) and will be replaced with a pipe that runs along the boundaries of the properties. The existing pipe is significantly under capacity and has deteriorated to the point that it is marginally functional. The new SRW will be 0.5 ha and the discharged SRW is 0.3 ha so the new area required is 0.2 ha.

Property

Descriptions:

1. PID: 002-787-695, That Part of Lot 25 Shown on Plan B510 Section 35 Township 26, ODYD, Plan 264 Except Plan H8110, 3649 Highway 97 N, Kelowna (area affected 0.1 ha)
2. PID: 002-787-733, That Part of Block 25 Shown on Plan B511 Section 35 Township 26, ODYD, Plan 264, Except Plan H18551, 1914 Rutland Road N, Kelowna (area affected 0.3 ha)
3. PID: 002-787-652, Block 24 Section 35 Township 26 ODYD Plan 264 Except Plan H18551, 1844 Rutland Road, Kelowna (area affected 0.1 ha)
4. PID: 016-200-004, Lot B Section 35 Township 26 ODYD Plan 43294, 245 Cornish Road, Kelowna (area affected 0.2 ha)

Background:

A SRW already exists on Lot B, Plan 43294 however it is only 3 metres wide. The proposal would widen the SRW to 7 metres.

The Commission has previously allowed the realignment of Rutland Road N under Resolution # 511/2005 (application #G-36165). This application proposes to dedicate the portion of Rutland Road that goes through two of the subject properties. The ALR area affected is 0.0668 ha (668 m²).

Attachments:

Provincial Orthophoto (1:5,000) & proposal sketches

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 specified the following applications for which the CEO may exercise decision-making:

Non-farm use applications made pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation);

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 #4 of Resolution #003N/2009 (described above) and approve the application on behalf of the Commission.

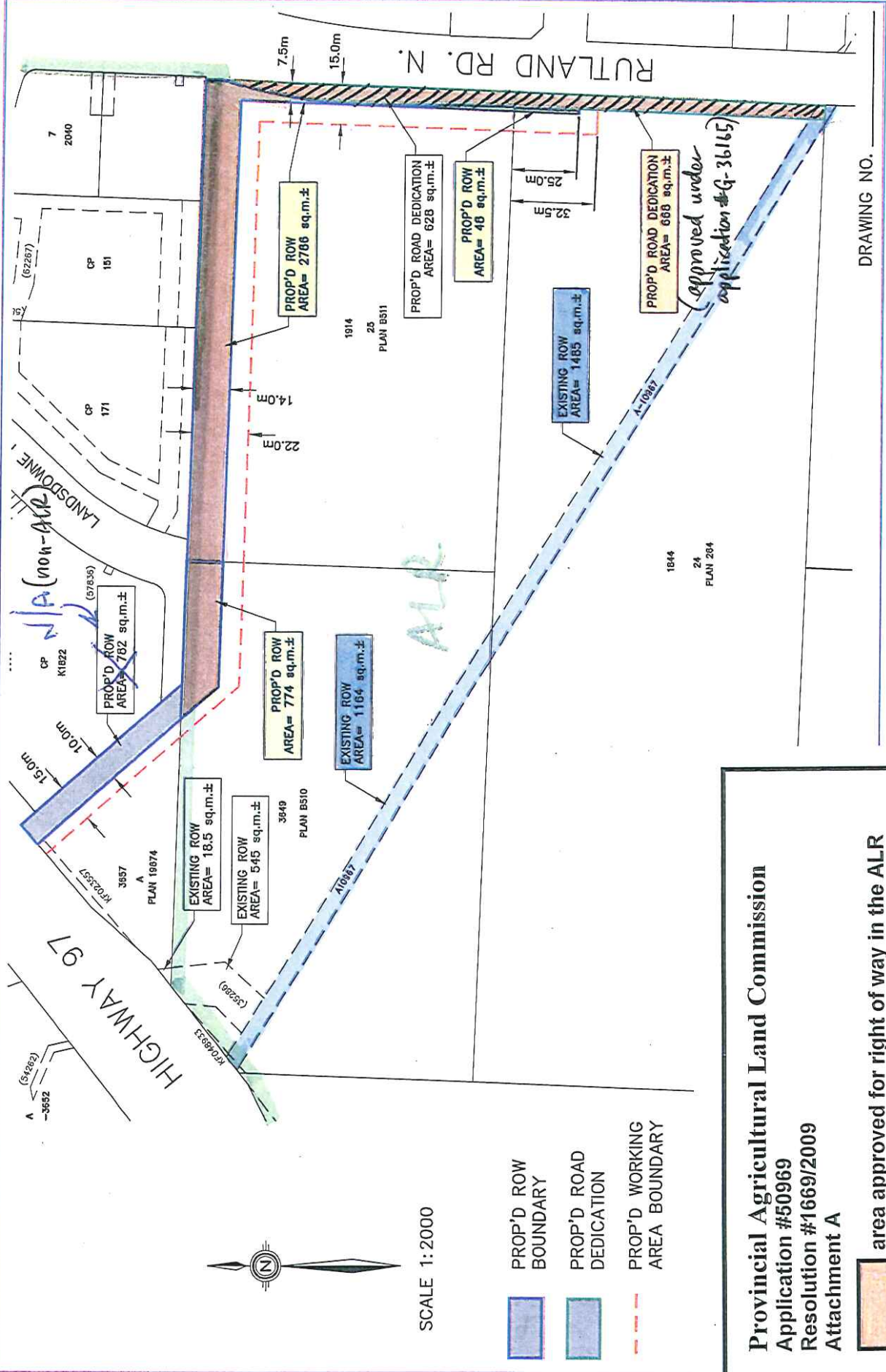
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

RESOLUTION # 1669/2009

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION



Erik Karlsen, Chief Executive Officer



SCALE 1:2000



- PROP'D ROW BOUNDARY
- PROP'D ROAD DEDICATION
- PROP'D WORKING AREA BOUNDARY

Provincial Agricultural Land Commission
 Application #50969
 Resolution #1669/2009
 Attachment A

- area approved for right of way in the ALR
- area approved for road dedication in the ALR

DRAWING NO.

END OF DOCUMENT

approved under application #G-36165

ALL

LANDSLIDE

N/A (now - G-36165)

HIGHWAY 97

RUTLAND RD. N.

7 2040

CP 151

CP 171

CP K1822

CP 3857

CP 3528

CP 3652

CP 3682

PLAN 19874

PLAN 19874

PLAN 19874

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PROP'D ROAD DEDICATION AREA= 688 sq.m.±

approved under application #G-36165

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PLAN 284

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PLAN 284

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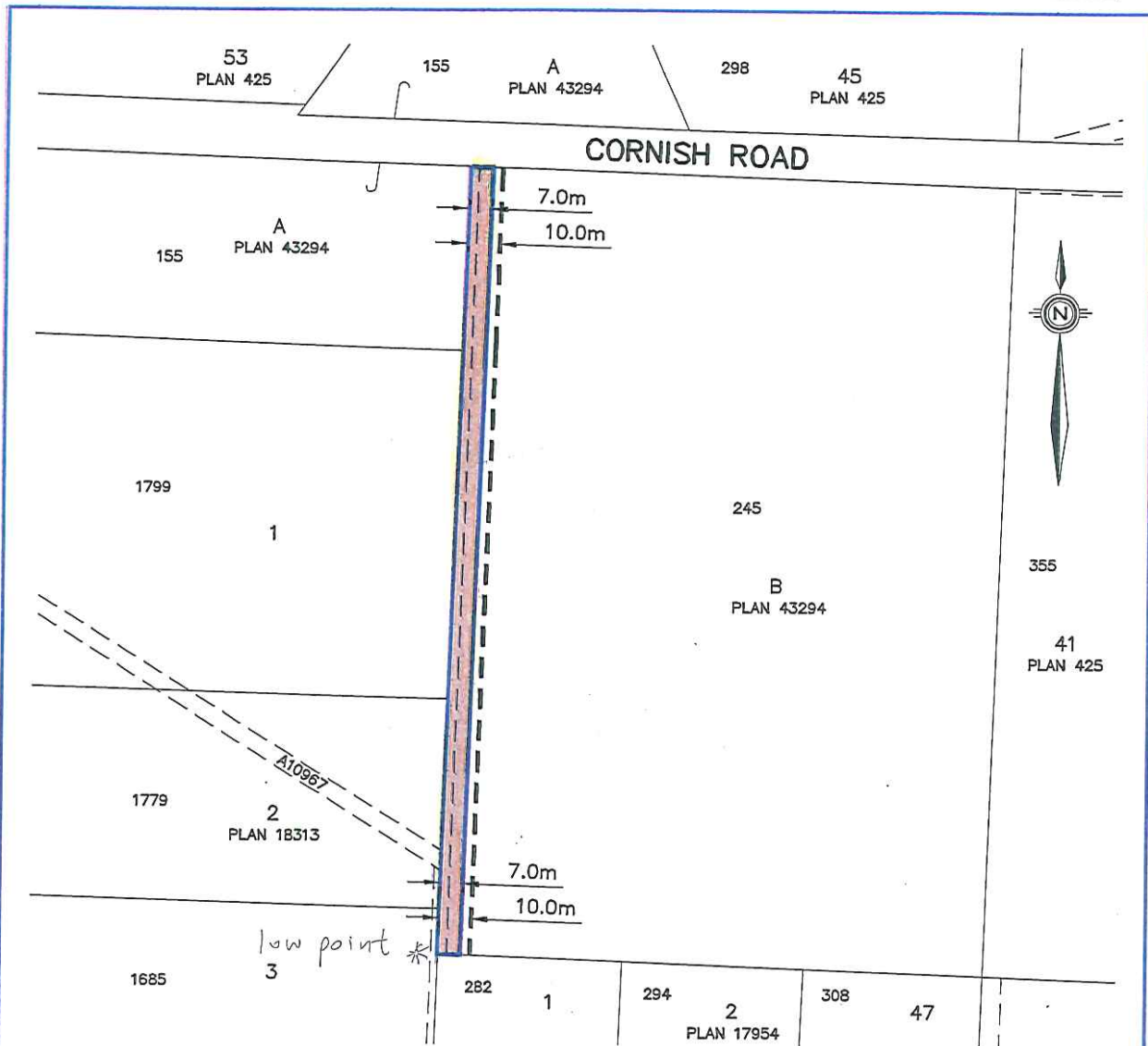
PLAN 284

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PLAN 284

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PLAN 284




OFFICE OF THE
PROVINCIAL AGRICULTURAL
LAND COMMISSION NOV 3 2009

SCALE: 1:2000

MAILING ADDRESS: 245 CORNISH ROAD

LEGAL DESCRIPTION: LOT NO. B PLAN NO. 43294
SEC. 35 TWP. 26

 PROP'D ROW BOUNDARY AREA= 1689sq.m.±

 PROP'D WORKING AREA BOUNDARY

DRAWING NO. _____

Provincial Agricultural Land Commission
Application #50969
Resolution #1669/2009
Attachment B

 area approved for right of way in the ALR