



Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on March 17, 2010.

FOR CONSIDERATION

Application: Road right of way expansion, submitted pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation)

Application: 51407
Applicant: Ministry of Transportation and Infrastructure
Agent: Dave Shibata
Proposal: To widen 2.5 km of Highway # 97 between Falkland and Westwold for passing lanes, requiring the acquisition of 3.7 ha of ALR. Nine privately owned parcels are affected as well as crown land. No cultivated land is affected.
Legal: PID's 010-277-005; 014-322-102; 014-322-099; 014-147-416; 014-147-297; 014-032-163; 008-231-966; 012-815-985; 012-816-302
Location: Between Falkland and Westwold
Attachment: 1:20,000 ALR map; 1:20,000 airphoto

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 4

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 and approve the application on behalf of the Commission.

Approval is subject to the following conditions:

- the widening is in substantial compliance with the plans submitted with the application,
- replacement of agricultural infrastructure such as fences, gates, and drainage to the same or better standard,
- retention of topsoil disturbed by construction for use on the adjoining farmland, and that
- weed control be practiced for five years on unused right of way disturbed by road construction.

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.



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000

RESOLUTION # 2262/2010

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

Erik Karlsen, Chief Executive Officer



March 29, 2010

Reply to the attention of Brandy Ridout
ALC File: 51407

Dave Shibata
Project Manager
Southern Interior Region
Ministry of Transportation and Infrastructure
#342-447 Columbia St.
Kamloops, B.C.
V2C 2T3

Dear Sir:

Re: Application for Road Right of way in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **2262/2010** and a sketch plan outlining the Commission's decision as it relates to the above noted application.

As proponent it is your responsibility to notify any affected landowner of the Commission's decision. A copy of the minutes must be provided to each landowner.

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 plans.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact any other authority that has jurisdiction.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of Columbia Shuswap
Thompson Nicola Regional District

SBR/51407d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Executive Committee of the Provincial Agricultural Land Commission on September 11, 2009 at Burnaby, BC.

COMMISSIONERS IN ATTENDANCE:

Lorne Seitz	Acting Chair
Roger Mayer	Vice Chair, Okanagan Panel
William Norton	Vice Chair, North Panel
Grant Huffman	Vice Chair, Interior Panel
Sylvia Pranger	Vice Chair, South Coast Panel
Barry Minor	Vice Chair, Kootenay Panel

COMMISSIONER NOT IN ATTENDANCE:

Erik Karlsen	Chair
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STAFF IN ATTENDANCE

Colin Fry	Executive Director
Brian Underhill	Executive Director

DISCUSSION ITEM

That consideration be given to delegate certain decision-making to the Chief Executive Officer (CEO) to provide timely responses to straightforward and uncomplicated applications.

RELEVANT LEGISLATION AND COMMISSION POLICY

Section 10(3) of the *Agricultural Land Commission Act*

10(3) The commission may delegate any of its functions to the executive committee and, when it performs those functions, the actions and decisions of the executive committee are the actions and decisions of the commission.

The ability to delegate decision-making to the CEO is found in section 27 of the *Agricultural Land Commission Act*.

Section 27 of the *Agricultural Land Commission Act*

27(1) The commission, by resolution, may establish criteria under which the following may be approved by the chief executive officer:

- (a) specified types of applications for exclusion, subdivision or non-farm use;
- (b) applications with respect to specified regions of British Columbia.

- (2) The commission must put the criteria established under subsection (1) in writing and make them available for inspection during ordinary business hours.
- (3) An application that meets the criteria established under subsection (1) may be approved by the chief executive officer on the terms that the chief executive officer may impose.
- (4) If the chief executive officer considers that the application does not meet the criteria specified under subsection (1) or for any other reason does not wish to approve the application under subsection (3), the application must be referred to the commission for a decision.
- (5) An approval of an application by the chief executive officer under subsection (3) is a decision of the commission for the purposes of this Act.
- (6) The chief executive officer may not exercise a power that has been delegated to a local government, a first nation government or an authority by an agreement entered into under section 26.

ALC Governance Policy

Appendix "A" (*Terms of Reference of the Full Commission*) – Section 2B

- 2B The commission, under subsection 10(3) of the *ALCA*, may delegate any of its functions to the executive committee.

The functions delegated to the executive committee are further described in the terms of reference for the executive committee and are delegated as per this Governance Policy. The resumption of any delegated powers by the commission requires an order of the commission.

ALC Governance Policy

Appendix "B" (*Terms of Reference of the Executive Committee*) – Section 2B

- 2B The executive committee is responsible for:
- a) identifying policy areas which should be addressed by management;
 - b) reviewing and approving management's policy priorities and actions to achieve the commission's strategic and policy direction;
 - c) approving operational policies and policy directives delegated by the commission;
 - d) recommending approval of policies, guidelines and regulatory or legislative initiatives to the full commission, where required.

PROPOSED CRITERIA FOR DELEGATION OF DECISION-MAKING TO THE CEO

It is suggested the Executive Committee give consideration to establishing criteria under which the following specified types of applications may be approved by the CEO.

1. New exclusion, subdivision, non-farm use and inclusion applications that fulfill a requirement of the Commission contained in a previous decision made by resolution;
2. New exclusion, subdivision, non-farm use and inclusion applications that are consistent with a specific planning decision of the Commission made by resolution (e.g.: Peace River- Fort St. John Comprehensive Development Plan);

(Clarification: This criterion for decision-making does not include general comments or endorsement of the Commission regarding Official Community Plans, Zoning Bylaws or their respective amendments.)

3. Non-farm use applications made necessary by minor deviations from the permitted uses identified in sections 2 and 3 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation);
4. Non-farm use applications made pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation);
5. Non-farm use applications that involve the replacement of existing electrical transmission infrastructure and oil and gas pipelines located within an existing statutory right of way;
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;
7. Subdivision applications for boundary adjustments that are consistent with the intent of section 10 BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation) but cannot be approved by the local approving officer due to the limitations on parcel size and on the number of parcels involved in the proposed boundary line adjustment;

(Clarification: This criterion for decision-making does not include permission for the CEO to consider boundary adjustment subdivisions of non-contiguous parcels.)

8. Requests for minor variations of conditions of approval imposed by the Commission by resolution in exclusion, subdivision, non-farm use and inclusion applications provided the minor variations are consistent with the intent of the Commission's original decision;
9. Non-farm use applications involving proposals to reconstruct an existing golf course within the same area footprint, to construct or reconstruct golf course buildings, structures and amenities within the footprint of the existing golf course. Delegation only applies to golf courses that were constructed prior to the introduction of the ALR, constructed as a permitted use in the ALR or were subsequently approved for non-farm use in the ALR;

10. Subdivision applications involving the disposition (sale) of Crown land where Crown parcels are divided by existing rights of way; and
11. Non-farm use applications for compressor stations for oil and gas development that exceed 450 m²; 5th or greater stand alone well sites (including associated roads, temporary camps, sumps, borrow pits etc) and well site applications where the area exceeds 7 ha. All other oil and gas-related applications such as processing facilities, drilling and production waste handling, produced water and gas handling; commercial waste handling and disposal facilities will continue to be referred directly to the panel for decision making.

IT WAS

MOVED BY: Grant Huffman

SECONDED BY: Sylvia Pranger

THAT the Executive Committee establish criterion 1 – 11 inclusive as the criteria under which the specified types of applications may be approved by the CEO;

AND THAT this decision does not compel the CEO to approve an application. If the CEO chooses to not approve an application, the application must be referred to the appropriate regional panel for a decision;

AND THAT the establishment of this criteria and decision-making by the CEO applies solely to Erik Karlsen during his appointment as CEO;

AND THAT at such time when Erik Karlsen's appointment as CEO lapses, or he vacates the position, this decision becomes null and void and any future establishment of criteria for a subsequent CEO must be made by a new resolution of the Executive Committee;

AND THAT as to the delegation criteria, where the Chair and the CEO positions are occupied by the same individual, the Chair must not participate in deciding an application if as CEO, he chose not to approve an application under the delegated authority specified herein;

AND THAT as to the delegation criteria, where the Chair and the CEO positions are occupied by the same individual, the CEO must not exercise decision-making authority specified herein if he, as CEO, has undertaken enforcement action involving a property that is the subject of an application and would otherwise meet the decision-making criteria;

AND THAT the CEO may exercise decision-making in accordance with the established criteria effective this date;

AND THAT the CEO is required to provide to the Executive Committee a semi-annual report regarding decisions made under the established criteria.

CARRIED

RESOLUTION #003N/2009