



Agricultural Land Commission
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April 7th, 2011

Reply to the attention of Martin Collins
ALC File: 52098

Andrew Bruce
Site 360 Consulting Inc.
540 Leon Ave.
Kelowna, B.C.
V1Y 6J6

Dear Sir:

Re: Application for a right of way in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #77/2011 and a sketch plan outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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 plan.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the City of Kelowna.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: City of Kelowna

MC/52098d1



A meeting was held by the Provincial Agricultural Land Commission on March 17, 2011 in Vernon, B.C.

PRESENT:	Richard Bullock	Chair
	Roger Mayer	Vice Chair, Okanagan Panel
	Jim Johnson	Commissioner
	Bert Miles	Commissioner
	Liz Sutton	Staff
	Martin Collins	Staff

For Consideration

Application: 52098
Applicant: Robert Johnson
Agent: Bruce Andrew
Proposal: Glenmore Ellison Improvement District (GEID) is requesting to use 0.35 ha of ALR for a Statutory Right of Way to accommodate structures necessary for treating, pumping and storage of water from the McKinley reservoir.
Legal: Lot A Sections 21 and 28 Township 23 Osoyoos Division Yale District Plan 5353 Except Plans B7114, 17921, 18046, 19773, 22105, 23083, 29083 and KAP78846
Location: 2702 Glenmore Road North

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

No site visit was undertaken.

The Commission noted (from the airphoto) that the 0.35 ha area is a non-arable narrow strip of land at the base of a hillside, and that it is adjacent to non ALR land proposed for water treatment facilities.

There are no anticipated impacts on agricultural potential or agricultural activity.

The proposed development offers water infrastructure benefits to both urban and rural landowners.

IT WAS

MOVED BY: Commissioner Bert Miles
SECONDED BY: Commissioner Jim Johnson

THAT the application for 0.35 ha for right of way for water treatment structures be allowed as proposed.

AND THAT the approval is subject to the following conditions:

- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 77/2011

