



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

February 3, 2011

Reply to the attention of Martin Collins
ALC File: 52116

Helen Evans
Ministry of Transportation and Infrastructure
#300 – 1358 St Paul St.
Kelowna, B.C.
V1Y 2E1

Dear Madam:

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

Please find attached the Minutes of Resolution #36/2011 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.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the local government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Martin Collins', written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: Regional District of Central Okanagan

MC/52048d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on February 2, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application: 52116 (Submitted pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation))

Application: 52116
Applicant: Ministry of Transportation and Infrastructure
Agent: Helen Evans
Proposal: To designate ~ 11 ha for road reserve and right of way in three separate locations; 0.3 ha, 2.7 ha and 7.9 ha. The purpose of the dedication is to construct a climbing lane, re-align a dangerous curve and provide access to an First Nations Reserve.
Legal: Lot 2, Plan 2008, Lot 9, Plan 32677, Lot 1, Plan 32677
Location: Highway #33 east of Kelowna
Background: MoTI is proposing these road reserves and right of way amendments to improve safety and access.
Attachment: Map showing location of the right of way designations.

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

On January 26, 2011 the Commission delegated decision-making to the CEO by Resolution #008N-2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following applications 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, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 4 of Resolution #008N/2011 and approve the application on behalf of the Commission. The decision is subject to the following conditions:

- Replacement of agricultural infrastructure, such as fencing and/or drainage systems, to the same or better standard upon completion of the project.
- Maintenance of temporary fences, farm accesses and other farm facilities during construction to minimize disruption to farm operations.

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.

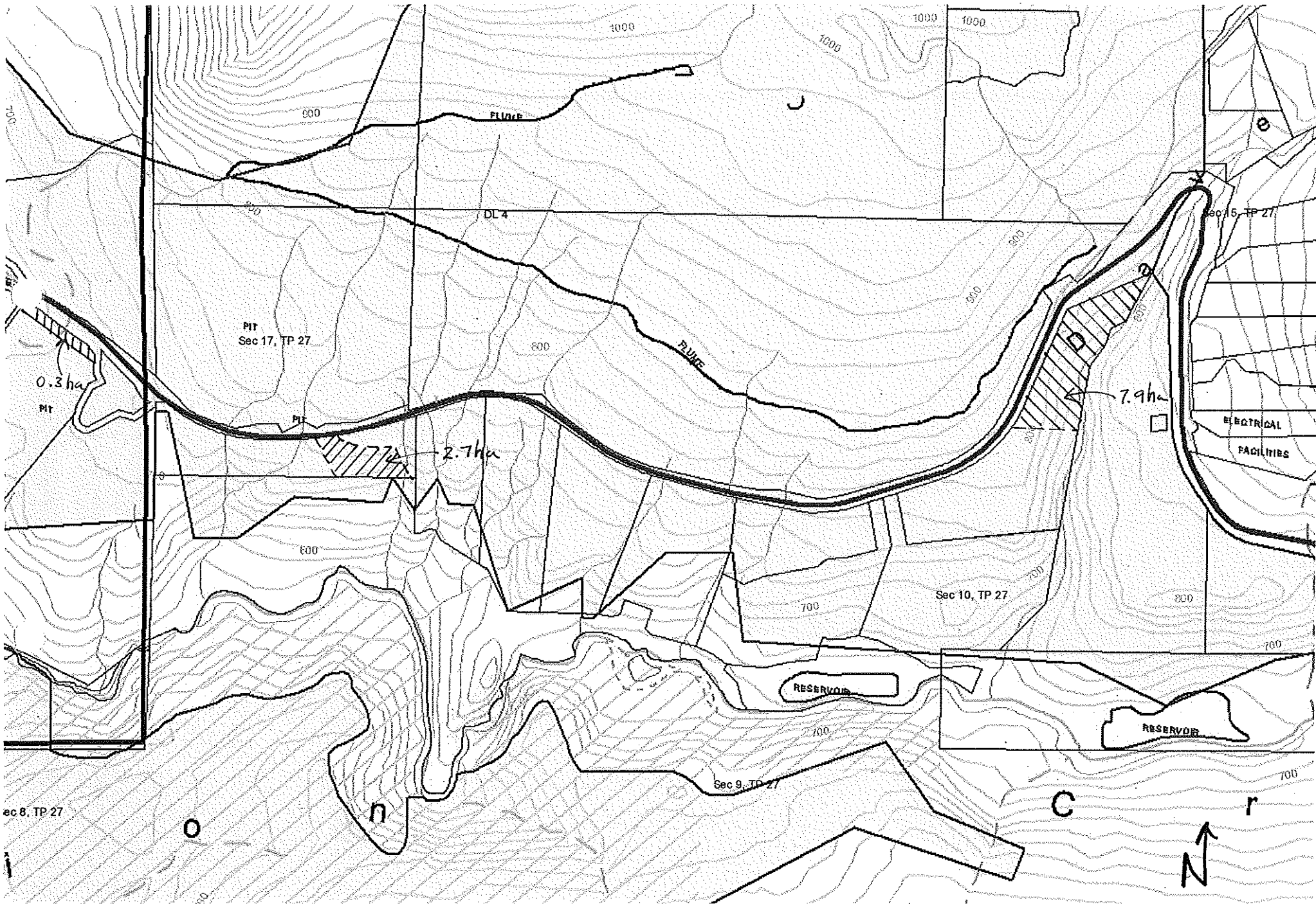
RESOLUTION # 36/2011

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION



Richard Bullock, Chief Executive Officer

//// - APPROVED RIGHT OF WAY



ALC APPLICATION # 52116 RES. # 36/2011 SKETCH PLAN