



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
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February 8, 2012

Reply to the attention of Ron Wallace
ALC File: 52574

Rob Kupchanko
Summit Environmental Consultants Inc.
Suite 200 – 2800 29th Street
Vernon, BC V1T 9P9

Dear Sir:

**Re: Application to ALC – Transportation, Utility or recreational Trail Use –
Highway 6 Realignment Project**

Please find attached the Minutes of Resolution #10/2012 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 clients accordingly.

Please send a draft plan of an amended realignment for the proposed intersection between Grey Road and Highway 6 that is consistent with its decision by the above resolution and as shown on the attached sketch plan for the Commission's review.

Upon final approval of the proposed highway 6 realignment project, the Commission will request that two (2) paper prints of the final plans are sent 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 right-of-way plans.

If you have any further questions please contact this office.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B. Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes / Sketch Plan

cc: District of Coldstream (Summit File # 2011-8087.000)



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

APPLICATION ID: #52574

PROPOSAL: The BC Ministry of Transportation (MOT) is proposing to complete a number of improvements on a 2.3 km section of Highway 6 that runs just west of Grey Road to lands slightly east of Ricardo Road in Coldstream, BC. The proposed improvements to the project section of Highway 6 are intended to allow vehicles to travel at a speed limit of 100 km/hour. As such, the project would include straightening and widening of the highway and the addition of turning lanes.

Summit Environmental Consulting Inc has been retained to complete an Agricultural Capability Assessment and Agricultural Impact Assessment of the proposed Highway 6 Realignment Route project. This report also provides Impact Mitigation Strategies and Design Recommendations.
(Application submitted pursuant to section 6 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*)

PROPERTY INFORMATION:

PROPERTY 1

Owner:	W. Forscutt & M. Forscutt
Date of Acquisition:	January 27, 2006
Parcel ID:	008-119-317
Title No.	LA12108
Legal Description:	Lot 151, Section 19, Township 6, Osoyoos Division Yale District, Plan 1217
Civic Address:	9401 Highway 6, Coldstream

Area in ALR: 0.194 ha
Current Land Use: Residential
Farm Classification: Yes No
(BC Assessment)

PROPERTY 2

Owner: Rodney C. Wills
Date of Acquisition: May 17, 1991
Parcel ID: 017-038-499
Title No. KE32137
Legal Description: Lot 1, Section 19, 20 and 30 Township 6 Osoyoos Division Yale District,
Plan KAP44400
Civic Address: 13518 Westkal Road, Coldstream
Area in ALR: 0.367 ha
Current Land Use: Residential
Farm Classification: Yes No
(BC Assessment)

PROPERTY 3

Owner: Rodney C. Wills
Date of Acquisition: May 17, 1991
Parcel ID: 017-038-529
Title No. KE32138
Legal Description: Lot 2, Sections 19, 20 and 30 Township 6 Osoyoos Division Yale District,
Plan KAP44400
Civic Address: 13518 Westkal Road, Coldstream
Area in ALR: 0.367 ha
Current Land Use: Residential
Farm Classification: Yes No
(BC Assessment)

PROPERTY 4

Owner: David J. McIntosh and Monika
Date of Acquisition: December 7, 2011
Parcel ID: 017-038-618
Title No. CA2297169
Legal Description: Lot 4, Sections 19, 20 and 30 Township 6 Osoyoos Division Yale District,
Plan KAP44400
Civic Address: 9901 Kalamalka Road, Coldstream
Area in ALR: 0.0131 ha
Current Land Use: Residential
Farm Classification: Yes No
(BC Assessment)

PROPERTY 5

Owner: Coldstream Ranch (2002) Ltd.
Date of Acquisition: May 8, 2007

Parcel ID: 011-232-463
Title No. LB48644
Legal Description: Parcel B of the NW ¼ of Section 19, Township 6 Osoyoos Division Yale District and District Lots 57 and 85 Osoyoos Division Yale District, Except Plan H199 and 25366
Area in ALR: 2.039 ha
Current Land Use: Residential and Farm
Farm Classification: Yes No
(BC Assessment)

PROPERTY 6

Owner: Coldstream Ranch (2002) Ltd.
Date of Acquisition: May 8, 2007
Parcel ID: 011-232-269
Title No. LB48643
Legal Description: Parcel A of district Lots 57, 79, 84 and 86 Osoyoos Division Yale District, Except Plans B5459 and A609
Area in ALR: 4.381 ha
Current Land Use: Residential, Light Industry and Farm
Farm Classification: Yes No
(BC Assessment)

PROPERTY 7

Owner: Coldstream Ranch (2002) Ltd.
Date of Acquisition: May 8, 2007
Parcel ID: 011-766-981
Title No. LB48665
Legal Description: That Part of District Lot 79 Shown on Plan B5459 Osoyoos Division Yale District
Area in ALR: 0.0288 ha
Current Land Use: Residential
Farm Classification: Yes No
(BC Assessment)

PROPERTY 8

Owner: Coldstream Ranch (2002) Ltd.
Date of Acquisition: March 21, 2006
Parcel ID: 004-199-871
Title No. LA25996
Legal Description: Lot A, District Lots 57, 76, 77, 78, 79, 80, 81, 82 and 83 and of Section 17, Township 6 Osoyoos Division Yale District, Plan 29697 Except Plans 30230, H17940, KAP51632, KAP69492 and KAP80441
Area in ALR: 1.06 ha
Current Land Use: Residential and Farm
Farm Classification: Yes No
(BC Assessment)

PROPERTY 9

Owner: District of Coldstream
Date of Acquisition: March 14, 1991
Parcel ID: 017-038-570
Title No.: KE15709
Legal Description: Lot 3, Sections 19, 20 and 30, Township 6, Osoyoos Division Yale District, Plan KAP44400
Area in ALR: 0.734 ha
Current Land Use: Business and Other
Farm Classification: Yes No
(BC Assessment)

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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.

Background and Discussion

In its review of this application the Commission noted its history in that the Ministry of Transportation has been planning for many years to widen Highway 6 to four lanes in phases east from Vernon through the District of Coldstream. The first phase was allowed by the Commission in 1978 subject to resolution of fencing and drainage concerns. That phase ended at the Aberdeen Road intersection.

In 1992, the Ministry proposed the second phase, from just east of Aberdeen Road to just east of Ricardo Road, running almost entirely through Coldstream Ranch. This phase involves relocation of the highway to avoid an unsafe railway crossing and relocation of Kalamalka Lake Road to join the highway at the Ricardo Road intersection.

The Commission had reviewed this alignment on-site on several occasions and in December 1995, by Resolution #1067/95, agreed to allow the alignment under application subject to confirmation that Coldstream Ranch obtained the mitigating measures necessary for effective Ranch operation.

More recently the Ministry has been consulting with Coldstream Ranch and others impacted by the project in developing the current proposed Highway 6 Realignment Route which consists of approximately 2.3 km of two-lane rural arterial highway with upgrading and intersections at Grey, Kalamalka and Ricardo Roads. As a requirement of the above resolution a cattle underpass would be located just east of the Kalamalka – Grey Road intersection.

The Commission generally believes the proposed Highway 6 upgrade to be consistent with its previous decision(s) except for the proposed Grey Road intersection component of the re-

alignment. The Commission requires that less farmland (land within the ALR) is impacted by this section of the re-alignment and would be prepared to support an intersection between Grey Road and Highway 6 that is close to where it is currently located.

The Commission also requires that the existing gas line ROW be relocated to within the proposed highway 6 ROW to enable more land to be available for agricultural purposes.

While the Commission is in support of the proposed highway realignment, it would not support any future subdivision of the subject ALR land south of the proposed highway ROW.

IT WAS

MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Thibeault

THAT the application for the proposed Highway 6 Realignment Route be refused on the grounds that the Commission did not support the proposed Grey Road intersection component of the re-alignment.

However, the Commission would be prepared to support the proposed Highway 6 Realignment Route subject to the following conditions:

- That the new intersection of Grey Road and Highway 6 be close to where it is currently located.
- That the existing gas line ROW be relocated within the proposed highway 6 ROW to enable more land to be available for agricultural purposes.
- That there be no future subdivision of the subject ALR land south of the proposed highway ROW.
- That the recommendations as outlined in Section 7 of the *Summit – Final Report* dated December 2011 – Project: 2011-8087.000 be followed to help mitigate the impacts of this project on agriculture.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

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.

CARRIED

Resolution # 10/2012



Provincial Agricultural Land Commission
Application #52574
Resolution #10/2012



Approved intersection between Grey road and
Highway 6