



Agricultural Land Commission
133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
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July 6th, 2012

Reply to the attention of Martin Collins
ALC File: 52654

Sharon Boyles
District of West Kelowna
2760 Cameron Road
West Kelowna, BC
V1Z 2T6

Dear Sir/Madam:

Re: Application for a Sewer line in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #236/2012 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 the landowners accordingly.

Please send two (2) paper prints of the final right of way 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 27th, 2012 at the Ministry of Agriculture offices in Kelowna, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
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APPLICATION: # 52654

PROPOSAL: To dedication and install a sewer line right of way 4.5 meters wide and 186 meters long along the south boundary of Lot B, Plan 81953 (4.4 ha) and a right of way 4.5 meters wide and 47.5 meters long along the south boundary of Lot A Plan 81953 (0.4 ha). A 200 mm sewer pipe would be installed within the right of way.

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

COMMISSION CONSIDERATION:

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

After review of all file information presented, the Commission has concluded as follows:

1. The proposal will not adversely impact existing or potential agricultural use of the subject property or surrounding lands because after construction the land in the right of way could be planted for annual ground or pasture crops. In addition, the location of the right of way on the property boundary means that should tree fruits or vines be planted that are not parallel to the property boundary that the right of way area would be used for row access or turn arounds.
2. The adjoining residential subdivision to the south does not impair the parcel from being used for agriculture because the property is bounded on three sides by ALR properties;

3. The parcel has good agricultural capability as indicated by a BCLI rating of Class 2 and 3, and is therefore suitable for agriculture. The land also has a long history of agricultural uses, although it is not used for agriculture at this time;
4. The proposal will not affect agricultural land currently utilized for farm production. In fact, the location of the sewer right of way on the south side of the property is to be the location of the residence (as yet unconstructed) as per the Commission's previous resolution (and registered covenant);
5. The proposal may raise expectations for further residential development into the ALR.

IT WAS

MOVED BY: Commissioner B. Miles

SECONDED BY: Commissioner J. Johnson

THAT the application be allowed as proposed.

AND THAT the approval is subject to the following conditions:

- The topsoil layer of the right of way is to be excavated separately from the subsoil, and replaced so that the existing soil horizons are preserved. A professional agrologist report must be submitted confirming reclamation of the right of way to an agricultural standard. The report must contain photographs of pre and post excavation conditions, and confirm that the land has been reclaimed to the same or better agricultural standard.
- Weed control must be practiced throughout the project and addressed in the agrologist report.
- the sewer line must be completed within three (3) years from the date of this decision.

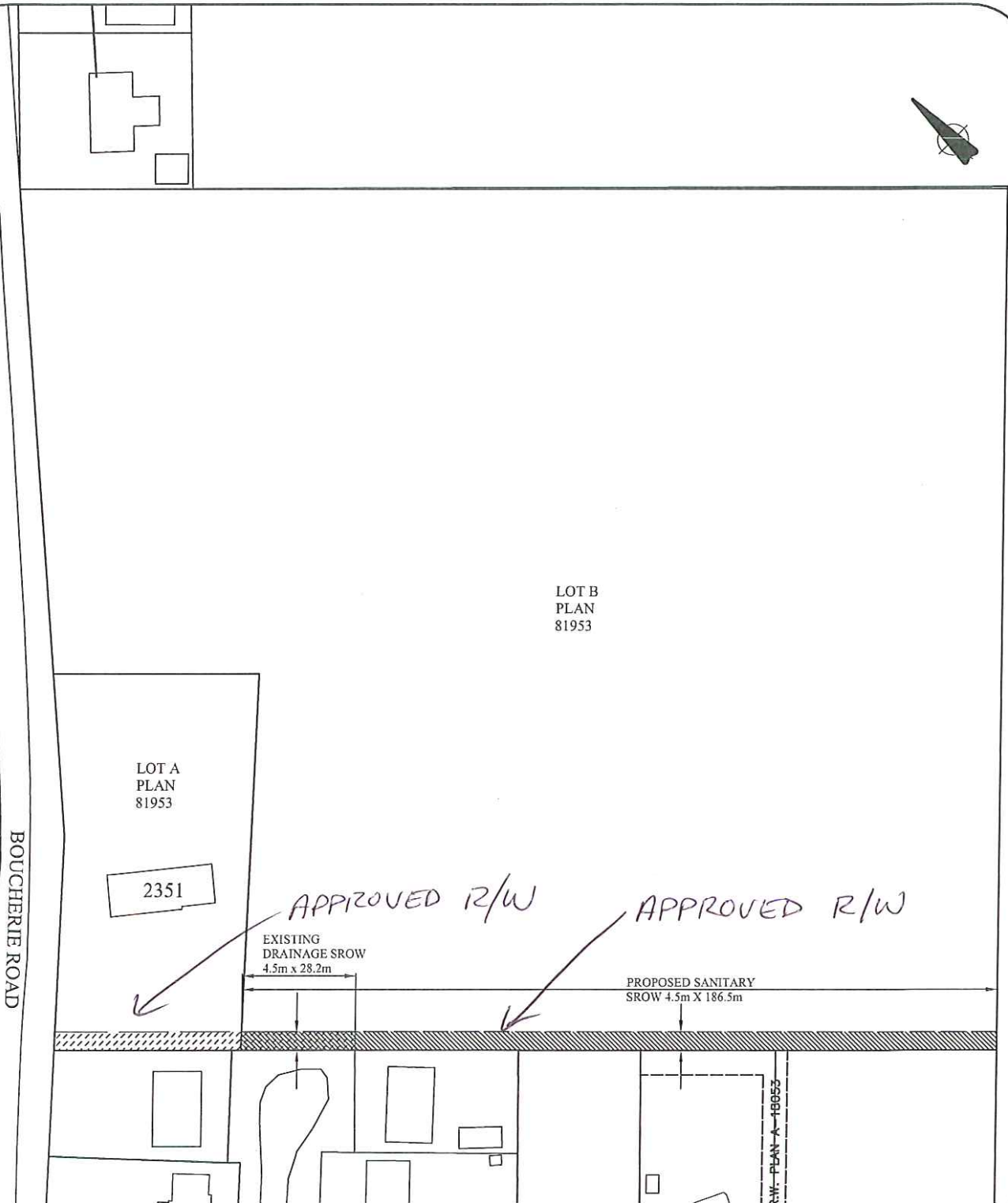
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 236/2012



BOUC



LOT B
PLAN
81953

LOT A
PLAN
81953

2351

APPROVED R/W

APPROVED R/W

EXISTING
DRAINAGE SROW
4.5m x 28.2m

PROPOSED SANITARY
SROW 4.5m X 186.5m

BOUCHERIE ROAD

S.W. PLAN A-18053

PROJECT No. 20112753

SCALE: NTS

LAKEVIEW HEIGHTS SEWER - STATUTORY RIGHT OF WAY



LEGAL DESCRIPTION: LOT B PLAN 81953
 MUNICIPAL ADDRESS: BOUCHERIE ROAD
 OWNER: UNITED PROPERTIES INC.

RECEIVED
 PROV. AGRICULTURAL MAR - 7 2012
 LAND COMMISSION

ALC APPLICATION 52654 RESOLUTION #236/2012