



# Provincial Agricultural Land Commission - Staff Report

## Application: 52885

**Applicant:** Ministry of Transportation & Infrastructure  
**Agent:** Ministry of Transportation & Infrastructure  
**Local Government:** Okanagan-Similkameen EA

**Proposal:** Transportation, Utility Corridor Use - Passing Lanes on 1.5 km section of Hwy 97, between the towns of Oliver and Okanagan Falls, north of Gallagher Lake

### BACKGROUND INFORMATION

The project entails widening of the existing 2 lane highway to provide both north and south passing lanes, including a 2.6 m paved center median, 2.0 m wide shoulders, rumble strips and roadside barrier as required. The northerly approximately 1 km section of the project lies within the ALR.

An Agricultural Assessment report for this project dated August, 2012 was prepared by Paul A. Christie, P.Ag., R.P.Bio., Talisman Land Resource Consultants Inc. A copy of this report is attached.

### PROPERTY INFORMATION

**PID:** 004-263-375  
**Legal Description:** That Part of District Lot 3473 Shown on Plan A429; Similkameen Division Yale District Except Plan KAP82998  
**Property Area:** 5.4 ha  
**ALR Area:** 5.4 ha  
**Purchase Date:** January 24, 2007  
**Location:** Highway 97, between the town of Oliver and Okanagan Falls, near Gallagher Lake  
**Owner:** Province of British Columbia - Crown Lands

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**PID:** 027-464-865  
**Legal Description:** Lot A District Lot 3473 Similkameen Division Yale District Plan KAP86377  
**Property Area:** 10.2 ha  
**ALR Area:** 10.2 ha  
**Purchase Date:** January 24, 2007  
**Location:** Highway 97, between the town of Oliver and Okanagan Falls, north of Gallagher Lake  
**Owner:** McIntyre Bluff Ranch Ltd

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**Total Land Area:** 15.6 ha  
**Total ALR Area:** 15.6 ha

### LAND USE

#### Current Land Use:

The northerly ALR portion of the proposed new right-of-way runs along the westerly boundary of Lot A owned by McIntyre Bluff Ranch Ltd. This portion of the property is not being farmed. The remainder of the parcel contains an irrigated alfalfa field, the owner's residence, two cabins and a storage shed.

The southerly ALR portion of the proposed new right-of-way transacts Crown land which was formerly a segment of the KVR. The rail tracks have been removed and the parcel is now vacant.

## PROPOSAL DETAILS

**Non- Farm Use Area:** 2.9 ha

**Non- Farm Use Type:** Transportation/Utilities: Public Transportation Facilities

**Agricultural Capability:**

The majority of the area under application is rated as: Secondary

**Source:** CLI

**Mapsheet:** 82E.032

## PREVIOUS APPLICATIONS

**Application ID:** 43919

**Legacy #:** 37332

**Applicant:** McIntyre Bluff Ranch Ltd.

**Proposal:** To subdivide a 11.5 ha lot from the 41.7 ha subject property. The applicant indicates that separate title is required to that part of the ranch lying east of the former Kettle Valley Railway right of way as it will enable the owner to consummate an existing land exchange agreement with the Province of BC dated April 12, 1004. This agreement is to provide wider legal access to the McIntyre Dam site for the province to undertake proposed enhancement works on the dam as soon as possible and for future maintenance purposes.

**Decision:**

Resolution #	Decision Date	Decision Description
272/2007	June 6, 2007	Allowed subject to water rights being provided to the new 11.5 ha lot and an easement for irrigation rights be registered over the remainder. In addition, if subdivision is completed, the Commission will consider that consideration under the Homesite Severance Policy has been completed.

## LOCAL GOVERNMENT INFORMATION

**Official Community Plan:**

**Bylaw Name:** N/A

**Designation:** N/A

**Zoning:**

**Zoning Bylaw Name:** N/A

**Zoning Designation:** N/A

## ALC STAFF COMMENTS

Staff recommends support for the project based on the BC MoT commitment to:

- Compensate McIntyre Bluff Ranch Ltd. for the loss of 1.98 ha a vacant ALR land within the proposed right-of-way.
- Fence the new RoW in accordance with BC MoT highway fencing standards.
- Re-connect the existing access roads to the subject lands, the McIntyre Bluff Ranch home-site, and the McIntyre Dam site, and replace the access control gates.

## ATTACHMENTS

52885\_Agri\_Assess\_Report.pdf

52885\_AirphotoMap10k\_HR.pdf

## END OF REPORT

**Prepared by:** Ron Wallace, September 12, 2012