



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604-660-7000  
Fax: 604-660-7033  
www.alc.gov.bc.ca

December 21, 2006

Reply to the attention of Brandy Ridout  
ALC File: #G - 37039

Lynn Welder Consulting Ltd.  
1791 Sprucegrove Court  
Kelowna, BC V1V 1P3

Dear Madam:

Re: Application for a second dwelling in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 646/2006 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Kelowna (#A06-0018)

MC/lv/Encl.: Minutes  
37039d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on December 12, 2006 at Naramata, B.C.**

**PRESENT:** Sue Irvine  
Sharon McCoubrey  
Sid Sidhu  
Martin Collins

Chair, Okanagan Panel  
Commissioner  
Commissioner  
Staff

### **For Consideration**

Application: # G- 37039  
Applicant: Gellini Holdings Inc  
Proposal: To construct a second dwelling on the 3.5 ha subject property. The house would have a footprint of 80 square metres (877 square feet), a cleared grassed area, and a driveway.  
Legal: PID: 004-626-621  
Lot 1, Section 34, Township 29, Osoyoos Division of Yale District, Plan 28161;  
Location: 4290 Goodison Road

### **Site Inspection**

A site inspection was conducted on Tuesday, December 12, 2006. Those in attendance were:

- Commissioners Irvine, McCoubrey and Sidhu
- Staff: Martin Collins (Planner)
- Mr Gellini, Doug Sperling

The Commission viewed the property, noting that the 3.5 ha property already had a permanent dwelling located on it and is largely forested. The surrounding properties appear to be used primarily for rural residences, with some pasture uses. The property is also affected by topographic constraints.

Mr. Gellini confirmed that the staff report dated December 6, 2006 was received and no errors were identified.

### **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.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from the ALR, subdivide land, or to use land in the ALR for non-farm purposes.

### **Discussion**

#### **Assessment of Agricultural Capability and Suitability**

The Commission noted that the subject property and adjoining properties in the ALR were not intensively used for agriculture. Some lots were partially or wholly forested, and others were in pasture uses. In assessing agricultural capability, the Commission reviewed Agricultural Land Capability mapping for this area and confirmed that the land is capable for agricultural uses, and that no external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. Furthermore, there is no existing or proposed agricultural activity on the property that warrants the necessity of a second dwelling for farm help.

#### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes the proposal will have the effect of both reducing the arable area on the property (by taking up land for the home footprint, yard, access and septic field), and raise expectations of further subdivision and additional dwellings on ALR lands in the surrounding area. The Commission is concerned about the proliferation of second dwellings on ALR properties in Kelowna, noting that quite apart from the alienation of arable land, second dwellings also increase the price of farmland, making it more difficult for farmers to purchase and develop.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will negatively affect the agricultural capability of the property.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner S. McCoubrey  
**SECONDED BY:** Commissioner S. Sidhu

THAT the application for a second home on the property be refused on the grounds the home would alienate arable land, and is not necessary for agricultural uses.

### **CARRIED**

**Resolution # 646/2006**



**Staff Report  
Application # G – 37039  
Applicant: Gellini Holdings Inc.  
Agent: Lynn Welder Consulting Ltd.**

**DATE RECEIVED:** October 30, 2006

**DATE PREPARED:** December 6, 2006

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To construct a second dwelling on the 3.5 ha subject property.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The proposed secondary dwelling will be 81.5 square metres and will have a separate driveway and its own septic field.

**Local Government:**

City of Kelowna

**Legal Description of Property:**

PID: 004-626-621

Lot 1, Section 34, Township 29, Osoyoos Division Yale District, Plan 28161

**Purchase Date:**

August 2006

**Location of Property:**

4290 Goodison Road

**Size of Property:**

3.5 ha (The entire property is in the ALR).

**Present use of the Property:**

Single Family Residential

**BACKGROUND INFORMATION (continued):**

**Surrounding Land Uses:**

**WEST:** ALR, agriculture  
**SOUTH:** A1s - Agriculture 1 with Secondary Suite and RR1 - Rural Residential 1  
**EAST:** ALR, agriculture  
**NORTH:** ALR, agriculture

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E/14  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

OCP Bylaw No. 2020  
Designation: Rural/Agricultural (R/A)

**Zoning Bylaw and Designation:**

Designation: Agriculture 1  
Minimum Lot Size: 2.0 ha when in the Agricultural Land Reserve

**PREVIOUS APPLICATIONS:**

**Application #19348-0**

**Applicant:** William Marsh  
**Decision Date:** October 15, 1985  
**Proposal:** To subdivide an 0.8 ha lot from the 3.4 ha subject property.  
**Decision:** Refused on the grounds that the property has some potential for agriculture which would be reduced if the property were to be subdivided. Furthermore, if the Commission were to allow the proposed subdivision, it would undoubtedly be forced to allow comparable subdivision for other property owners in the area, the net result being the erosion of the Agricultural Land Reserve land base in southeast Kelowna.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**City of Kelowna Council:** Forwarded the application with a recommendation of support.

**Agricultural Advisory Committee:** Does not support application on the basis that this represents densification of residential uses and is not in the spirit of the applicable section of the ALC Act for farm related purposes.

**City of Kelowna Planning Staff:** The local government report states that as the agricultural capability of the subject property is predominantly Class 5 (improvable to Class 3) with limitations that restrict its capability to produce perennial forage crops of specialty adapted crops, the addition of a modest sized accessory building will not jeopardize prime agricultural land.

**STAFF COMMENTS:**

Staff suggests a site visit to determine how an additional dwelling will impact the agricultural suitability of the property and the impact it would have on the surrounding agricultural area.

**ATTACHMENTS:**

- ALR Base Map #82E/14 (1:50,000)
- ALR Constituent Map #25 (1:10,000)
- Sketch showing location of proposed second dwelling
- Letter outlining proposal (from agent)
- Air photo (supplied by Kelowna)

**END OF REPORT**

  
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Signature

  
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Date