



**Agricultural Land Commission**  
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November 30, 2007

Reply to the attention of Brandy Ridout  
ALC File: G-37542

Allan & Lorraine Penny  
4631 Hwy 33 East  
Kelowna, BC V1P1H3

Dear Sir/Madam:

**Re: Application for non farm uses in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 572/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name.

Erik Karlsen, Chair

cc: Regional District of Central Okanagan (A-07-02)

Enclosure: Minutes

BR  
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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on November 9, 2007 at the Ministry of Agriculture and Lands offices located at 4607 - 23rd St, Vernon, BC.

**PRESENT:**

|                |                       |
|----------------|-----------------------|
| Sue Irvine     | Chair, Okanagan Panel |
| Roger Mayer    | Commissioner          |
| Sid Sidhu      | Commissioner          |
| Brandy Ridout  | Staff                 |
| Martin Collins | Staff                 |

### For Consideration

Application: # G- 37542  
Applicant: Allan & Lorraine Penny  
Proposal: To use a 2 ha portion of the 7.5 ha subject property for expanded non-farm and farm retail sales and rental site for products such as roto-tillers and bobcats. In addition, storage unit rentals and storage container rentals and sales are being considered.  
Legal: PID: 003-336-824  
Lot 2, Section 9, Township 27, Osoyoos Division of Yale District, Plan 32677  
Location: 4631 Highway 33 East, Kelowna

### Site Inspection

A site inspection was conducted on Wednesday, November 7, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Roger Mayer Commissioner
- Sid Sidhu Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Allan and Lorraine Penny Applicants

Ms. Penny confirmed that the staff report dated October 24, 2007 was received and no errors were identified.

The Commissioners viewed the greenhouse operation and surrounding lands, noting that the remainder of the property was not developed for agriculture.

## **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.

## **Discussion**

### **Assessment of Agricultural Capability**

In assessing agricultural capability of the property, the Commission referred to the Summit Environmental Consultants study dated September 2007. The soils ratings for the property were assessed to be primarily (80%) Class 4 (with no capacity for improvement) and the remaining 20% non-arable Class 6 and 7. Livestock grazing or Christmas tree production were deemed to be the most suitable "soil bound" agricultural uses of the property.

### **Assessment of Agricultural Suitability**

The Commission assessed whether factors have caused or will cause the land to become unsuitable for agriculture and as no factors were identified that would render the land unsuitable for agricultural use, came to the conclusion that the property is suitable for agriculture.

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

The Commission also assessed the impact of the expanded retail proposal against the long term goal of preserving agricultural land. The Commission was concerned that heavy equipment and storage unit rentals were not compatible with greenhouse and garden centre uses.

It was also noted that the Regional District of Central Okanagan (RDCO) Board, Staff, Agricultural Advisory Committee, and Advisory Planning Commission did not support the full range of uses requested by the applicant. The Ministry of Agriculture and Lands also did not support the application.

However, the Commission, as well as the above noted government agencies, did appreciate that the existing greenhouse use could be complemented by the sale of a broader range of agriculturally related retail items. As such, the Commission is prepared to review a revised proposal that:

- Narrows the range of items proposed for retail sale to items that are related to agriculture and complement a "garden centre" greenhouse production facility. For example, soil and amendments, fertilizer, garden tools, pots etc.
- Has a smaller overall footprint.

**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 have a negative impact on agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

**IT WAS**

**MOVED BY:** Commissioner Irvine

**SECONDED BY:** Commissioner Sidhu

THAT the application be refused as proposed.

**CARRIED**

**Resolution # 572/2007**