



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

December 15, 2010

Reply to the attention of Brandy Ridout  
ALC File: 51957

Peter Klimuk  
Milagro Advisory Services Ltd  
10 - 2070 Henry Avenue  
Kelowna, BC V1Y 8P8

Dear Mr. Klimuk:

**Re: Application for Non-Farm Use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #2833/2010 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'BU', is written over the 'Per:' label.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: City of Penticton (ALR PL2010-047)  
BC Assessment, Kelowna

BR/  
51957d1



**Classes:**

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

**Subclasses:**

N salinity

E erosion

T topography

**Assessment of Agricultural Suitability**

The Commission assessed whether factors have caused or will cause the land to become unsuitable for agriculture. While there are challenges to the agricultural capability of some portions of the property, the Commission does not believe there are factors that render the majority of the land unsuitable for agricultural use.

**Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long-term goal of preserving agricultural land. It discussed the details of the proposal, noting that the applicants have removed a second dwelling previously attached to the barn and are proposing the 'carriage house' on the second storey of the existing 2-storey barn (1,500 square feet per floor) as a low footprint solution for the daughter's residence. As indicated by the applicants, the 'carriage house' would result in less site coverage than if the allowed manufactured home were put on the property; however, it is also more permanent, as cited in the report prepared by the City of Penticton planning staff. Considering all the above details, the Commission did not believe the proposal would have a negative impact on existing or potential agricultural use of the subject property or surrounding lands if a covenant was registered prohibiting additional residences on the property. It would also require the submission and approval of design plans for the 'carriage house' to ensure that the footprint remained inside the existing barn.

**IT WAS**

**MOVED BY:** Commissioner Pranger

**SECONDED BY:** Commissioner Mayer

THAT the application to construct a "Carriage House" (a suite) within an existing barn on the subject property be allowed subject to the following conditions:

- The submission of a design plan for the 'carriage house' that details the size and layout of 'carriage house' within the existing barn structure.
- The registration of a covenant prohibiting additional dwellings on the property.

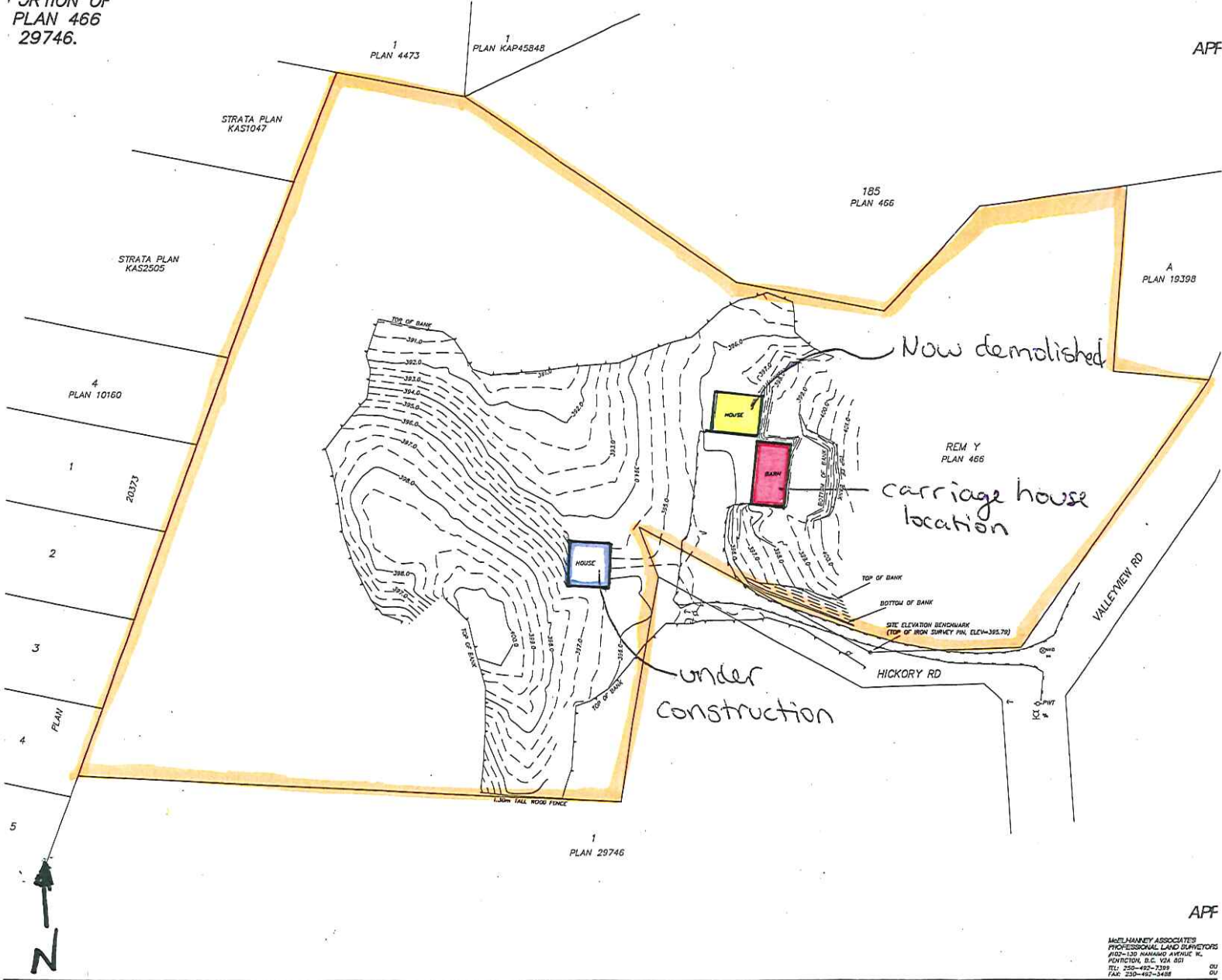
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

**CARRIED**

**Resolution #2833/2010**

PORTION OF  
PLAN 466  
29746.


APF



APF

MULHANNY ASSOCIATES  
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**Provincial Agricultural Land Commission**  
**Application #51957**  
**Resolution #2833/2010**

 Permitted location of carriage house on second storey of existing barn