



Agricultural Land Commission
133-4940 Canada Way
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www.alc.gov.bc.ca

December 2, 2013

ALC File: #53166

Jim Simkins
2702 Glenmore Road North
Kelowna, BC V1V 2B6

Re: Application for an Additional Dwelling (Mobile Home) on Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 327/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly. The Commission has also attached a Sketch Plan depicting the decision.

Further correspondence with respect to this application is to be directed to Ron Wallace.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'BU', is written over a large, thin, diagonal line that extends from the signature area down towards the 'Enclosure' line.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #327/2013

cc: City of Kelowna (A13-0001)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 2, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53166.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Brian Underhill	Executive Director

PROPOSAL (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)
The proposal is to allow an additional dwelling (mobile home) on the subject property. At present there is a single detached dwelling, a mobile home and a series of accessory buildings located on the property.

The additional dwelling was discovered by City of Kelowna Building and Permitting staff who were asked to attend the site to investigate an unlicensed dog kennel and breeding facility. As none of the necessary approvals were obtained for the additional dwelling, this application is in effect to legalize the structure and use.

The *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* under Section 3(1)(h) permits “breeding pets or operating a kennel or boarding facility” unless otherwise prohibited by a local government bylaw.

PROPERTY INFORMATION:

Owner: Robert Johnson
Legal: PID: 010-316-141
Lot A Sections 21 and 28 Township 23 Osoyoos Division Yale District Plan 5353
Except Plans B7114, 17921, 18046, 19773, 22105, 23083, 29083 and KAP78846
Location: 2702 Glenmore Road N, Kelowna, BC
Size: 24.5 ha (16.1 ha within the ALR)

SITE INSPECTION

A site inspection was conducted on September 26, 2013 at the subject property. Those in attendance included the Commissioners Bert Miles and Jim Johnson, applicant Robert Johnson and agent Jim Simkins.

The Commissioners viewed the property with the applicant and the agent and noted the land is currently not actively farmed and has limited suitability for land based agriculture. They viewed a single detached dwelling, a mobile home and a series of accessory buildings including a dog kennel and breeding facility and a greenhouse which was closed in 2012. The existing kennels are unlicensed and used for raising, training and breeding of wolves for movie productions. It was also noted the property was cluttered with debris and generally in a state of disrepair.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. Commissioners Miles and Johnson gave a verbal summary of the site inspection to all Commission members recorded above.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The Commission considered that the existing mobile home was placed on the subject property sometime between 2003 and 2006 and that Jim Simkins (nephew of the owner) resides there. The applicant (Robert Johnson) indicated that Mr. Simkins has lived in the mobile home since 2005 and helps manage and operate the subject property.

Conclusion:

The Commission has no objections to the retention of the existing mobile home for Jim Simkins for as long as he resides there. This approval does not extend to any replacement for the existing dwelling.

IT WAS

MOVED BY: Commissioner Pranger
SECONDED BY: Commissioner Johnson

THAT the proposal to retain an additional dwelling (mobile home) on the subject property be approved.

AND THAT the approval is subject to the following conditions:

1. The additional dwelling be for the owner's nephew Jim Simkins;
2. The approval does not extend to any replacement for the existing dwelling.

AND FINALLY THAT 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 #327/2013