



Agricultural Land Commission
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July 18, 2006

Reply to the attention of Brandy Ridout
ALC File #G-36679

Al's Construction
962 Purcell Drive
Kelowna, BC V1V 1N8

Dear Rick Bruschinsky:

Re: Application to exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #321/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Kelowna - A005-0017

BR/lv/Encl.: Minutes
36679d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 28, 2006 in Kelowna, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff

For Consideration

Application # G – 36679
Applicant Al's Construction
Proposal To exclude a 6.2 ha portion of the 12.6 ha subject property from the ALR.
Legal PID: 026-155-737
Lot 1, Section 31, Township 29, Osoyoos Division Yale District, Plan KAP77146
Location 1095 Crawford Road

Site Inspection

A site inspection was conducted on June 27, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Applicants: Rick and Al Bruschinsky
- Kevin Blucke - President, Summerhill Winery
- Alan Marks - Director of Winery Operations, Summerhill Winery

Mr. Rick Bruschinsky confirmed that he had received the staff report dated June 20, 2006 and did not identify any errors.

Discussion

The Commission noted that the applicant had recently entered into an agreement with Summerhill Winery to plant an organic vineyard on half the property and that the exclusion request was aimed at financing the regrading, planting, and installation of an irrigation system.

The Commission discussed the staff comments, noting that exclusion requests have been refused twice in the past on the grounds of agricultural capability. This was the Commission's main concern with the application – that if approved, land with good agricultural capability would be used for housing.

The Commission did not believe that good agricultural land should be excluded in order to finance the agricultural development of the property. It concurred with staff that although vineyard development is costly, it can be done without the benefit of housing to offset costs.

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IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner McCoubrey

THAT the application be refused

CARRIED

RESOLUTION #321/2006



Staff Report
Application # G – 36679
Applicant: AI's Construction
Agent: D E Pilling & Associates Ltd
Location: Kelowna

DATE RECEIVED: May 23, 2006

DATE PREPARED: June 20, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To exclude a 6.2 ha portion of the 12.6 ha subject property from the ALR.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The subject property has a history of previous applications and is in its present configuration due to an incremental process of subdivision that took place in 1978, 1983 and 2003. This process also resulted in the creation of the three rural residential lots located to the east of Lot 4 along Crawford Road. In 1992 and 1995 the Commission considered applications for the exclusion of a portion of the subject property (the 11 ha area that was then Lot 4) from the ALR. The Commission refused both requests on the grounds that the land had good agricultural capability.

The applicant has recently entered into an agreement with a local winery (Summerhill) to regrade the property to remove frost pockets and plant an organic vineyard on approximately 50% of the property. Summerhill has agreed in principle to lease the land on a 10-year term if the land is developed. As regrading and planting a vineyard with an irrigation system will be expensive, the owner proposes to develop half the property to residential, including the provisional buffering and fencing.

The applicant notes that the existing property produces approximately \$5,000 per year in hay and would produce approximately \$56,000 per year as a vineyard, which is a tenfold increase in agricultural products.

The development plan for the 6.2 ha proposed for exclusion includes 63 residential lots.

Local Government:

City of Kelowna

Legal Description of Property:

PID: 026-155-737

Lot 1, Section 31, Township 29, Osoyoos Division Yale District, Plan KAP77146

BACKGROUND INFORMATION (continued):

Purchase Date:

June 1992

Location of Property:

1095 Crawford Road

Size of Property:

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

Present use of the Property:

Hayfield, residence, shop

Surrounding Land Uses:

WEST: Non-ALR, Westpoint Drive and small lot subdivision

SOUTH: Non-ALR, small lot subdivision

EAST: ALR, several smaller lots and Crawford Road

NORTH: ALR, large lots

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.083

The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Kelowna 2020 Official Community Plan

Designation: Rural/Agricultural

Zoning Bylaw and Designation:

Zoning Bylaw No. 8000

Designation: A1 - Agriculture 1

PREVIOUS APPLICATIONS:

Application #06436-0

Applicant: Professional Leaseholders Ltd.

Decision Date: 1978

Proposal: To subdivide the 17 ha property into two 8.5 ha lots.

Decision: Approved. Following this decision a boundary line adjustment was approved which created a 13 ha parcel and a 4 ha parcel.

Application #16513-0

Applicant: A. McNamara

Decision Date: 1983

Proposal: To subdivide the 13 ha property into one 9.8 ha lot and a 3.2 ha lot.

Decision: Refused due to the agricultural potential of the subject property.
On reconsideration 3 lots were allowed to be subdivided from the Crawford Road side of the property (Lot 1, Lot 2 and Lot 3).

PREVIOUS APPLICATIONS (continued):

Application #26181-0

Applicant: Herbert Lusser
Decision Date: January 28, 1992
Proposal: To exclude the 11 ha property to allow for residential development.
Decision: Refused - due to reasons of agricultural capability and impact

Application #29333-0

Applicant: Al's Construction Ltd
Decision Date: March 28, 1995
Proposal: To exclude the 11 ha subject property in order to develop it as a single family residential subdivision.
Decision: Refused - on the grounds of agricultural capability.

Application #34951-0

Applicant: Al's Construction
Decision Date: November 4, 2003
Proposal: To do a lot line adjustment between the property at 910 Westpoint Drive and the neighbouring property at 1095 Crawford Road. The adjustment would allow for street access to the property at 1095 Crawford Road. The property at 910 Westpoint Drive that is currently 3.5 ha would be reduced to 1.9 ha and the property at 1095 Crawford Road would increase in size from 11 ha to 12.6 ha.
Decision: Allowed as impact was viewed as neutral.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Kelowna Council: Application not supported.

Agricultural Advisory Committee: Does not support application on the grounds that viable agricultural lands should not be removed from the Agricultural Land Reserve.

Planning and Corporate Services Department: Recommend that the application not be supported by Council. The OCP and Agricultural Plan do not support applications for exclusion of land from the ALR.

OTHER COMMENTS:

A letter of support was received from Summerhill Pyramid Wineries stating that their investigation of the subject site for planting into an organic wine grape vineyard was positive. It is noted that the proposal is an "ideal combination of uses for the 30 acre property as the homes will not have any potential negative impact from chemical sprays and the land for the homes is not suitable for grape growing due to the cold pocket created by the blockage of air from the lake."

Four letters of opposition were received from neighbours. Comments included:

- Permitting an exclusion from the ALR will erode the community ALR land base.
- The subject property was a producing vineyard and orchard in 1971.

STAFF COMMENTS:

Staff suggests the Commission consider the following:

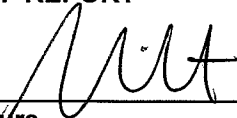
- The property has good agricultural capability and has been used for agricultural purposes.
- Exclusion requests have been refused twice in the past because of agricultural capability.

STAFF COMMENTS (continued):

- Although vineyard development is costly, it can be done without the benefit of housing to offset costs.
- As the subject property lies along the south boundary of the ALR in this area, excluding 6.2 ha will move the ALR boundary and interface issues further to the north.

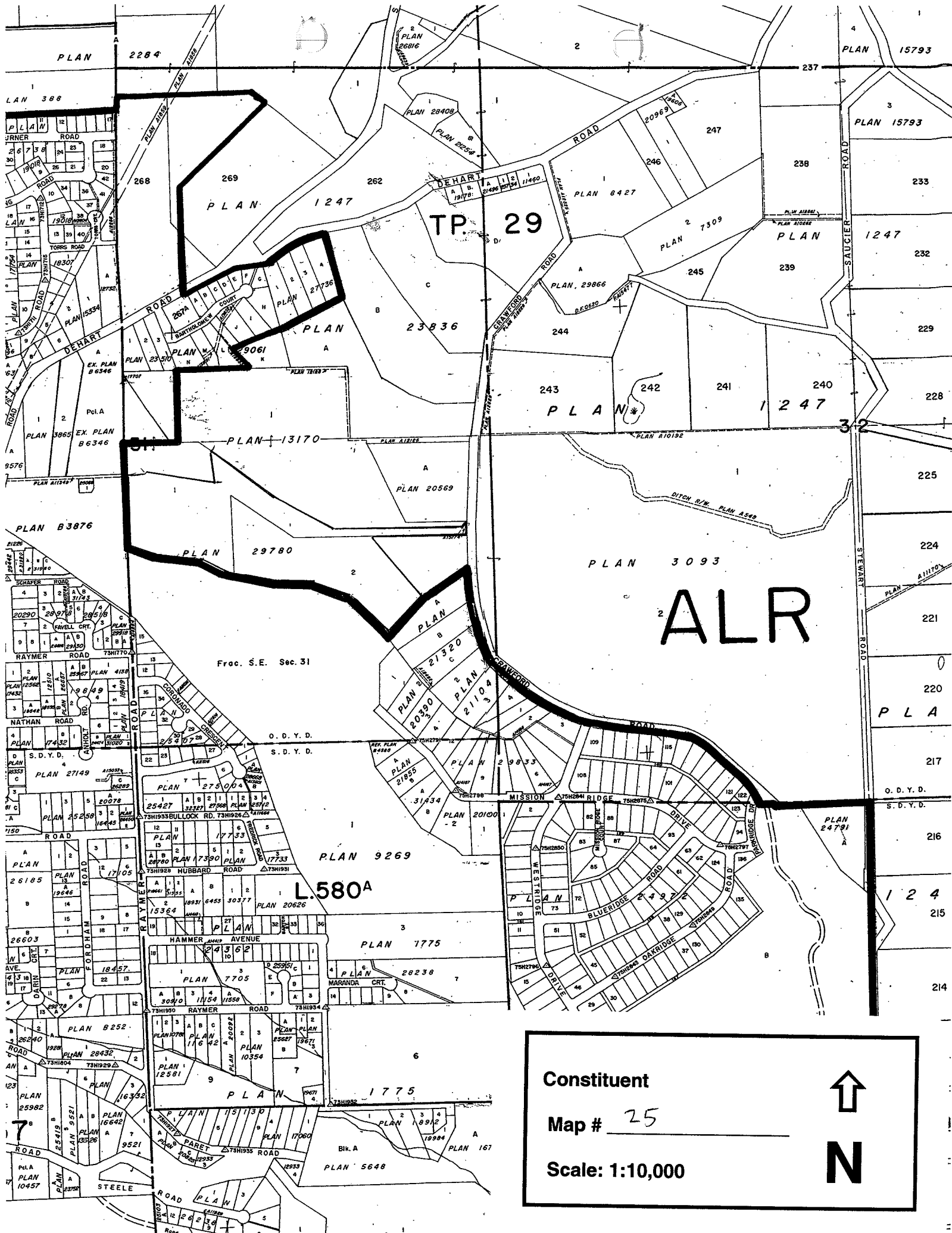
END OF REPORT

Signature




Date

June 20, 2006



ALR

Constituent
 Map # 25
 Scale: 1:10,000


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