



Agricultural Land Commission
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August 1, 2007

Reply to the attention of Brandy Ridout
ALC File: #G - 37416

Grant Maddock
Protech Consultants
200 - 1461 St. Paul Street
Kelowna, BC V1Y 2E4

Dear Mr. Maddock:

Re: Application for non-farm use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 355/2007 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 (#A07-0001)

Enclosure: Minutes

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 20, 2007 in Vernon, BC.

PRESENT: Sue Irvine Chair, Okanagan Panel
Monika Marshall Chair, Kootenay Panel
Erik Karlsen Chair, ALC
Brandy Ridout Staff

ABSENT: Sid Sidhu Commissioner

For Consideration

Application: # G - 37416
Applicant: Richard and Linda Lamberton
Agent: Grant Maddock
Proposal: To retain the existing 75 m² single family dwelling as a second home on the 2.9 ha property. The applicant would like to construct a new 292 m² single family residence and use the existing dwelling for a family member who would help with the tree farm.
Legal: PID: 026-598-841
Lot 1, Section 3, Township 26, Osoyoos Division Yale District, Plan KAP80425
Location: 3995 June Springs Road, Kelowna

Site Inspection

A site inspection was conducted on July 20, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Monika Marshall Chair, Kootenay Panel
- Erik Karlsen Chair, ALC
- Brandy Ridout Staff
- Richard & Linda Lamberton Applicants
- Grant Maddock Agent

Mr. Lamberton confirmed that the staff report dated July 5, 2007 was received and no errors were identified.

The matter of the necessity for farm help was discussed during the site visit. Mr. Lamberton stated that help is required for his operation and that the operation is expanding.

The applicants bought the property in March 2006 and do not live on it as the existing house is too small for their needs. The Commission pointed out that one house is allowed per parcel and that they could demolish the existing house and build a new one. It was indicated by the applicants that the proposed location for the new house and the site of the existing house are not suitable for agriculture. In addition, as the City of Kelowna has a shortage of low-cost rental housing, the older house could be rented if not required for farm help.

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, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is Class 3 (requires moderately intensive management practices or moderately restrict the range of crops, or both) with limitations of stoniness and soil moisture deficiency.

Assessment of Agricultural Suitability

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are factors that render 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. Additional dwellings on agricultural land remove land from potential agricultural production; increase the re-sale value of the property (making it more difficult for farmers to purchase the property to farm); potentially introduce non-farmers into agricultural areas; and increase the desire to subdivide the property.

As such, unless they are necessary for farm help, the Commission has strong concerns with additional dwellings on ALR properties. The Commission did not believe that the operation of a portion of the property as a tree farm required farm help.

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 impact 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 Marshall

THAT the application to retain the existing 75 m² single family dwelling as a second home on the 2.9 ha property be refused on the grounds that the farming operation does not require an additional dwelling for farm help.

CARRIED

Resolution # 355/2007