



Agricultural Land Commission
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April 2, 2008

Reply to the attention of Brandy Ridout
ALC File: #G-37395

Kim McKechnie
671 Arborview Drive
Kelowna, BC V1W4Z7

Dear Ms. McKechnie:

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

Please find attached the Minutes of Resolution #107/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'E. Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: City of Kelowna (A006-0015)

Enclosure: Minutes



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 27, 2008 via teleconference.

PRESENT:

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

For Consideration

Application: #G-37395
Applicant: The Benvoulin Golf Training Centre Ltd
Agent: Kim McKechnie
Proposal: To construct a nine (9) hole executive training facility golf course on a portion of the property not currently occupied by the driving range and to permit Turf Management courses to be conducted on site.
Legal: PID: 012-403-849
Lot 14, District Lot 130, Osoyoos Division Yale District, Plan 415, EXCEPT Plan KAP64154
Location: 1950 Munson Road, Kelowna

Site Inspection

A site inspection was conducted on March 4, 2008. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Roger Mayer Commissioner
- Brandy Ridout Staff
- Kim McKechnie Agent
- Dave Shevchuk AIR-EASE Distributors
- Randy Barr The Golf Centre

Ms. McKechnie confirmed that the staff report dated July 3, 2007 was received and a correction was made on the purchase date – the property was purchased in 2003/2004. In addition, in order to clarify several points from the Staff Report, topics including the letters of complaint, agricultural capability of the subject property and City of Kelowna Council recommendation were discussed.

In response to concerns about potential conflict between the driving range use and the surrounding agricultural operations, the applicants stated that although there had been conflicts in the past, fencing and site design changes had alleviated these concerns.

The seasonal inundation of the northern portion of the property was discussed and viewed during the site visit. It was indicated that it would be managed through the installation of a pond water feature on the golf course.

The matter of the City of Kelowna Council was also discussed and it was clarified by Ms. McKechnie that Council vote was 5-3 as only Mayor Shepherd, Councillors Hobson and

Clark opposed the application and Councillor Day excluded himself due to conflict (but did show his support by signing the applicants' petition).

Other matters discussed onsite included the existing driving range use on a portion of the property, the use of the remainder (i.e. rental house), and the proposal. Discussions about the proposal indicated that the one house on the property would be removed and no structures would be built in association with the golf course but the existing driving range parking lot would have to be expanded.

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 BC Land Inventory system. The improved agricultural capability rating of the soil of the subject property is a complex of Class 2 and 3 with limitations of excess water, and low fertility.

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.

The Commission believed that on balance, the land had very good agricultural capability and could be improved, through drainage and fertilization, to make it productive.

Assessment of Agricultural Suitability

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the 5 ha area proposed for golf-course use to become unsuitable for agriculture. In this discussion, the Commission considered the impact the driving range use has had on the remainder of the property. It believed that although the 5 ha area is not currently being farmed, the presence of the driving range does not automatically render the balance of the property unsuitable for agricultural use. The Commission noted that the other adjoining land uses are agriculture.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the golf course proposal against the long-term goal of preserving agricultural land. The Commission believed a golf course would effectively eliminate the potential agricultural use of the property and could negatively affect surrounding lands. It is the Commission's experience that, although golf course uses can revert to agriculture, it is unlikely. What is more likely is that a golf course development raises expectations of further land use change, and can, particularly in farm areas that are already subject to a significant number of non-farm activities, result in speculation and the reduction in agricultural activity and investment. Although a golf course would be useful in preserving green/open space and have the potential to revert to farm use if necessary, the use is not consistent with the Commission's mandate to encourage farming.

Assessment of Other Factors

The Commission is extremely concerned about existing and intrusive non-farm uses in the Benvoulin Road area and the constant pressure to exclude farmland. In recent decades the Commission has attempted to ensure that agricultural potential is preserved and non-farm uses discouraged. It has worked collaboratively with the City of Kelowna, through the establishment of an Agriculture Plan and the Official Community Plan, to reinforce both the provincial and local government commitment to preserving farmland in the area.

In addition, the Commission recalled that its 1984 decision to allow the use of 3 ha of the property as a driving range (subject to conditions) indicated that there was to be no expansion to a par 3, 9-hole or full scale golf course.

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 Sidhu
SECONDED BY: Commissioner Mayer

THAT the application for non-farm use be refused.

CARRIED

Resolution #107/2008