



Agricultural Land Commission
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July 4, 2008

Reply to the attention of Martin Collins
ALC File: **G-37395**

Randy Barr
The Golf Centre
2650 Benvoulin Road
Kelowna, BC V1W 2E1

Dear Mr. Barr:

Re: **Reconsideration Request**

Please find attached the Minutes of Resolution #344/2008 outlining the Agricultural Land Commission's reconsideration of the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: City of Kelowna (A006-0015)

Enclosure: Minutes

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 18, 2008 at Vernon, B.C.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Gerald Zimmermann	Commissioner
	Martin Collins	Staff

For Consideration

A letter dated May 11, 2008 from W. Randy Barr was received requesting reconsideration of the Commission's decision under Resolution #107/2008.

Application:	# G- 37395
Applicant:	The Benvoulin Golf Training Centre Ltd.
Agent:	Kim McKechnie
Original Proposal:	To use the 8 ha property for a 9-hole golf course and driving range.
Revised proposal:	To use 6.4 ha of the 8 ha property for a 9-hole golf course and driving range and lease 1.6 ha for nursery uses.
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 June 17, 2008. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Gerald Zimmermann Commissioner
- Martin Collins Staff

The applicant did not attend the site meeting.

The Commission noted that only a very small area appeared to have limited capability for agricultural uses due to low lying swampy conditions and that the majority of the 5 ha remainder not in golf course uses had good capability for agriculture.

Commissioner Eligible to Vote

Commissioner G. Zimmerman was not present at the original site inspection and consideration of the application. It was confirmed that a summary of the site inspection and meeting was provided thus establishing the Commissioner's eligibility to vote on the application.

Context

The reconsideration proposal was considered in the context of Section 33 of the *Agricultural Land Commission Act* (the "Act"), which states:

"On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that

(a) evidence not available at the time of the original decision has become available,"

The Commission noted that the revised subdivision proposal was consistent with direction provided by the Commission in its previous Resolution #494/2006.

Discussion

The Commission considered what persons were affected by the reconsideration.

While a small portion of the property (<0.4 ha) was observed to have swampy conditions, the Commission noted that the proposal would convert about 3 ha of good capability land to golf course uses. As such, the Commission was very concerned that golf course use of the property would alienate excellent farmland.

Although the revised submission proposed intensive agriculture on a 1.6 ha portion of the property, the Commission noted that more than triple the amount of the land is proposed for non-farm (golf course) uses. In view of the intense urban pressures on the ALR lands adjacent to Benvoulin Road, the Commission does not believe that the proposal is consistent with its mandate to protect agricultural land and encourage farming.

Conclusions

1. That the land under application has agricultural capability and is suitable for agricultural use.
2. That the proposal will negatively impact agriculture.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner G. Zimmerman

SECONDED BY: Commissioner S. Sidhu

THAT there were no persons affected by the reconsideration.

AND THAT the request to use 6.4 ha of the 8 ha property for a 9-hole golf course and driving range and lease 1.6 ha for nursery uses be refused.

CARRIED

Resolution #344/2008