



Agricultural Land Commission
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February 15, 2008

Reply to the attention of Brandy Ridout
ALC File: #G-37829

Al's Construction
962 Purcell Drive
Kelowna, BC V1V1N8

Dear Sir:

Re: **Application to subdivide land within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #32/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: City of Kelowna (A07-0021)

Enclosure: Minutes

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BR



A meeting was held by the Provincial Agricultural Land Commission on January 29, 2008 in Vernon, B.C.

PRESENT: Sue Irvine Chair, Okanagan Panel
Roger Mayer Commissioner
Sid Sidhu Commissioner
Martin Collins Staff

For Consideration

Application: #G-37829
Applicant: Al's Construction
Proposal: To subdivide five urban lots (~0.4 ha) from the 12.5 ha property fronting Westpoint Drive. The purpose of the subdivision is to help finance the intensive vineyard development of the majority of the remainder the property.
Legal: PID: 026-155-737
Lot 1, Section 31, Township 29, Osoyoos Division Yale District, Plan KAP77146
Location: 1095 Crawford Road, Kelowna

Site Inspection

A site inspection was conducted on January 28, 2008. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Roger Mayer Commissioner
- Sid Sidhu Commissioner
- Martin Collins Staff
- Rick Bruschinsky Applicant
- John Demedico Applicant's brother-in-law

Rick Brushinsky confirmed that the staff report dated January 3, 2008 was received and no errors were identified.

The Commissioners viewed both the easterly and westerly edges of the property, noting that urban residential development bordered the property to the south, west and east.

There was discussion about the size of the proposed lots. Staff estimated each lot to be 0.1 ha for a total of 0.5 ha. A larger scale sketch provided at the site visit revealed that each lot was approximately 0.2 ha meaning that the total area required for subdivision was approximately 1 ha.

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 (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is 5A (3A) which means that with irrigation the land can be improved to Class 3. Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

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 that adjoining and nearby urban residential lots 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. It believed the proposal, as structured, could have very significant implications to the perception of how agricultural land development is viewed in the ALR. The concern was that should the application be allowed, similar requests to subdivide in order to finance agricultural development would be forthcoming. The Commission believes this approach, though potentially effective in raising farm capital, would significantly erode the limited agricultural land base and disrupt farm communities.

Assessment of Other Factors

The Commission assessed the applicant's assertion that the addition of 0.5 ha from the adjoining property (and the reclamation of an area currently occupied by old farm buildings) constituted a benefit for agriculture that balanced the detriment of the proposed subdivision. The Commissioners noted that the consolidation of the 0.5 ha from the adjoining property was been completed prior to the application. Furthermore, the Commission does not consider the consolidation or the reclamation and agricultural

development of the area occupied by run down farm buildings to effectively balance the negative impacts of the proposed five lot subdivision.

The Commission believed that as currently structured, the application could not be supported because of the permanent net loss of ALR land. It believed that agricultural development could occur without subdivision.

However, the Commission also noted that adjoining rural residential lots to the north (in the ALR) had portions of their properties which abutted the subject property and appeared to share the same physical landform. The Commission believed that the purchase and addition of approximately 1 ha from the rear area(s) of one or more of these lots would effectively balance the loss of 1 ha on Westpoint Drive.

While the majority of the Commissioners were prepared to consider a revised proposal to that end, Commissioner Sidhu did not believe that he could support a revised proposal.

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 Irvine
SECONDED BY: Commissioner Mayer

THAT the application to subdivide five urban lots (~ 1 ha) from the 12.5 ha property fronting Westpoint Drive to help finance the intensive vineyard development of the majority of the remainder the property be refused.

CARRIED

Resolution #32/2008