



Agricultural Land Commission
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April 2, 2009

Reply to the attention of Brandy Ridout
ALC File: **G-38623**

Lisa Fraser
New Town Planning Services
1450 Pandosy Street
Kelowna, BC V1Y1P3

Dear Lisa Fraser:

Re: Application to Subdivide Land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 74/2009 and sketch plan 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.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: City of Kelowna (A08-0006)

BR/
i/38623d1



A meeting was held by the Provincial Agricultural Land Commission on March 26, 2009 at Vernon, B.C.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Gerald Zimmermann	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

Application: #G-38623
Applicant: Richard and Heather Hooper
Agent: New Town Planning Services
Proposal: To undertake a boundary line adjustment between the 5 ha and 19.3 ha subject properties to create a 1 ha lot and a 23.3 ha lot and allow a non-farm use on the proposed 1 ha lot to accommodate a secondary suite within an existing accessory building.

Legal: 1. PID: 011-146-311
Lot 4, Section 5, Township 26, Osoyoos Division Yale District, Plan 1837, EXCEPT Plan 19431
2. PID: 003-324-966
Lot B, Section 5, Township 26, Osoyoos Division Yale District, Plan 32728, EXCEPT Plan KAP75345

Location: 1650 and 1670 Dehart Road, Kelowna

Site Inspection

No site inspection was conducted

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 prime;

Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

The primary subclass limitations area aridity.

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. The Commission was concerned about the potential for the 1 ha rural residential property to alienate farmland from productive uses, and potentially create conflicts with the vineyard. However, its concerns were alleviated by the applicant's commitment to lease 0.7 ha of the 1 ha lot for vineyard uses, and to reclaim and replant the existing driveway and tennis court.

Conclusions

1. That the land under application has agricultural capability, is appropriately designated as ALR, and is suitable for agricultural use.
2. That the proposal will not substantively impact agriculture.
3. That the proposal is consistent with the objectives of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.

IT WAS

MOVED BY: Commissioner Mayer

SECONDED BY: Commissioner Zimmerman

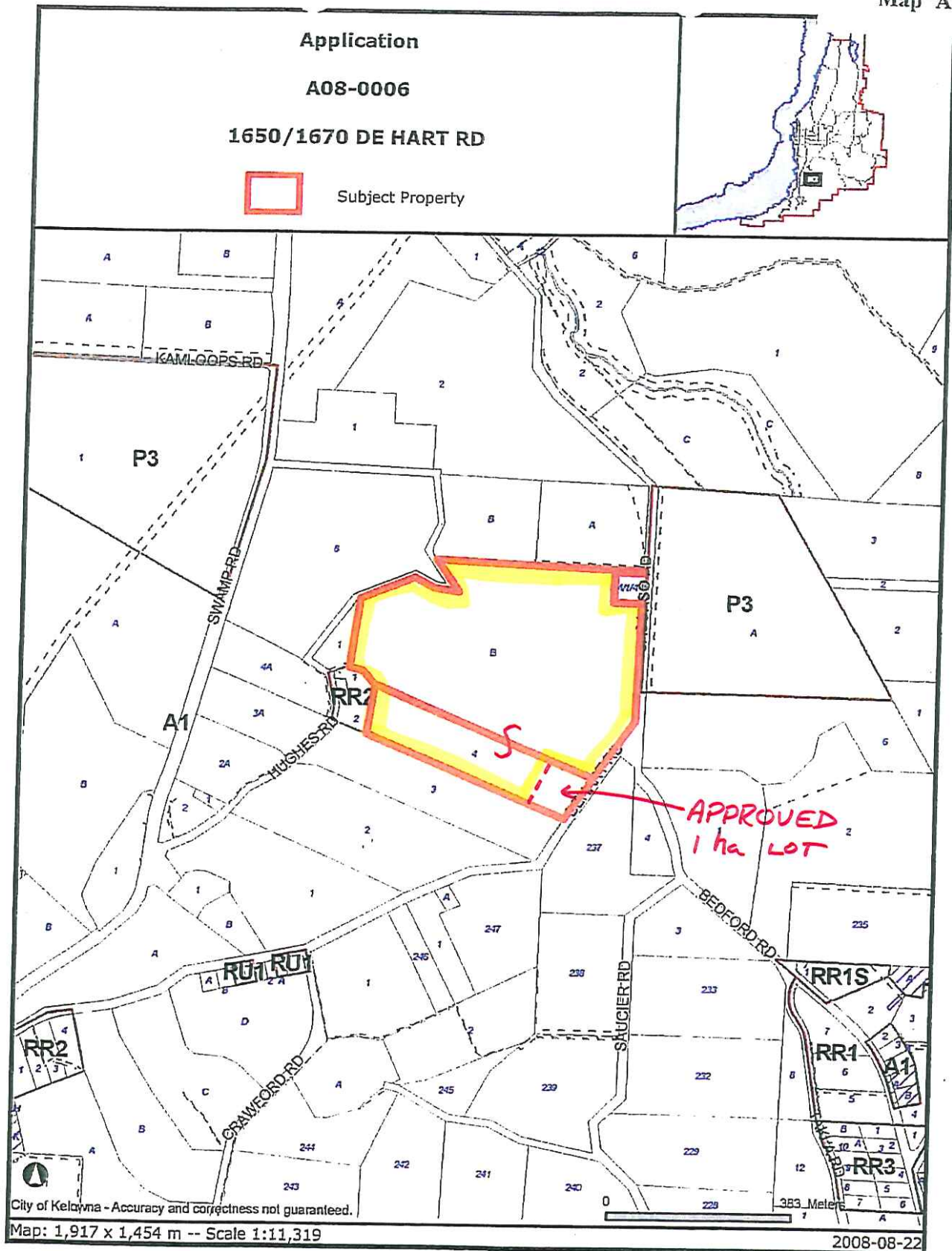
THAT the application to adjust the property line between a 5 ha and 19 ha lot to create a 1 ha and 23 ha lot.

AND THAT the approval is subject to the following conditions:

- The reclamation of the areas affected by the existing driveway, tennis court, and shop and their replanting to vineyard uses.
- The registration of a long term lease (a minimum of 10 years) over the 0.7 ha area of the proposed 1 ha lot to ensure that this area remains in agricultural uses.
- The subdivision must be completed within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution #74/2009



APPLICATION G-38623
RESOLUTION # 74/2009

APPROVED BOUNDARY ADJUSTMENT