



Agricultural Land Commission
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September 25, 2009

Reply to the attention of Brandy Ridout
ALC File: 50349

Elmer Gruza
2604 Belgo Road
Kelowna, BC V1P 1E2

Dear Mr. Gruza:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #927/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

Enclosure: Minutes

cc: City of Kelowna (A06-0005)

BR/
50349d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 3, 2009 in the Lakeview Salon, Prestige Hotel, Kelowna, B.C.

PRESENT: Roger Mayer
Sid Sidhu
Brandy Ridout

Chair, Okanagan Panel
Commissioner
Staff

For Consideration

Application: 50349
Applicant: Elmer Herbie & Jori-Ann Gruza
Proposal: To subdivide the 5.2 ha subject property in half to divide the shared interests in the property.
Legal: PID: 011-611-014
Lot 5 Block 16 Section 11 Township 26 Osoyoos Division Yale District Plan 1380
Location: 2604 Belgo Road, Kelowna

Site Inspection

A site inspection was not conducted for the application.

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 majority of the soil of the subject property is 70% Class 3 and 30% Class 2, both with a limitation of soil moisture deficiency. Class 2 land has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Class 3 land has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. Both classes are considered prime agricultural land.

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. It was noted that personal circumstances and reasons for proposals, such as wishing to divide interests in a property, cannot be taken into consideration if the primary goal of the Commission is to preserve agricultural land.

As such, the Commission considered the proposal in terms of its impact on agriculture. The Commission discussed if the proposal would improve the suitability of the property for agriculture – taking into account such information as the size of the proposed lots and the existence of two dwellings on the property. However, it determined that the property was more suited for agriculture in its current configuration and that subdivision would provide no benefit to agriculture.

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 Mayer

SECONDED BY: Commissioner Sidhu

THAT the application be refused on the grounds that subdivision would provide no benefit to agriculture.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *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,*
 - (b) *all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED
Resolution #927/2009