



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

November 17, 2011

Reply to the attention of Ron Wallace
ALC File: 52216

Barry Chickloski
103-1219 Commercial Way
Penticton, BC
V2A 3H4

Dear Sir:

Re: Application for a Second Dwelling in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 398/2011 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'BUnderhill', is written over a horizontal dashed line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Penticton (File: ALR 2010-PL87)



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 26, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Brian Underhill	Executive Director

APPLICATION ID: #52216

PROPOSAL: To build a new house as a second dwelling on the subject property. The applicants wish to retain the existing residence as a carriage house to be used by a vineyard manager. The carriage house would also allow for farm offices and storage. The proposed new house would be for the owner of the property and access to the residence would be via Davenport Avenue.

The application submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*

PROPERTY INFORMATION:

PROPERTY

Owner: 0831517 BC LTD.
Date of Acquisition: August 25, 2008
Parcel ID: 017-764-335
Title No. CA894702
Legal Description: Lot 2 District Lots 187 199 and 204 Similkameen Division Yale District Plan KAP47092
Civic Address: 950 Lochore Road
Size: 2.0 ha
Area in ALR: 2.0 ha
Current Land Use: Agricultural
Farm Classification: Yes No
(BC Assessment)

SITE INSPECTION MEETING:

A site inspection meeting was conducted on September 27, 2011 following which a report was prepared. The site inspection meeting report was provided to the agent on October 6, 2011 by e-mail.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. The September 27, 2011 site inspection meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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.

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 soils of the subject property is:

Unimproved rating 5A Improved rating (4:2NT 4:2T 2:3TN)

Class and Subclass Descriptions

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.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

A soil moisture deficiency
T topography
N salts

Agricultural Suitability

The Commission assessed whether external 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 external factors that render the land unsuitable for agricultural use. It was noted the property is relatively small but is well suited for agriculture and is located in an agricultural area.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission will consider support for more than one residence on a parcel of land if the additional residences are considered to be necessary for farm use. However, in this instance due to the relatively small size of the subject property, the Commission believed the proposed second dwelling is not critical to the agricultural operation of this property.

Other Factors

The Commission also noted the owner has recently purchased an agricultural property at 1865 Naramata Road and that the land will be used for grape production; and further that the existing residence on the property will be either removed or converted into a winery related building. Regardless of the acquisition of this property as part of the owner's agricultural operations, the Commission maintains its belief that the proposed second dwelling is not necessary for the farm to operate.

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 proposed additional dwelling will negatively impact 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 Dyson

SECONDED BY: Commissioner Miles

THAT the application to build an additional house on the subject property be refused.

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 # 398/2011
