



**Agricultural Land Commission**

133 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
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www.alc.gov.bc.ca

November 28, 2012

Reply to the attention of Ron Wallace  
ALC File: 37543

Dr. Robert Halpenny  
President and Chief Executive Officer  
Interior Health Authority  
#220 – 1815 Kirschner Road  
Kelowna, BC  
V1Y 4N7

Dear Sir:

**Re: Reconsideration Request for Non-Farm Uses in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 359/2012 outlining the Commission's decision as it relates to your request to extend the conditional approval provided by Resolutions #20/2008 and 761/2008 for the Health Centre facility.

If you have any questions about the Commission's decision, please feel free to contact this office.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: District of West Kelowna



## PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on November 21, 2012 at the Agricultural Land Commission offices located at #133 4940 Canada Way, Burnaby, B.C.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Commissioner
Sylvia Pranger	Commissioner
Jim Johnson	Commissioner
Bert Miles	Commissioner
Gordon Gillette	Commissioner
Jim Collins	Commissioner
Denise Dowswell	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

### COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Martin Collins	Regional Planner
Brian Underhill	Executive Director

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### APPLICATION: # 37543

**PROPOSAL:** To extend the time limit for completing the terms and conditions of approval of Application #37543 as per ALC Resolution #20/2008 as amended by Resolution # 761/2008 for the non-farm (health centre) use of a 1.62 ha portion of the 3.7 ha property by an additional 5 years until January 28<sup>th</sup> 2018. Interior Health indicates in a letter dated April 25<sup>th</sup>, 2012, that although the West Kelowna Community Health Centre is a worthy long term objective, it is not a priority project.

**Legal: PID 012-087-211: Lot 11, DL 486, ODYD, Plan 761, Except Plan 24766**

### LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

- 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.
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**COMMISSION CONSIDERATION:**

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

After review of the file information the Commission has concluded as follows:

1. that the 3.7 ha property has very good potential for agricultural use;
2. that the Commission's decision to allow the exclusion of 1.62 ha for Health Centre uses reflected strong provincial and community support for the facility, but also represented an opportunity to enhance agriculture on the rural/urban edge in the District of West Kelowna, by requiring that intensive agricultural development occur on the northerly remnant of the property;
3. that the southerly 1.62 ha of the property has been rezoned (May 2011) as a Comprehensive Development Zone by the District of West Kelowna (as per Bylaw 871.217) to permit the Health Centre facility. In addition a covenant is registered against the title of the property which prohibits the construction of buildings until the ALC has authorized the building design, a farm plan, and a topsoil management plan.
4. that Interior Health has not provided information indicating that it is proceeding with either a farm plan, or expression of intent to lease, rent or develop the northerly portion of the property for agricultural purposes, as required by Resolution #20/2008 and confirmed by Resolution # 761/2008;
5. that the extension of approval for five years may have the effect of extending the alienation of the northerly remainder from agricultural use;
6. that to extend the approval for the Health Centre use on the 1.62 ha portion of the 3.7 ha property for until January 28<sup>th</sup>, 2018 is inconsistent with the objectives of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.
7. that to extend the approval for another three years (until January 28<sup>th</sup>, 2016), is consistent with its previous decision, provided a farm plan for the northerly remnant is submitted to the ALC by January 28<sup>th</sup>, 2014; and provided that evidence is submitted that the northerly remnant has been offered for rent or lease for agricultural development by June 2015. The Commission prefers that Interior Health offer a long term lease (up to 20 years) at favourable agricultural rates to a farm business. Should there be no interest in leasing or renting by a farm business, other potential agricultural development options will be considered by the Commission;

**IT WAS**

**MOVED BY:** Commissioner Sylvia Pranger  
**SECONDED BY:** Commissioner Gordon Gillette

THAT there were no persons affected by the reconsideration;

AND THAT the request to extend the approval for the Health Centre Use of 1.62 ha of the 3.7 ha property until January 28<sup>th</sup>, 2018 be refused. However, the Commission extended the Health Centre Use approval provided by Resolutions #20/2008 and 761/2008 for three years until January 28<sup>th</sup>, 2016, subject to the following conditions;

- The submission of a farm plan for the use of the northerly remnant for agriculture by January 28<sup>th</sup>, 2014.
- The submission of evidence (by June 15, 2015) indicating that the northerly remnant has been offered for lease and/or rent at favourable agricultural rates.

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.

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 # 359/2012**