



June 14, 2012

**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

Reply to the attention of Ron Wallace  
ALC File: 52504

Dan Desbiens  
2195 KLO Road  
Kelowna, B.C.  
V1W 2X5

Dear Sir:

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

Please find attached the Minutes of Resolution #220/2012 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.

The applicant is 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.*

The applicant is also 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Kelowna File: A11-0003



## PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on May 17<sup>th</sup>, 2012 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
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

### COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Colin Fry	Executive Director

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### APPLICATION: # 52504

**PROPOSAL:** To construct a second “carriage house” on the 5.4 ha property. The applicant indicates that he plans to plant grapes on a portion of the property. Currently there is no agricultural activity occurring on the property.

**Legal:** PID 011-702-168 - Lot 64, Section 3, Twp. 26, ODYD, Plan 1247

(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

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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 all file information the Commission has concluded as follows:

1. There are no external factors that render the land unsuitable for agricultural use. Adjoining and nearby parcels are a similar size and developed for agriculture (tree fruits or pasture).
2. The additional home does not appear to be needed for agricultural purposes because there is little or no agricultural activity occurring on the property.
3. An additional residence often has the effect of alienating arable land with potential for agricultural uses, thereby reducing agricultural potential.

4. Additional residences also tend to increase the price of farm parcels making them expensive for legitimate farmers to purchase, and increase residential density in farm areas, potentially reducing the likelihood of agricultural activity.
5. The proposal, if permitted, will raise expectations and similar requests for additional residences for non agricultural purposes, and will also increase the number of applications to subdivide the residences to ensure that they occupy their own land registry parcel.
6. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

**IT WAS**

**MOVED BY:** Commissioner B. Miles

**SECONDED BY:** Commissioner S. Pranger

THAT the application be refused as proposed.

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 #220/2012**