



Agricultural Land Commission

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July 17th, 2012

Reply to the attention of Martin Collins
ALC File: 52590

Randal and Kim Spencer
2225 Brentwood Rd.
Kelowna, B.C.
V1P 1H2

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution #245/2012 outlining the Commission's decision as it relates to the above noted application.

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 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:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Kelowna File: A11 - 0013



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 27th, 2012 at the Ministry of Agriculture offices in Kelowna, B.C.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
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APPLICATION: # 52590

PROPOSAL: To construct a second dwelling for a family member on the 2.3 ha property within the upper storey of a detached shop.

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

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 presented the Commission has concluded as follows:

1. There are no external factors that render the land unsuitable for agricultural use. The property lies in a rural subdivision and surrounding properties are a similar size and have similar capability for agriculture.
2. The proposal has potential to adversely impact existing or potential agricultural use of surrounding lands because additional residents tend to decrease rather than increase the likelihood of agriculture. Residents may not be sympathetic to typical noises and smells of farming, and can trespass onto adjoining farm parcels;
3. The Commission noted that the applicants indicate that the purpose of the residential renovation will permit greater agricultural productivity and potential (because the intended resident – the applicant's daughter - has been actively involved in unspecified farm activity on the property). However, the Commission recognized that there was no certainty that the applicant's daughter would remain in the unit, or that enhanced agricultural activity would result from the residence.

4. The parcel has agricultural capability as indicated by improvable BCLI ratings of Class 2 and 3 and is therefore suitable for agriculture;
5. The proposal will not remove agricultural land currently used for (or having potential for) agricultural production because the building is already constructed;
6. The proposal, if approved, will raise expectations that the Commission will routinely permit additional residences in the ALR where not required for farm uses. This has the long term effect of increasing the overall cost of farmland, and reorienting how farmland is perceived, away from agricultural production towards residential uses.
7. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner J. Dyson
SECONDED BY: Commissioner R. Bullock

THAT the application be refused.

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 # 245/2012