



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

December 4, 2012

ALC File: # 52958

Surinder Singh Shergill
3329 East Kelowna Road
Kelowna, BC
V1W 4H3

Re: Application to Conduct a Non-Farm Use on Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 397/2012 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to ALC Staff member Ron Wallace.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #397/2012

cc: City of Kelowna (A12-0011)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 21, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52958.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
Ron Wallace	Land Use Planner
Colin Fry	Executive Director

PROPOSAL

To construct a single family detached house to be occupied by the owner as their principle residence and to retain the existing dwelling for full time farm help.
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
 - (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The agricultural capability ratings identified on Canada Land Inventory (CLI) map 82E.083 are predominately Class 4 and 5. The subclass limitation associated with the agricultural capability ratings is (A) soil moisture deficiency. With irrigation this limitation can be improved to Class 2 and 3.

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 4 – Land in this class has limitations that require special management practices or severely 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.

In addition, the Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Conclusion:

The property has both good capability for agriculture and is well suited for agriculture given its location in an agricultural area.

2. 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 residence(s) are considered to be necessary for farm use.

Conclusion:

However, in this instance due to the relatively small size of the subject farm, the Commission believed the proposed second dwelling is not critical to the agricultural operation of the property.

IT WAS

MOVED BY: Commissioner Gord Gillette

SECONDED BY: Commissioner Jerry Thibeault

THAT the application to build a second dwelling on the subject property be refused.

AND THAT the applicant be advised that a revised proposal does not constitute new evidence and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

CARRIED

Resolution #397/2012