



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 6, 2012

ALC File: # 52955

Kulwinder Kaur
1308 McKenzie Road
Kelowna, BC
V1P 1C4

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

Please find attached the Minutes of Resolution # 401/2012 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:

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

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #401/2012

cc: City of Kelowna (A-12-0007)



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 #52955.

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 develop a residential suite in an existing accessory building located on the 4.1 ha parcel. The proposed suite would represent the third residential unit on the property.
(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

The Commission considered the following and concluded as follows:

1. The subject property is approximately 4.1 ha of which approximately 3.3 ha is used as an apple orchard. There is currently one single detached dwelling and a residential suite in an accessory building on the property, with a proposed third residential unit in the form of a second residential suite within the accessory building.

2. The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission will consider a proposal for an additional residence on a farm where strong evidence is provided to support the need for farm purposes.

Conclusion:

In this particular case, due to the relatively small size of the subject farm and in light of the fact that there are currently two residential units on the property, the Commission believed the proposed third residence was not necessary for the operation of the property for agricultural purposes.

IT WAS

MOVED BY: Commissioner Gord Gillette

SECONDED BY: Commissioner Sylvia Pranger

THAT the application to build a third 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 #401/2012