



Agricultural Land Commission
133-4940 Canada Way
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www.alc.gov.bc.ca

April 8, 2014

ALC File: #53520

Vince, Lesah and Juhlie Curatolo
3588 Benvoulin Road
Kelowna, B.C. V14 4M6

Dear Mr. Mrs. and Ms. Curatolo:

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

Please find attached the Minutes of Resolution #100/2014 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 Ron Wallace.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #100/2014

cc: City of Kelowna (File #A13-0010)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 26, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53520.

COMMISSION MEMBERS PRESENT:

Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Planner
Colin J. Fry	Chief Tribunal Officer

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

NON-FARM USE - To allow for a second dwelling (i.e. Farm Worker Housing) on the subject property. The applicants have been farming the subject property since taking possession in 2010, and have been growing basil commercially in the community since 1986. The property is used to farm basil which is a relatively labour intensive crop.

PROPERTY INFORMATION:

Owners: Vince, Lesah and Juhlie Curatolo

Legal: PID: 011-773-197
Parcel 2, (Plan B1427) of District Lot 132, Osoyoos Division, Yale District

Location: 3588 Benvoulin Road, Kelowna

Size: 6.5 ha

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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

The Commission believes that the residential situation should reflect the agricultural needs of the property at present. Based on your submission, the Commission does not believe that the present level of agricultural activity on the property is sufficient to warrant an additional dwelling for farm help purposes. There are other residential options available in the community for farm workers should they be required.

Conclusion:

The Commission believes that the current agricultural needs of the subject property do not justify an additional dwelling for farm help. Furthermore, the location of the subject property within a more urban than remote area provides many options for potential farm workers.

IT WAS

MOVED BY: Commissioner Dyson
SECONDED BY: Commissioner Gillette

THAT the request farm worker accommodation be refused.

CARRIED

Resolution #100/2014