



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

August 21, 2014

ALC File: #53656

Parminder Singh Hans
1-3647 Bemrose Place
Kelowna, BC
V1W 4G8

Dear Sir:

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

Please find attached the Minutes of Resolution #290/2014 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:

A handwritten signature in black ink, appearing to read 'Colin J. Fry', is written over a white background.

Colin J. Fry, Chief Tribunal Officer

Enclosure(s): Minutes of Resolution #290/2014

cc: City of Kelowna File A13-0016

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 6, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53656.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Martin Collins	Planner
Colin J. Fry	Chief Tribunal Officer

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

To construct a second permanent dwelling on the 6.5 ha property. An existing dwelling (1,500 sq ft) is located adjacent to Teasdale Rd. A new 5,000 sq ft dwelling is proposed for a sloped area located in the northerly portion of the property.

PROPERTY INFORMATION:

Owners: Parminder Singh Hans

Legal: PID: 008-573-824
Lot A, Section 23, Twp 26, ODYD, Plan 4697, Except Plans H12752 and KAP78750

Location: Teasdale Road, southeast 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.

COMMISSION CONSIDERATION

The Commission reviewed a previous application involving the subject property:

Application #32665 (Hohertz, 1999)	The ALC allowed the subdivision of a 0.3 ha lot containing the applicants' residence from the 6.8 ha property on the grounds they qualify for consideration under the ALC's Homesite Severance Policy. Res. #406/99
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After considering the information the Commission concluded as follows:

1. The Commission considered the agricultural capability of, and agricultural activity on, the subject property.

Conclusion:

The Commission noted that the property has a long history of agricultural use and is in active grape production. The BC Land Inventory (BCLI) rating for the property is 50% 4A (2A), and 50% 5A (3AP), indicating that the land has good capability for agricultural use, with irrigation.

2. The Commission considered the rationale for, and the potential impacts of constructing a 5,000 sq ft second residence the subject property.

Conclusion:

The Commission did not believe that property warranted a second dwelling for farm help. The applicant's assertion that he is managing other agricultural parcels for a crop share does not provide sufficient information about labour requirements and other options for farm worker housing. The location of this parcel close to an urban center suggests many housing options are available.

In addition, the construction of a large home with associated yard, septic field and parking on the property will alienate significant amount of land from potential or existing agricultural production.

3. The Commission considered the City of Kelowna and Agricultural Advisory Committee comments and recommendations on the proposal.

Conclusion:

The Commission noted that the City's support for the application is conditional upon the registration of a covenant against the property title restricting the use of the existing dwelling for farm worker housing, or temporary farm worker housing, and that the proposed dwelling only be inhabited by the applicant's immediate family. In addition it was noted that the Agricultural Advisory Committee (AAC) did not support the application.

In light of the comments provided by City council and the AAC the Commission believed there were sufficient concerns with the proposal that it not be supported. The Commission believes that additional houses on ALR parcels are often not required for farm use.

IT WAS

MOVED BY: Commissioner Miles

SECONDED BY: Commissioner Johnson

THAT the proposal for a second permanent dwelling on the subject property be refused.

AND FINALLY THAT 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 #290/2014