



Agricultural Land Commission
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www.alc.gov.bc.ca

August 21, 2014

ALC File: #53686

Kanwaljeet Dukhia
6308 Apple Lane
Vernon, BC
V1B 3T7

Dear Sir:

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

Please find attached the Minutes of Resolution #292/2014 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(s): Minutes of Resolution #292/2014

cc: Regional District of North Okanagan File: 12-0283-B-ALR

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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 #53686.

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 an additional two family dwelling on the 2.9 ha property. An existing two family dwelling occupies the property. A total of four dwelling units are proposed for the property.

PROPERTY INFORMATION:

Owners: Kanwaljeet Dukhia

Legal: PID: 007-527-144
Lot 2, Section 13 and 14, Twp. 8, ODYD, Plan 15173, Except Plan 38329

Location: Rimer Road, northeast of Vernon

Size: 2.9 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 #14002 (Nickel, 1987)	The ALC allowed the subdivision of a 0.3 ha lot containing the applicants' residence from the 3.2 ha property on the grounds they qualify for consideration under the ALC's Homesite Severance Policy. Res. #175/87
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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 tree fruit production. The BC Land Inventory (BCLI) rating for the property is improvable to (7:3 TP 3:2X), 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 two family residence the subject property.

Conclusion:

The Commission did not believe that property warranted an additional two family dwelling for farm help. The file information indicates that the applicant owns and operates several nearby orchard parcels. The best available information indicates that some of these parcels also have multiple dwellings suggesting that overall there are enough dwellings to satisfy farm worker requirements. The location of the subject parcel close to an urban center suggests that urban housing options are also available.

The construction of a large dwelling with associated yard, septic field and parking on the property alienates land from potential or existing agricultural production, and it is the Commission's experience that additional dwellings also serve as a rationale for future subdivision requests.

IT WAS

MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Johnson

THAT the proposal for a two family dwelling on the subject property be refused.

CARRIED

Resolution #292/2014