



Agricultural Land Commission
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July 6, 2009

Reply to the attention of Brandy Ridout
ALC File: #H-38969

Birch Haven Farms Co. Ltd
3710-10th Avenue SW
Salmon Arm, BC - V1E4M2

Dear Mr. and Mrs. DeMille:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #341/2009 outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Salmon Arm (ALC 324)
BC Assessment, Vernon

BR/
i/38969d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 17, 2009 at the Ministry of Agriculture and Lands office, located at 4607 - 23rd St, Vernon, BC.

PRESENT: Roger Mayer Chair, Okanagan Panel
Sid Sidhu Commissioner
Gordon Gillette Commissioner
Brandy Ridout Staff

For Consideration

Application: # H - 38969
Applicant: Birch Haven Farms Co. Ltd
Proposal: To change the use of a 275 m2 building on the 27.9 ha subject property from storage to retail sales of local artists' products and products grown on the property (including jams, jellies, preserves).
Legal: PID: 008-678-111
Lot B, Section 9, Township 20, Range 10, West of the 6th, Kamloops Division Yale District, Plan 15901, EXCEPT Plan 32284
Location: 3710 - 10 Avenue SW (Trans Canada Highway), Salmon Arm

Site Inspection

A site inspection was conducted on June 17, 2009. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
Sid Sidhu Commissioner
Gordon Gillette Commissioner
Brandy Ridout Staff
Rodger & Kathy DeMille Applicants

Mrs. DeMille confirmed that the staff report dated May 26, 2009 was received and no errors were identified.

The Commission viewed the building proposed for retail sales (farm and non-farm items). It noted that the building was across from the existing retail area on the property and shared a parking lot.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the Agricultural Land Commission Act (the "Act"). They are:

- to preserve agricultural land
to encourage farming on agricultural land in collaboration with other communities of interest, and
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.

Discussion

Assessment of Agricultural Capability

The agricultural capability of the soil of the subject property is predominantly 70% Class 4 with limitations of excess water and topography and 30% Class 5 with limitations of topography and soil moisture deficiency. Class 4 land has limitations that require special management practices or severely restrict the range of crops, or both. Class 5 land has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Assessment of Agricultural Suitability

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It believed that because the building is located adjacent to the existing commercially zoned portion of the property, would not require the removal of land from production, and shares a parking lot with the other retail area, it would not have a negative impact on agriculture.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will not have a negative impact on agriculture.

IT WAS

MOVED BY: Commissioner Sidhu
SECONDED BY: Commissioner Mayer

THAT the application to change the use of a 275 m² building on the 27.9 ha subject property from storage to retail sales of local artists' products and products grown on the property (including jams, jellies, preserves) be approved.

Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution #341/2009

Provincial Agricultural Land Commission
 Application #H-38969
 Resolution #341/2009

275 m² building approved for retail sales of local artists' products and products grown on the property (including jams, jellies, preserves)



Separate Lot, Not Included in Rezoning / ALC Applications



Main Grocery Building
 Footprint = Approx. 618 m²
 Retail Area = Approx. 403 m²



C-8 Zone Area required for "Subject Building"
 Approx. 8.5 m / 20 m (170 m²)



Present C-8 Zone Boundary (3,678 m² or 0.9 acre)



Proposed Expansion of C-8 Zone Boundary (170 m² or 1,830 ft²)

