



**Agricultural Land Commission**  
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January 25, 2006

Reply to the attention of Brandy Ridout  
ALC File #V-36372

Stephen & Linda Pocock  
300 Sigalet Road  
Lumby, BC V0E 2G6

Dear Mr. and Mrs. Pocock:

Re: Application for non-farm use in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #15/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of North Okanagan (#05-0829-D-ALR)

BR/lv/Encl.: Minutes  
36372d1

## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 19, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23<sup>rd</sup> Street, Vernon, BC.

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

### For Consideration

Application # V-36372  
Applicant(s) Stephen & Linda Pocock  
Proposal To use an existing 13,000 square foot building on the 65 ha property for a wood cutlery manufacturing operation.  
Legal PID: 013-591-321  
Parcel A (DD185162F), East ½ of the North East ¼, of Section 5 and the East of the South East ¼ of Section 8, Township 40, Osoyoos Division Yale District  
Location 869 Mabel Lake Road, Lumby

### Site Inspection

A site inspection was conducted on January 18, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout and Martin Collins
- Applicants: Stephen and Linda Pocock
- Aspenware representatives: Terry Bigsby and Claus Gerlach

Mr. Pocock confirmed that he received the staff report dated December 30, 2005 and did not identify any errors.

The Commission toured the facility and discussed matters including the impact of the operation on the remainder of the farm and the future plans for the operation.

### 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:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

The Act provides processes for landowners, local governments and First Nation governments to apply to the Commission to include land into the ALR, remove land from the ALR, subdivide land in the ALR and use land in the ALR for non-farm purposes. The Commission decides applications with the objective of ensuring that lands suitable for agriculture are retained in the ALR and that non-farm development of ALR land is restricted.

## Discussion

### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The improved agricultural capability ratings for the property are identified as approximately 42% Class 2D, 24% Class 4TP, 18% Class 3TD, and 16% Class 5TP.

#### Class

2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

#### Subclass

P      stoniness  
D      undesirable soil structure  
T      topography

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long-term goal of preserving agricultural land. The Commission noted that the barn is not used for the present agricultural operation of the subject property. It discussed that the proposed use would be contained within an existing structure, no major modification to the exterior or surrounding area would be undertaken, and no significant equipment would be used outside the building. With regard to practices that could potentially impact the farm unit, the issues of traffic flow, number of employees, and water use was discussed. The Commission noted that only small quantities of fibre will be brought onsite as required, the number of employees would be approximately 20, and the water used by the operation would be minimal. In addition, the fibre used (aspen and birch) will come from the applicant's property and other lands in the area improving use of an under-utilized agroforestry resource.

The Commission did not believe that the proposal would impact existing or potential agricultural use of surrounding lands.

**Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the proposal will not impact agriculture.

**IT WAS**

**MOVED BY:** Commissioner Irvine

**SECONDED BY:** Commissioner Sidhu

THAT the application be approved

AND THAT the approval is subject to the following conditions:

- the use be contained within the existing 13,000 square foot building, and
- the use being permitted for a 5-year period (extension would be subject to a Commission review)

AND THAT the approval is granted to the applicant only.

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 #15/2006**



**Staff Report**  
**Application # T – 36372**  
**Applicant: Stephen & Linda Pocock**  
**Location: Lumby**

**DATE RECEIVED:** November 17, 2005

**DATE PREPARED:** December 30, 2005

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Regional Research Officer

**PROPOSAL:** To use an existing 13,000 square foot building on the 65 ha property for a wood cutlery manufacturing operation.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The building was originally used as an egg production facility and subsequently housed the Silver Hills Bakery, as approved by application #T-25554. The portion of the property where the building is located was zoned "Agricultural Industrial" (I4) to accommodate the Bakery.

The landowners run a 300-head beef cattle operation on the subject property and other lands in the area. They will be involved with the proposed manufacturing operation by supplying trees from their properties. The Regional District of North Okanagan's home occupation policy permits uses that are secondary to the principle use, under certain conditions. Because the landowner will not be the operator of the business and the source material will come from various properties, the policy does not apply and a non-farm use application was required.

**Local Government:**

Regional District of North Okanagan

**Legal Description of Property:**

PID: 013-591-321

Parcel A (DD185162F), East ½ of the North East ¼, of Section 5 and the East of the South East ¼ of Section 8, Township 40, Osoyoos Division Yale District

**Purchase Date:**

May 11, 2004

**Location of Property:**

869 Mabel Lake Road, Lumby

**BACKGROUND INFORMATION (continued):**

**Size of Property:**

64.7 ha (the entire property is in the ALR).

**Present use of the Property:**

Beef cattle operation, 53 ha in crop production, one residence, one building used as an indoor riding arena, 13,000 square foot building formerly used as a bakery.

**Surrounding Land Uses:**

**WEST:** Large farmed property in the ALR  
**SOUTH:** Large farmed property in the ALR  
**EAST:** Large farmed property in the ALR  
**NORTH:** Large farmed property in the ALR

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82L/7  
The majority of the property is identified as having mixed prime and secondary ratings.

**Official Community Plan and Designation:**

Electoral Area D and E OCP designates the land as Agricultural/Major Road.

**Zoning Bylaw and Designation:**

Regional District of North Okanagan Zoning Bylaw No. 1888 (2003)  
Designation: dual zoned – 62.1 ha Non Urban (NU) and 2.6 ha Agricultural Industrial (I4)  
The Regional Board recently adopted Zoning Text Amendment Bylaw #2064/2005, which permitted the "fabrication of biodegradable wooden cutlery" in the I-4 zone.

**PREVIOUS APPLICATIONS:**

**Application #22243-0**

**Applicant:** H Beerstra & Sons Enterprises  
**Decision Date:** June 23, 1988  
**Proposal:** To subdivide a 2 ha lot from the 65 ha property so that the egg production facility is on its own separate title. Both of the applicant's sons died in accidents and he can no longer operate both the beef/pork operation and the egg facility.  
**Decision:** Allowed (although approval never pursued)

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**Application #25554-0**

**Applicant:** Stan & Kathryn Smith  
**Decision Date:** June 7, 1991  
**Proposal:** To relocated the Silver Hills bakery to a renovated egg manufacturing facility on the 65 ha property.  
**Decision:** Allowed the proposed Silver Hills Bakery in the renovated structure, subject to the Rescission of Resolution # 779/88 which permitted the subdivision of a 2 ha lot containing the egg operation.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**The Regional District of North Okanagan Board:** Forwarded the application without comment.

**OTHER COMMENTS:**

A letter was received from a local rancher who is in support of the proposed agroforestry operation and will be supplying trees from his property.

A letter was also received from the company proposing to undertake the wood cutlery manufacturing operation (Aspenware Inc.). The following points were noted:

- The existing building will be used without major modification to the exterior or surrounding area and no significant equipment will be used outside the building.
- The fibre utilized will support the local agro-forestry industry by using under-utilized birch and aspen.
- The use of the building will not affect the existing farm operation.
- Traffic flow is predicted to be under that created by the previous use of the building.

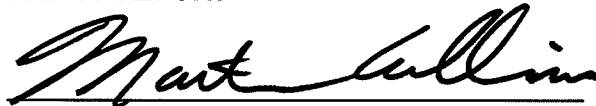
**STAFF COMMENTS:**

Staff suggests that the Commission consider the following:

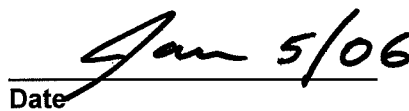
- The proposed use will be contained within an existing structure that has already been utilized by a non-farm use.
- The raw materials for the facility (aspen and birch) will come from the applicant's property and other lands in the area improving use of an under-utilized agroforestry resource.
- Aspenware Inc. suggests that traffic volume and water and sewer usage should be well below that of the previous bakery use. However, no information is provided about the number of employees or trucking volumes (i.e. truck movements per day).

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**END OF REPORT**



Signature



Date