



Agricultural Land Commission
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October 23, 2013

ALC File: # 53322

Ronald McMillan
James & Wilma McMillan
#1 – 3690 Berard Road
Kelowna, BC
V1W 4A9

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

Please find attached the Minutes of Resolution # 302/2013 as it relates to the above noted application.

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 'B. Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #302/2013

cc: City of Kelowna (A13-0008)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 2, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53322.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Brian Underhill	Executive Director

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

The applicant is seeking non-farm uses with respect to an activity referred to as Farmersgolf™ and a concession stand for visitors to the farm.

The subject property is currently used for hay production, pasture for grazing horses and other livestock (e.g. cattle) and the production of corn and pumpkins. In addition the property is being used to operate a number of seasonal agri-tourism activities which include hayrides, corn and hay maze, pumpkin patch and pumpkin slingshot. The aforementioned agri-tourism activities are permitted without the need for a “non-farm use” application as the uses are consistent with the ALC’s definition of agri-tourism.

The applicants are now seeking permission from the ALC to add Farmersgolf™ between May and October annually. Farmersgolf uses a club (constructed from a Dutch wooden shoe) and a soccer ball with pails used for holes and flags to indicate the location of the hole. It is noted that the game is played on an otherwise unaltered farm site with obstacles and hazards including the farm activities. This activity has no significant impact on the agricultural use of the property.

In addition to the Farmersgolf, the applicants are also seeking to augment their existing operations with a concession retailing a variety of products to their customers. The small concession is proposed to be housed in an existing shed and the applicants are proposing to retail a variety of local products to the public.

It is noted that the applicants intend to work with a Certified Environmental Farm Planner to prepare an Environmental Farm Plan to help enhance both the environmental and farm value of the property.

PROPERTY INFORMATION:

Owner: Ronald McMillan, James and Wilma McMillan

Legal: PID: 011-713-372
Lot 2 Section 8 Township 26 Osoyoos Division Yale District Plan 1554

PID: 011-713-381

Lot 3 Section 8 Township 26 Osoyoos Division Yale District Plan 1554 Except
Plan B4459

Location: 3690 Berard Road, Kelowna (Lot 2)
1640 Ward Road, Kelowna (Lot 3)

Size: 22.1 ha (Lot 2)
22.9 ha (Lot 3)

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:

1. The agricultural capability ratings identified on British Columbia Land Inventory (BCLI) map 82E.083 show that the soils across the subject property vary considerably between Class 2 (Prime) and Class 7 (No Capability). The Class 7 lands are associated with an escarpment while the majority of the land is identified to be Prime (i.e. Class 3 or better). The subclass limitations associated with the agricultural capability ratings are predominately (W) excess water, (F) low fertility and (E) erosion potential. Small pockets along the eastern portion of the subject property are identified to have (D) undesirable soil structure, (T) topography, (N) salinity and (A) soil moisture deficiency limitations.

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

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

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

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

Class 7 – Land in this class has no capability for arable or sustained natural grazing

The subject property is currently used for hay production, pasture for grazing horses and other livestock (e.g. cattle), and the production of corn and pumpkins. The applicants also

operate agri-tourism activities on the property with a corn maze, hay maze and other agri-tourism activities. These agri-tourism activities have been permitted without the need for a "non-farm use" application as the uses are consistent with the ALC's definition of agri-tourism.

In context to the above, the Commission considered the proposed Non-farm Uses to add Farmersgolf to the agri-tourism activities of the farm operation and also to augment their existing operations with a concession retailing a variety of products to their customers.

Conclusion:

That while the subject property has some agricultural capability limitations, the property predominately has good capability and is well suited for agricultural use. The Commission believes the proposal to add Farmersgolf to the agri-tourism activities on the farm is supportable due to its minimal impact to the agricultural potential of the subject property. The Commission also supports the proposed concession being located within the indicated existing structure on the property.

IT WAS

MOVED BY: Commissioner Johnson

SECONDED BY: Commissioner Dyson

THAT the request to add Farmersgolf as an agri-tourism activity and to operate a concession stand for visitors to the subject farm be approved.

AND THAT the approval is subject to the concession stand being located within the indicated existing structure on the property.

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 #302/2013