



Agricultural Land Commission
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October 19, 2016

ALC File: 54771

Kerry Davison
22270 128 Ave
Maple Ridge, BC V4R 2R1

Dear Mr. Davison:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #356/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly. A sketch plan depicting the decision is also attached.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the Agricultural Land Commission Act](#), the Chair may direct the executive committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the Agricultural Land Commission Act](#) which provides a person affected the opportunity to submit a request for reconsideration.

- 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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Kamelli Mark at (Kamelli.Mark@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Kamelli Mark, Land Use Planner

Enclosures: Reasons for Decision (Resolution #356/2016)
Sketch Plan

cc: City of Maple Ridge (File: 2016-006-AL)

54771d1



AGRICULTURAL LAND COMMISSION FILE 54771

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicants:

**Kerry Davison
Barbara Lynn Davison
(the “Applicants”)**

Agent:

**Kerry Davison
(the “Agent”)**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Gordon McCallum**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 001-990-942

Lot 5, Except: Parcel One, Reference Plan 80525 and Part on Plan BCP52151;

District Lot 400, Group 1, New Westminster District, Plan 69867

(the "Property")

[2] The Property is 4.9 ha in area.

[3] The Property has the civic address 22017 – 124th Avenue, Maple Ridge.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.

[6] Pursuant to s. 20(3) of the ALCA, the Applicants are applying to:

- Construct a new single family dwelling and retain two existing dwelling units; and
 - Utilize an existing commercial kitchen in the cheese retail building.
- (the "Proposal")

The Proposal along with supporting documentation is collectively (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the ALCA:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*:

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.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

- 1. The Application
- 2. Local government documents
- 3. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] At its meeting of March 8, 2016, the City of Maple Ridge resolved to forward the Application to the Agricultural Land Commission (the “Commission”).

SITE VISIT

[11] On June 15, 2016, the Panel conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the “Site Visit”).

[12] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications* and was provided to the Agent on June 16, 2016 (the “Site Visit Report”).

FINDINGS

[13] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92G.027 for the mapping units encompassing the southern portion of the Property are (7:3DW – 3:2TD) and (3DW) for the northern portion.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

The limiting subclasses associated with this parcel of land are D (undesirable soil structure), W (excess water) and T (topographic limitations).

While there is no agriculture currently taking place on the Property, the Panel finds that the Property has good capability for agriculture.

[14] The Applicants have two daughters who run Golden Ears Cheese Crafters (the "Cheese Crafters"), an artisan cheese making business which operates on the Property. There is one building currently located on the Property which contains the retail space for the sale of cheese and other locally made products; the cheese making facilities, a commercial kitchen, and two dwelling units located on the second floor which are presently occupied by the Applicants' daughters.

[15] The milk used for cheese making is sourced from the dairy farm (the "Davison Farm") located adjacent to the Property which is owned by a relative of the Applicants. The Panel received the following clarification from the Applicants' daughter with respect to the link between the Davison Farm and the Cheese Crafters:

The neighbouring farm is Davison Farms, which is owned my uncle Kevin Davison. He is my dad's brother. My other uncle Barry owns the field next to him on the westside (sic). All the grass of the fields is used as silage to feed the dairy cows on the farm...

[W]e just have a mutual understanding that they get to use our field for silage. Kevin also report the milk fat for us and lets us know if there are any issues with the milk on a weekly basis.

S. 2(2)(c) of BC Regulation 171/2002 Agricultural Land Use Subdivision, Use and Procedure Regulation (the "Regulation") states that with respect to farm processing:

2 (2) The following activities are designated as farm use for the purposes of the Act:

(c) storing, packing, preparing or processing farm products, if at least 50% of the farm

product being stored, packed, prepared or processed is

(i) produced on the farm,

(ii) produced by an association as defined in the Cooperative Association Act

to which the owner of the farm belongs, or

(iii) feed required for farm production purposes on the farm.

In addition, s. 2(2)(a) of the Regulation states that with respect to farm retail sales:

2 (2) The following activities are designated as farm use for the purposes of the Act:

(a) farm retail sales if

(i) all of the farm product offered for sale is produced on the farm on which

the retail sales are taking place, or

(ii) the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m2 and if at least 50%



of that retail sales area is limited to the sale of farm products produced

(A) on the farm on which the retail sales are taking place, or

(B) by an association as defined in the Cooperative Association Act to which the owner of the farm on which the retail sales are taking place belong.

Based on the information provided by the Applicants and their daughter regarding the independence of Davison Farm and the Cheese Crafters, the Panel finds that the Cheese Crafters is not consistent with the criteria for farm product processing and farm retail sales as permitted by the Regulation. The Panel therefore considered the Proposal within the context of the Cheese Crafters as a non-farm use within the ALR.

[16] The Panel understands that the District of Maple Ridge sought advice from the Commission in 2010 to determine whether or not the proposed Cheese Crafters would be consistent with the Regulation. The Panel is unaware of the specifics of the advice provided at that time. Regardless of the interpretation of the criteria of the Regulation with respect to farm product processing and farm retail sales at that time, the Panel would like to take this opportunity to remedy any misunderstanding of the Regulations in this regard. The Panel is amenable to the continued operation of the Cheese Crafters in its current size and location so long as it remains tied to the Davison Farm, upon which, the current product source and business is dependent.

[17] The Panel considered the request to operate a commercial kitchen in the retail space. The commercial kitchen is under application for a non-farm use as commercial kitchens are not permitted under the Regulation. In the Application, the Agent stated:

The purpose of the Kitchen [is] to accomplish a goal of zero cheese waste. When cheese is getting close to the due date it is transferred to the kitchen to make lunches or take home mac and cheeses.

In conducting the Site Visit, the Panel noted that the commercial kitchen's small size, location in the retail/processing building, and limited function renders no negative impact to the agricultural use of Property. The Panel has no objection to the use of the commercial kitchen provided it remains in its current size, location, and for its present use.

[18] The Panel then considered the request for construction of a single family dwelling on the Property. Currently, there are two dwellings located on the second storey of the retail building which are occupied by the Applicants' daughters. The Applicants are proposing to construct a single family dwelling for one of their daughters as her family has outgrown the dwelling unit above the retail building. The vacant dwelling unit above the retail building is intended to be rented by a Cheese Crafters employee. The Panel is amenable to allowing two dwellings on the Property: one single-family dwelling, and one suite above the Cheese Crafters building. The Panel believes that the District of Maple Ridge is the appropriate authority to determine the decommissioning the residential use of one of the suites above the Cheese Crafters.

[19] With respect to the location of the single family dwelling, the Panel provides two suggestions in order to site the dwelling in a manner which maximizes the preservation of agricultural land (see attached Sketch Plan).

[20] The Panel wishes to acknowledge the impressive business that the Applicants' family has developed at Golden Ears Cheese Crafters. While the business may continue to be successful, the Panel also wishes to caution the Applicants that there may be a time when the business outgrows the permitted uses with the Regulation its current agricultural location and be required to locate outside of the ALR.

DECISION

[21] For the reasons given above, the Panel refuses the Application as proposed.

[22] Despite the above, the Panel approves:

- a. Continued operation of the Cheese Crafters;
- b. Use of a commercial kitchen in the Cheese Crafters building;
- c. Construction of one single-family dwelling and continued residential use of one of the dwelling units above the Cheese Crafters building.

[23] The Proposal is approved subject to the following condition:

- a. the Cheese Crafters operation continue in its current size and location provided that the milk products are sourced from the adjacent Davison Farm;
- b. the commercial kitchen remains in its current size, location, and for its present use;
- c. the Commission receives confirmation from the District of Maple Ridge that one of the residential units above the Cheese Crafters be decommissioned from residential use;
- d. the single-family dwelling is to be located in the area delineated in the attached Sketch. If the Applicants intend to locate the house elsewhere on the Property, the Applicants are required to provide the Commission with the rationale for choosing an alternate location.

[24] 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.

[25] These are the unanimous reasons of the South Coast Panel of the Agricultural Land Commission.

[26] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[27] This decision is recorded as Resolution #356/2016 and is released on October 19, 2016.



CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'W. Zylmans', is positioned above a horizontal line.

William Zylmans, Panel Chair, on behalf of the South Coast Panel

END OF DOCUMENT

122°36'0"W

54771 (Davison)
Conditionally Approved Non-Farm Uses
ALC Resolution #356/2016

Map Location

PITT MEADOWS

MAPLE RIDGE

LANGLEY (DISTRICT)

ALR

Preferred
placement options
of dwelling

128 Ave

Subject Property

Abenethy Way

224 St

127 Ave

127 Ave

126 Ave

220A St

Gray St

Isaac Cres

222 St

223 St

125 Ave

Colemore St

Morse Cres

125 Ave

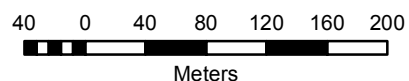
49°14'10"N



Airphoto Map

2009 Natural Colour - Ortho

Map Scale: 1:5,000



ALC File #: 54771

Mapsheet #: 92G.027

Map Produced: Apr 12, 2016

Regional District: Greater Vancouver