



**Agricultural Land Commission**  
133–4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

November 18, 2016

ALC File: 55670  
Your File: ALC-367

City of Salmon Arm  
Box 40, 400 – 2 Avenue NE  
Salmon Arm, BC  
V1E 4N2

Attention: Kevin Pearson, Director of Development Services

**Re: Application for Non-farm Use in the Agricultural Land Reserve (ALR)**

Please find attached the Reasons for Decision of the Okanagan Panel (Resolution #395/2016) as it relates to the above noted application.

**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.

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 Ron Wallace at (Ron.Wallace@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "Ron Wallace". The signature is fluid and cursive, with the first letter "R" being particularly large and stylized.

Ron Wallace, Land Use Planner

Enclosure: Reasons for Decision (Resolution #395/2016)

cc: Local Government (File: ALC-367)

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## **AGRICULTURAL LAND COMMISSION FILE 55670**

### **REASONS FOR DECISION OF THE OKANAGAN PANEL**

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

**Applicant:** **The Board of Education of School District  
No. 83 (North Okanagan Shuswap)  
(the “Applicant”)**

**Agent:** **Kevin Pearson  
(the “Agent”)**

**Application before the Okanagan Regional Panel:** **Gerry Zimmermann, Panel Chair  
Jim Johnson  
Greg Norton**



## **THE APPLICATION**

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

Parcel Identifier: 008-448-931

Lot 1, Section 8, Township 20, Range 9, West of the 6<sup>th</sup> Meridian Kamloops Division

Yale District, Plan 17118

(the “Property”)

[2] The Property is 2.1 ha in area.

[3] The Property has the civic address 5970 – 10 Avenue SE, Salmon Arm.

[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 use the Property for the City of Salmon Arm’s (City’s) public works yard (the “Proposal”). The Property was previously used by School District No. 83 as the South Canoe Elementary School. The facility first opened in 1956 and ceased its main elementary school course programming in 2003. The Property is designated “Acreage Reserve” in the Official Community Plan (OCP), zoned P-3 “Institutional” and is totally within the ALR. The Proposal along with supporting documentation is collectively the application (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. The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:

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. Evidence from any third parties of which disclosure was made to the applicant
4. 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 September 12, 2016, City of Salmon Arm Council approved the following resolution:

*“That: the Agricultural Land Commission Application No. ALC-367 be authorized for submission to the Agricultural Land Commission with the proposed/permitted non-farm use to be listed as Outdoor Recreation, Indoor Recreation and all uses listed in the P-3 zoning.”*

[11] The Agricultural Advisory Committee met on August 31, 2016 and advised Council that it does not support the Non-farm Use application ALC-367.

[12] The City of Salmon Arm Development Services Department indicated in a Memorandum dated August 29, 2016 that there is a long term plan to relocate the current works yard as a “Long Term Priority” in the City’s Corporate Strategic Plan. While a specific site for the relocation was not formally contemplated, the Property was seen to be suitable for the following reasons.

- The current P-3 zone allows the proposed use subject to ALC approval.
- The Property is designated “Acreage Reserve” in the City’s OCP and in light of the Property’s characteristics could be re-designated to accommodate the proposed use.
- Although the Property “has moderate Improved Soil Capability Ratings, it has not been utilized for agricultural purposes for more than 60 years.”
- The City owned South Canoe Gravel Pit is in close proximity to the Property and provides easy access for City crews.
- While the Property is slightly smaller than the current works yard, it is sufficient for this purpose and the existing buildings could be repurposed for office and public works facility uses.
- The purchase price of the Property is affordable and would benefit the City taxpayers in the long term.

[13] While the ALC does not have public notification requirements tied to a Non-farm Use application process, it did receive numerous emails and letters from the local public regarding the Proposal; the Panel acknowledged these comments and noted that they are predominately not in support of the proposed new works yard location.

### **SITE VISIT**

[14] On October 18, 2016, the Panel conducted a walk-around and meeting site visit in accordance with the *Policy Regarding Site Visits in Applications* (the “Site Visit”).

[15] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations

and discussions of the Site Visit by the Agent on November 2, 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 Canada Land Inventory (CLI), ‘Soil Capability Classification for Agriculture’ system. The improved agricultural capability ratings identified on CLI map sheet 82L/11 for the mapping units encompassing the Property are approximately 40% Class 3 and Class 2, more specifically (6:3T – 4:2T) and 60% Class 4 and Class 5, more specifically (6:4PM – 4:5TP).

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.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclasses associated with this parcel of land are M (moisture deficiency), P (stoniness) and T (topographic limitations).

[14] The Panel acknowledges the City’s interest in utilizing the Property for a future public works yard, given its suitability for this purpose as outlined in the above noted Memorandum proposed by the City’s Development Services Department. However, while the Property has a long history of non-farm use (~60 years) and is currently zoned P-3 (“Institutional”), the Panel notes the Property has good agricultural capability and believes it has potential for



agricultural use. Further, the Property is located in a predominately agricultural area – with small and medium sized ALR lots to the north, west, south and southeast of the Property; and the Panel believes the proposed public works yard would negatively impact the surrounding agricultural lands. The Panel considered the Proposal to be inconsistent with context of s. 6 of the *ALCA*.

### **DECISION**

[15] For the reasons given above, the Panel refuses the Proposal to use the Property for the City of Salmon Arm's public works yard.

[16] These are the unanimous reasons of the Okanagan Panel of the Agricultural Land Commission.

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

[18] This decision is recorded as Resolution #395/2016 and is released on November 21, 2016.

### **CERTIFICATION OF DECISION**

A handwritten signature in black ink, appearing to read 'G. Zimmermann', is written over a horizontal line.

Gerry Zimmermann, Panel Chair, on behalf of the Okanagan Panel

**END OF DOCUMENT**