



Agricultural Land Commission
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www.alc.gov.bc.ca

November 9, 2016

ALC File: 54878

Roger Bailey
16012 Oyama Road
Oyama, BC V4V 2E4

Dear Mr. Bailey:

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

Please find attached the Reasons for Decision of the Okanagan Panel (Resolution #375/2016) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

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 Jenna Bedore at (Jenna.Bedore@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Jenna Bedore', with a stylized, cursive style.

Jenna Bedore, Land Use Planner

Enclosure: Reasons for Decision (Resolution #375/2016)

cc: Columbia Shuswap Regional District (File: LC2514D)

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AGRICULTURAL LAND COMMISSION FILE 54878

REASONS FOR DECISION OF THE OKANAGAN PANEL

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

Applicants:

**Roger Bailey
Diane Courchesne
(the “Applicants”)**

Agent:

**Roger Bailey
(the “Agent”)**

Application before the Okanagan Regional Panel:

**Gerald Zimmermann, Panel Chair
Jim Johnson
Greg Norton**

THE APPLICATION

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

Parcel Identifier: 015-066-291

Lot A, Section 5, Township 19, Range 10, West of the 6th Meridian, Kamloops

Division, Yale District, Plan 41972

(the "Property")

[2] The Property is 2.9 ha in area.

[3] The Property has the civic address 991 Salmon River Rd. Salmon Arm, BC.

[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 convert an existing building into a rental building for use by a timber frame building package business. The buildings on the Property were previously used for meat packing and are now used for processing cherries. The building in question was the septic building for the meat processing plant, but is now empty (the "Building"). The Applicants propose to rent out the Building to a timber frame building business on a temporary basis (the "Proposal"). 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. Previous application history
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 July 21st, 2016, the Columbia Shuswap Regional District (the “CSR District”) Board resolved that the Application be forwarded to the Commission recommending that the application be authorized.

[11] The Panel reviewed three previous applications involving the Property:



Application ID: 15994
Legacy File: 00734
(McNary, 1976)

To establish a 1200 ft² slaughterhouse the on east side of the property. The Commission approved the application subject to the approval and requirements of the Department of Health and Pollution Control Board. The application was approved by ALC Resolution #3325/76.

Application ID: 15993
Legacy File: 04573
(McNary, 1977)

To subdivide a 0.8ha lot from the 13.4 ha property for the applicant's son. The Commission refused the application as they believed the land had high agricultural capability and should be maintained as one large unit. The application to subdivide was refused, however, the Commission permitted the construction of a second dwelling on the property by ALC Resolution #6698/77.

Application ID: 15987
Legacy File: 19915
(McNary, 1986)

To subdivide a 1.6 ha lot from the 14.16 ha property in order to build a new, federally-inspected slaughter house. The Commission refused the application but allowed construction of the new slaughterhouse on the western portion of the property by ALC Resolution #434/86.

Reconsideration Request 1

The Commission received a request, dated March 9, 1987, from the applicant to reconsider Resolution #434/86 on the grounds that they required a separate lot in order to obtain financing. After discussions with the applicant about the siting of the new slaughterhouse and the details of the proposed use, the Commission allowed

the subdivision of a 1.4 ha lot, subject to the proposed lot only being used as a federally inspected slaughterhouse, and the old abattoir (which was permitted by Resolution # 3325/76) being removed from the remainder property. The approval was granted in lieu of any future consideration for a homesite severance. The reconsideration was approved by ALC Resolution #0297/87.

Reconsideration Request 2 The Commission received a request, dated January 27, 1988, from the applicant to reconsider Resolution #0297/87 as the applicant decided they no longer wanted to proceed with the approved subdivision and construction of a new, federally-inspected slaughterhouse. The applicant preferred to modernize and expand the existing abattoir (originally approved by ALC Resolution #3325/76) instead. The Commission allowed the request subject to the rescinding of the Commission's previous decision (Resolution #0297/87). The reconsideration was approved by ALC Resolution #68/88.

Reconsideration Request 3 The Commission received a request, dated February 19, 1988, from the applicants' agent, to reconsider the application, as the applicants again wanted to subdivide the property into two lots and establish a new federally-inspected slaughterhouse on the western lot. The new proposal included a larger slaughterhouse than previously proposed, and a request to subdivide a 2.9 ha lot instead of the previously considered 1.4 ha lot. The Commission refused the request on the grounds that the proposal constituted an industrial use of agricultural land

and was not well supported by surrounding agricultural operators. The Commission was also concerned over the anticipated future expansion of the proposed facility. The reconsideration was refused by ALC Resolution #493/88.

Reconsideration Request 4 The Commission received a request, dated June 3, 1988, from the applicants' agent to reconsider ALC Resolution #493/88. The agent indicated that while the Commission considered the proposed slaughterhouse an industrial use that should be located in an industrial park, the two industrial parks in the area would not support the proposed land use without rezoning. After detailed discussions with the applicants and the CSRD, the Commission allowed the application subject to several conditions including: that a dense vegetative buffering be installed on the north and west sides of the property, that access to the facility from Salmon River Road be created, and that the subdivision plan only be deposited once the slaughterhouse was constructed and in operation. The reconsideration was approved by ALC Resolution #641/88.

Note: The subdivision approved by Resolution #641/88 resulted in the current configuration of the Property.

[12] The Panel reviewed one relevant application relating to the Application:

Application ID: 15911
Legacy File: 33350
(Riverside Meats, 2000)

To re-open the existing abattoir on the property. The Commission allowed the application as proposed, as they found it would benefit local agricultural producers and there would be no additional impact as the structure



already existed. The application was approved by ALC Resolution #311/2000.

Note: ALC Application 15911 is adjacent to the Property. The property in ALC Application 15911 and the Property were once a single lot that was subdivided by ALC Resolution #641/88.

SITE VISIT

[13] On September 22, 2016, the Panel conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[14] 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 Applicant on October 12, 2016 (the "Site Visit Report").

FINDINGS

[15] The Panel notes that the Property is zoned Agriculture Processing (AP) in the Salmon Valley Land Use Bylaw No.2500 and that the Proposal is inconsistent with the uses permitted in this zone. The CSRD staff report states that if the Proposal was approved by the ALC, the Applicant would need to either apply for the Property to be rezoned for industrial use, or apply for a temporary use permit as an alternative to rezoning. While the non-farm use is restricted to an existing building, the Panel believes that the industrial activities in the Proposal should be located on appropriately zoned land and not on land designated for agricultural priority.

[16] Rental of the existing farm building was proposed as a means of increasing income to support the farm operation, and of mitigating the risk of security issues by creating a year round presence on the Property. The Panel finds that the proposed use is not compatible with the goal of preserving and encouraging agriculture. The Panel does not



object to the use of the existing buildings for the farm operation or rental uses, provided that those uses are in compliance with the *ALCA*, or BC Regulation 210/2016 Agricultural Land Reserve Use, or Subdivision and Procedure Regulation.

DECISION

[17] For the reasons given above, the Panel refuses the Proposal.

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

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

[20] This decision is recorded as Resolution #375/2016 and is released on November 9, 2016.

CERTIFICATION OF DECISION

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

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

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