



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 9, 2016

ALC File: 55452

Margaret Bland
3581, 30th Ave. SW
Salmon Arm, BC

Dear Mrs. Bland:

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 #372/2016) 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*.

Page 2 of 2

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 #372/2016)

cc: City of Salmon Arm (File: ALC-365)

55452d1



AGRICULTURAL LAND COMMISSION FILE 55452

REASONS FOR DECISION OF THE OKANAGAN PANEL

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

Applicants:

**Dan Bland
Margaret Bland
(the “Applicants”)**

Agent:

**Margaret Bland
(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: 025-108-425

Lot 2, Sections 4 and 9, Township 20, Range 10 West of the 6th Meridian, Kamloops
Division, Yale District, Plan KAP69585

(the "Property")

[2] The Property is 24.9 ha in area.

[3] The Property has the civic address 3581, 30th Ave. SW, 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 store approximately 75 boats and recreational vehicles (RVs) in the Property's hay sheds during the winter months when the barns are not required for hay storage (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 Applicants in advance of this decision.

[10] At its meeting of August 22, 2016, the City of Salmon Arm resolved that the Application be authorized for submission to the Commission.

[11] The Panel reviewed one previous application involving the Property:

Application ID: 16746
Legacy File: 33673
(Edgemont Farms Ltd., 2001)

To dedicate 3.3 ha of existing roadways (Foothill Road, 30th Street S.W. and 30th Avenue S.W.). The dedication was pursued in order to accomplish boundary



adjustments of properties in the area. The Commission allowed the application provided it was in substantial compliance with the plan originally submitted to the ALC. The application was approved by ALC Resolution #150/2001.

[12] The Panel reviewed one application located in proximity to the Application:

Application ID: 37100
Legacy File: 20101
(McLeod, 1986)

To subdivide 0.3 ha parcel from 8.1 ha parcel and consolidate the remainder with the adjacent lot. The Commission approved the application as it believed the subdivision would be beneficial to agriculture by consolidating two large agricultural parcels. The application was approved by Resolution #544/1986.

Note: Application ID 37100 is located adjacent to the southwest of the Property.

Note: Upon review of Application ID 37100, the Panel determined that the application was not germane to the consideration of the Application.

SITE VISIT

[13] On September 21, 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 Agent on October 18, 2016 (the "Site Visit Report").

FINDINGS

[15] The Panel notes that the Proposal is not consistent with the uses permitted in the City of Salmon Arm's Agriculture (A-1) zoning applicable to the Property. While the proposed non-farm use is restricted to the existing farm buildings, the Panel believes that commercial activities should be located in appropriately zoned areas. In order to provide the Applicants with a reasonable amount of time to relocate the boats and RVs, the Panel is amenable to approving the non-farm use for a period of one (1) year.

DECISION

[16] For the reasons given above, the Panel refuses the Proposal as proposed.

[17] The Panel approves temporary non-farm use for boat and RV storage in the three (3) proposed farm buildings subject to the following conditions:

- a. the approval is valid for a period of one (1) year beginning the date of release of this decision;
- b. the temporary non-farm use must cease upon expiration of the 1 year approval;
- c. the temporary non-farm use must remain in the current footprint and location; and
- d. approval for the temporary non-farm use is granted for the sole benefit of the Applicants and is non-transferable.

[18] 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.

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

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



[21] This decision is recorded as Resolution #372/2016 and is released on November 9, 2016.

CERTIFICATION OF DECISION

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

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

END OF DOCUMENT