



DEVELOPMENT and PLANNING SERVICES COMMITTEE

February 5, 2018

City of Salmon Arm

Council Chamber

City Hall, 500 - 2 Avenue NE

8:00 a.m.

Page #	Section	Item#
	1.	<u>CALL TO ORDER</u>
	2.	<u>REVIEW OF THE AGENDA</u>
	3.	<u>DECLARATION OF INTEREST</u>
	4.	<u>PRESENTATION</u> n/a
	5.	<u>REPORTS</u>
1 - 10	5.1	ALC-374, School District No. 83, 5970 – 10 Avenue SW – Non-Farm Use
	6.	<u>FOR INFORMATION</u>
11 - 14	6.1	ALC Resolution #3/2018 - ALC-370, Lamb, K.B, J.M. & D.B. / Regency Consultants Ltd., 5421 – 10 Avenue NW – Subdivision in the ALR
15 - 20	6.2	ALC Resolution #21/2018 – ALC-371, Renaud, B. & B. / Browne Johnson Land Surveyors, 1400 – 65 Street SW – Non-Farm Use
	7.	<u>IN CAMERA</u> n/a
	8.	<u>LATE ITEM</u> n/a
	9.	<u>ADJOURNMENT</u>

<http://www.salmonarm.ca/agendacenter>

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City of Salmon Arm

Development Services Department Memorandum

To: Her Worship Mayor Cooper and Members of Council

Date: January 30, 2018

Subject: Agricultural Land Commission Application No. ALC-374 (Non-Farm Use)

Legal: Lot 1, Section 8, Township 20, Range 9, W6M, KDYD, Plan 17118
 Civic: 5970 – 10 Avenue SE
 Owner/Applicant: The Board of Education of School District No. 83
 (North Okanagan-Shuswap)

MOTION FOR CONSIDERATION

THAT: Agricultural Land Commission Application No. ALC-374 be authorized for submission to the Agricultural Land Commission.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

The subject property is located at 5970 - 10 Avenue SE as shown in APPENDICES 1 and 2. The property is 2.06 ha (5.10 acres) in size and 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 2003. The School District is proposing to re-open the elementary school with an 'Outdoor Learning Program' as a focus. Site photos are attached as APPENDIX 3.

BACKGROUND

The property is designated "Acreage Reserve" in the Official Community Plan (OCP), zoned P-3 "Institutional" and is totally within the ALR (APPENDICES 4, 5 and 6 respectively). The existing P-3 zoning has been in place since at least 1972 and includes *public educational facilities* as a permitted use required for an elementary school.

A previous application (ALC-367) was made in 2016 by the City of Salmon Arm for a Non-Farm Use and proposed public works yard. The application was denied by the ALC through Resolution #395/2016. The current application to re-open the school was a requirement of the ALC due to the discontinuance of use from 2003. This was confirmed by City Staff and the applicant prior to moving forward with the proposal.

The site contains approximately 1,486 m² (16,000 ft²) of building area comprising of the discontinued classrooms, gymnasium and mezzanine in addition to two large outside playing fields. Adjacent zoning and land uses include the following:

North: 10 Avenue SE / Rural Holding (A-2)	within ALR
South: Rural Holding (A-2)	within ALR
East: 60 Street SE / Rural Holding (A-2)	partially within ALR
West: Small Holding (A-3)	within ALR

Improved Soil Classification

The subject property has two soil ratings identified. The large majority of the property has an Improved Soil Capability Rating of 60% Class 4(PM) and 40% Class 5(TP). The south-west corner has an Improved Soil Capability Rating of 60% Class 5(T) and 40% Class 2(T). Soil Classification Mapping is shown in APPENDIX 7. (Soil capability rating ranges from Class 1 to Class 7. The best agricultural lands are rated Class 1 because they have ideal climate and soil to allow a farmer to grow the widest range of crops. Class 7 is considered non-arable, with no potential for soil bound agriculture.)

COMMENTS

Agricultural Advisory Committee

This proposal was reviewed by the Agricultural Advisory Committee (AAC) at its meeting of January 14, 2018. The Committee adopted the following resolution:

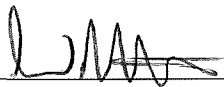
THAT: the Agricultural Advisory Committee advises Council that it support the application to re-open the elementary school and forward it onto to the Agricultural Land Commission.

Unanimous

The Committee discussed items including the necessity of the application, the Outdoor Learning Program, and any potential agricultural components to the program. Inclusion of an agricultural component is undermined at this time. In general, the Committee supported the application to re-open for school use.

Planning Department

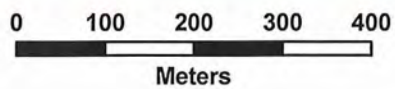
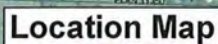
The current P-3 zoning allows for the proposed use and has been in place since at least 1972. The current Acreage Reserve land use designation of the subject property assumes the school has been closed for over a decade and the lot up for sale during that time. Had the school remained open, the Institutional land use designation of the OCP would have been appropriate for the lot. It is undetermined at this point if there will be an agricultural component to the school's program or any accessory agricultural use on the property. However, given the historic use, existing buildings and proposed continued use as an educational facility Staff recommends that this application be forwarded on to the ALC for consideration.

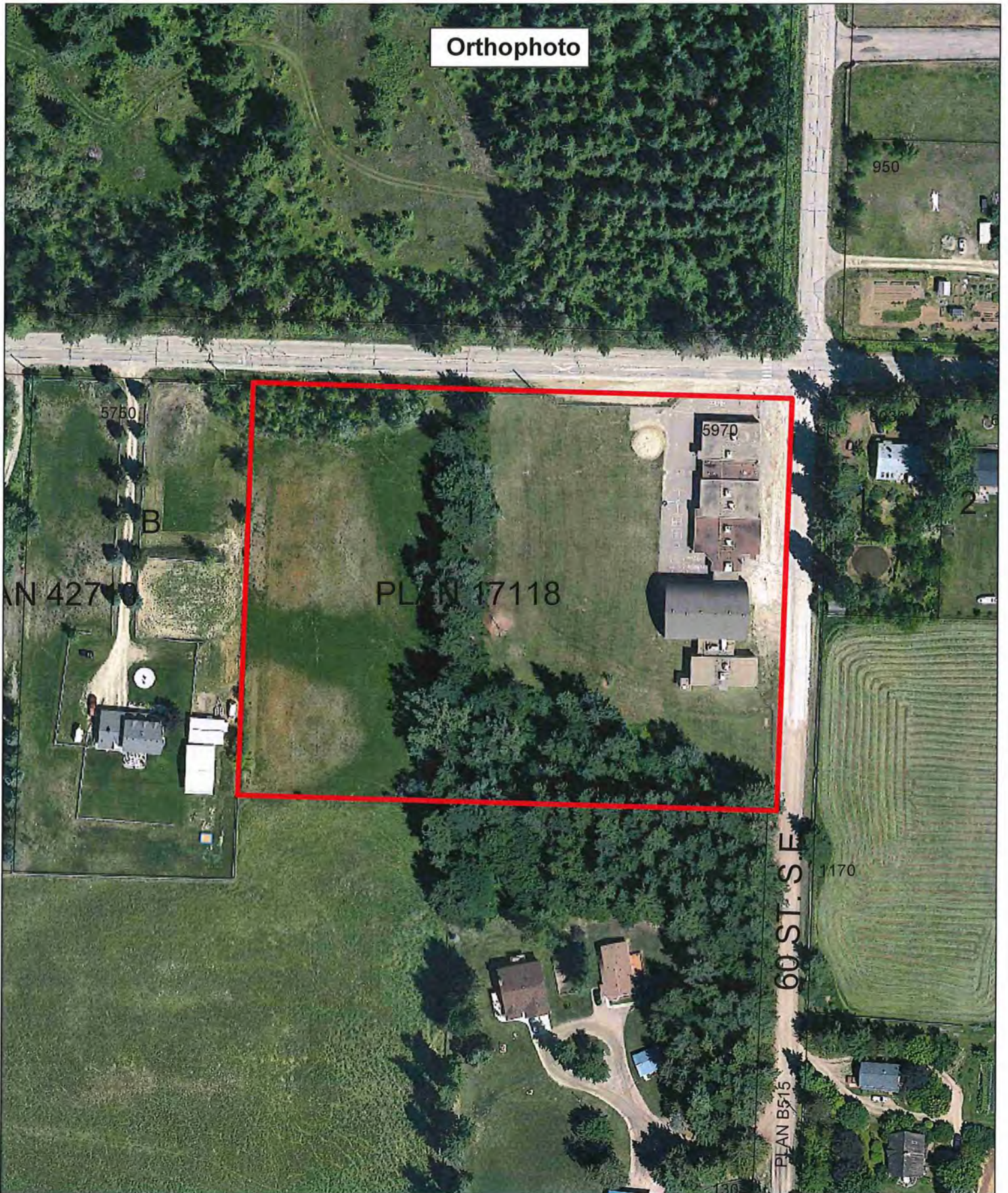


Prepared by: Wesley Miles, MCIP, RPP
Planning and Development Officer



Reviewed by: Kevin Pearson, MCIP, RPP
Director of Development Services





Orthophoto

0 10 20 30 40

Meters

Subject Parcel

APPENDIX 3



Photo 1: (2016) Photo looking south-east at the existing buildings.



Photo 2: (2016) Photo looking east down 10 Avenue SE and nearest intersection.

APPENDIX 3



Photo 3: (2016) Photo looking south-west at the upper field and nearest adjacent residence to the west.



Photo 4: (2016) Photo looking north at the upper field.



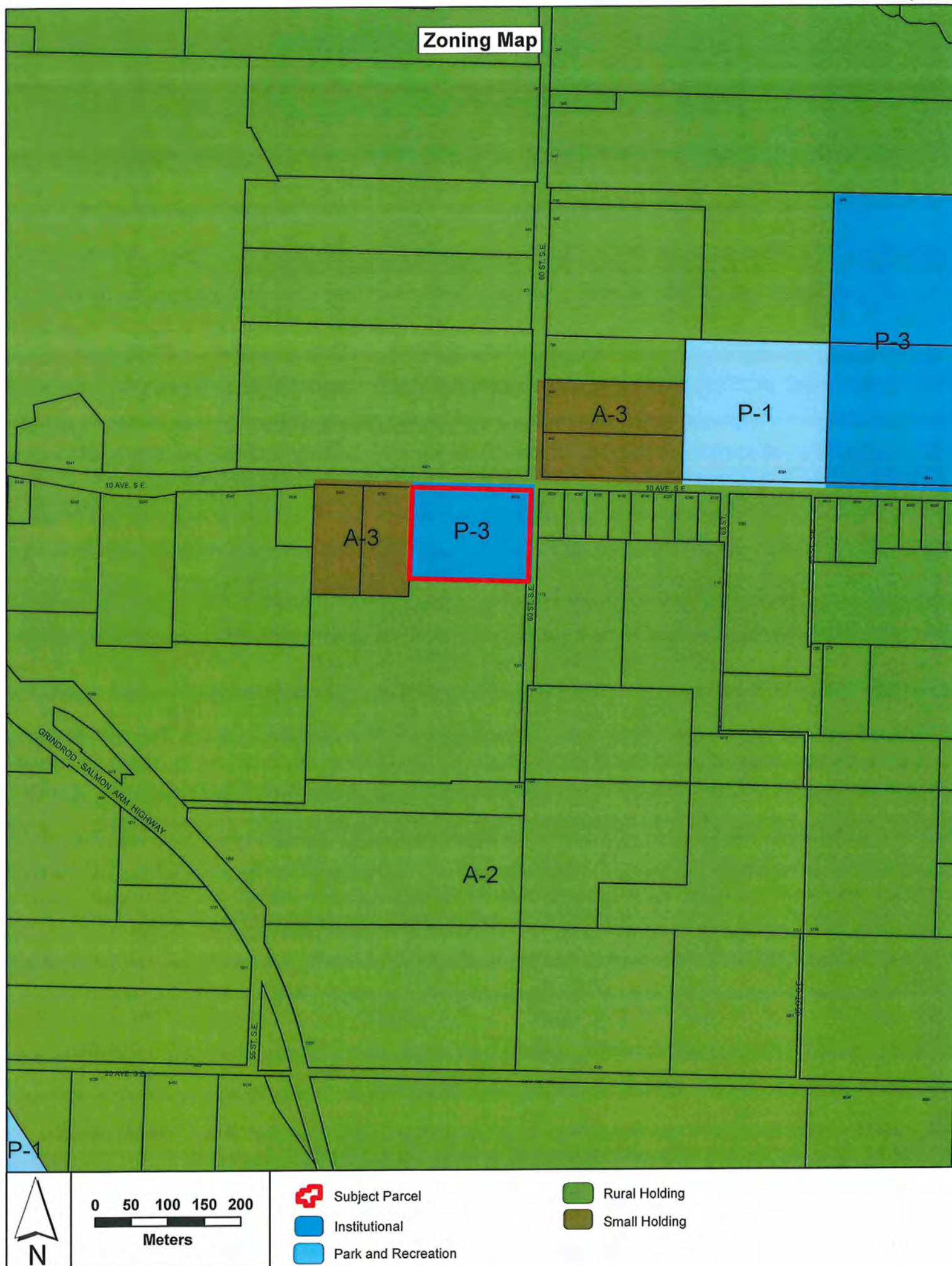
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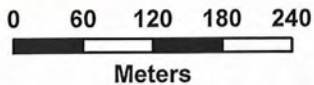
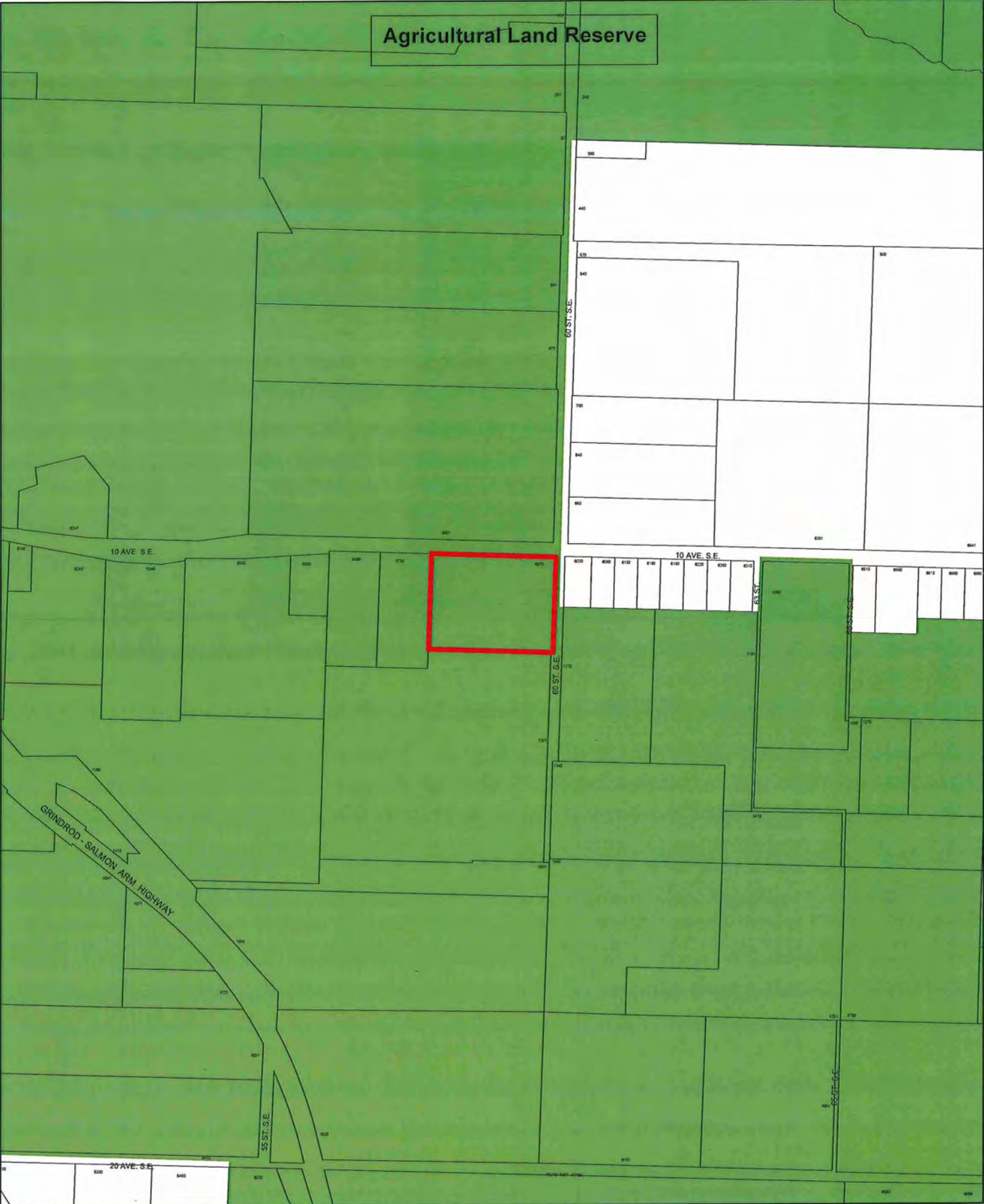
Meters

Subject Parcel

Acreage Reserve

Park

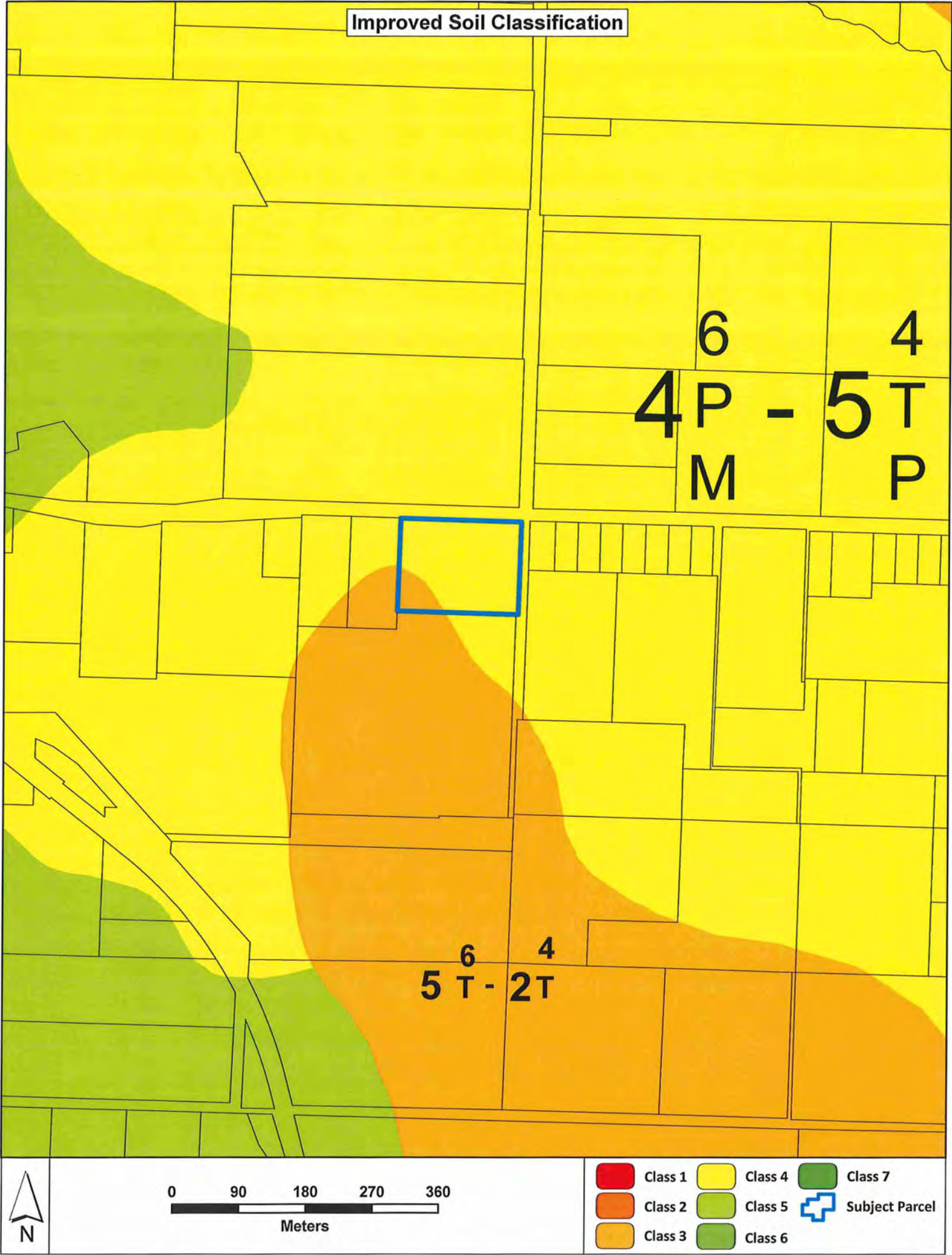




Subject Parcel



Agricultural Land Reserve





AGRICULTURAL LAND COMMISSION FILE 56523
REASONS FOR DECISION OF THE OKANAGAN PANEL

Subdivision application submitted under s. 21(2) of the *Agricultural Land Commission Act*

Applicants: Keith Lamb
 Jody Lamb
 Daniel Lamb

Agent: Bob Holtby

Property: Parcel Identifier: 008-552-371
 Legal Description: Lot 2, Section 20, Township 20,
 Range 10, West of the 6th Meridian, Kamloops
 Division Yale District, Plan 16672
 Civic: 5421 10 Avenue NW, Salmon Arm, BC
 Area: 7.9 ha

Panel: Gerald Zimmermann, Okanagan Panel Chair
 Greg Norton
 Jim Johnson



OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (the ALCA). The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.

- [2] The Applicants are applying to the Agricultural Land Commission (the “Commission”) to subdivide the Property into two lots of ±3.95 ha in order to create a homesite for Daniel Lamb (the “Proposal”).

- [3] The Application was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
 - (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

- [4] The Proposal along with related documentation from the Applicants, Agent, local government, and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Agent in advance of this decision.

- [5] On October 24, 2017, in accordance with the *ALC Policy Regarding Site Visits in Applications*, the Panel conducted a walk-around site visit (the “Site Visit”). 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 15, 2017 (the “Site Visit Report”).



EVIDENCE AND FINDINGS

- [6] To assess agricultural capability on the Property, the Panel referred in part to agricultural capability ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings applicable to the Property are Class 2, Class 3 and Class 4, more specifically (5:3T – 3:4T – 2:2T).

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.

The limiting subclass associated with this parcel of land is T (topographic limitations).

- [7] Based on the agricultural capability ratings, the Property has mixed prime (Class 1-3) and secondary (Class 4-7) agricultural capability.
- [8] The Property is bisected by two ravines, one located at the centre of the Property and the other located near the western property line. The principle dwelling is located on the west side of the central ravine, with the cultivated fields and outbuildings on the east side. The Agent submits that the Property is suitable for subdivision because the Property is already divided by steep ravines. In addition to the Agent's submissions regarding the ravines, the Panel received a report, entitled An Opinion on an Application to Subdivide Land within the Agricultural Land Reserve, prepared by the Agent, Bob Holtby, MSc., P. Ag. dated May 19, 2017 (the "Holtby Opinion"). The Holtby Opinion states that, "inspection of the parcel reveals steep slopes which are not capable of being farmed. Slopes exceed 30%. Consequently it is my opinion that the ravines in the parcel should be classed as Class 7, that is, *not arable*". While the Agent and the Holtby Opinion submit that that the presence of the ravines would



naturally delineate a subdivision, the Panel observed at the Site Visit that the ravines act as a natural buffer between the agricultural and residential uses of the Property. In addition, the Panel observed that the agricultural side of the Property is accessible from the residential side from 10 Avenue NW. The Panel finds that the ravines do not impede agricultural activity on the Property and that they create a natural homeplate, which limits the impact of residential uses on the cultivated field.

- [9] The Agent states, *“that the allowance of this application will not have any impact on farming in the Gleneden area. Rather, it allows another generation to reside on a hobby farm and become involved in farming practices”*. While the Agent submits that creation of additional small lots in the ALR could potentially be used for hobby farming, the Panel must consider that small lots are also conducive to rural residential use rather than agricultural use. The Panel finds that retaining the Property in its current size would best ensure it is available for agriculture in the future.

DECISION

- [10] For the reasons given above, the Panel refuses the Proposal to subdivide the Property into two parcels of ±3.95 ha.

- [11] These are the unanimous reasons of the Panel.

- [12] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

- [13] Resolution #3/2018
Released on January 3, 2018

Gerald Zimmermann, Panel Chair

On behalf of the Okanagan Panel



AGRICULTURAL LAND COMMISSION FILE 56648
REASONS FOR DECISION OF THE OKANAGAN PANEL

Non-Farm Use application submitted under s. 20(3) of the *Agricultural Land Commission Act*

Applicants:	Brett Renaud Bonnie Ann Renaud
 Agent:	 Joe Johnson, Browne Johnson Land Surveyors
Property:	Parcel Identifier: 029-063-264 Legal Description: Lot 4, Section 8, Township 20, Range 10, West of the 6th Meridian, Kamloops Division, Yale District, Plan EPP17939, Except Plan EPP19736 Civic: 1400 65th Street SW Salmon Arm, BC Area: 6.1 ha
 Panel:	 Gerald Zimmermann, Okanagan Panel Chair Greg Norton Jim Johnson



OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (the ALCA). The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.
- [2] In 2008, a covenant was required to be registered on title as a condition of approval for a subdivision approved by Resolution #340/2008 in order to restrict the construction of a dwelling to prevent the development of a residential dwelling on a cultivated hayfield.
- [3] The Applicants are applying to the Agricultural Land Commission (the "Commission") to relocate and reduce the size of the restrictive build covenant area (the "Covenant") from 0.63 ha to 0.13 ha and reconfigured the Covenant as a 36.5 m by 36.5 m area located near the southwest corner of the Property (the "Proposal").
- [4] The first issue in the Proposal is whether the proposed change to the Covenant area meets the intent of the decision and conditions made under Resolution #340/2008.
- [5] The second issue in the Proposal is whether the proposed change to the Covenant would affect the agricultural utility of the Property.
- [6] The issues were considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
 - (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**

- [7] The Proposal along with related documentation from the Applicants, Agent, local government, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.

BACKGROUND

- [8] In 2006, an application was made to subdivide a 15 ha property (PID: 014-088-494) that was partially in the ALR into seven parcels of ± 2 ha. The Commission considered the proposed subdivision and the agricultural capability of the ALR portion of the property and refused the application by Resolution #494/2006 on the grounds that the ALR area, which was a cultivated hayfield, had very good agricultural capability. However, the Commission recognized that it did not have jurisdiction over the non-ALR portion of the property and it was amenable to considering a revised proposal that would retain the hayfield as a single property.
- [9] In 2007, the Commission considered a reconsideration request for Resolution #494/2006, with the applicant submitting a revised subdivision plan. The revised plan proposed to subdivide the cultivated area into two ± 4 ha lots and was refused by Resolution #635/2007 on the same grounds as Resolution #494/2006.
- [10] In 2008, the Commission considered a second reconsideration request for Resolution #494/2006. The Applicant submitted a second subdivision plan for reconsideration by the Commission. The revised plan proposed to subdivide the 15 ha parcel into five lots: three lots of ± 2 ha, one lot of ± 3.2 ha, and one lot of ± 6.1 ha that would become the property currently under application. The Commission found that the revised proposal retained the hayfield within one lot and therefore approved the subdivision by Resolution #340/2008, subject to the registration of a covenant restricting the location of the new principle dwelling on the ± 6.1 ha property to within 50 m of a right-of-way that was proposed as part of the subdivision plan. The purpose of the covenant was to prevent the development of a residential dwelling on the cultivated hayfield.



- [11] Prior to the deposit of the subdivision plan, the applicant requested an amendment to the subdivision and access road approved by Resolution #340/2008. The amendment sought to locate the access road further east than approved, but reduce the Covenant area from 50 m to 30 m from the access road. The Commission found that the reduction in the size of the Covenant neutralized the impacts of relocating the road to the east and therefore, the Commission authorized the amendment.

EVIDENCE AND FINDINGS

Issue 1: Whether the proposed change to the Covenant area meets the intent of the decision and conditions made under Resolution #340/2008.

- [12] The intent of the covenant condition of Resolution #340/2008 was to restrict the construction of a dwelling to the western most portion of the Property to prevent residential development from encroaching on the hayfield as it was found to have very good agricultural capability.
- [13] The Proposal would reconfigure the Covenant area by extending it 24.5 m beyond the eastern boundary of the existing Covenant area. The Application submits that the purpose of reconfiguring the Covenant area is *"[to] reduce and move the build covenant currently on the property. This will minimize the size of the build covenant and place it in the optimal position for building"*. While the Proposal would decrease the size of the Covenant area, the Panel finds that the proposed reconfiguration of the Covenant area is inconsistent with the intent of the decision made by Resolution #340/2008 as the Proposal would locate the residential area on the cultivated hayfield.

Issue 2: Whether the proposed change to the Covenant would affect the agricultural utility of the Property.

- [14] To assess agricultural capability on the Property, the Panel referred to agricultural capability ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings applicable to the Property are Class 3, Class 5 and Class 6, more specifically 90% (7:3TP – 3T) and 10% (7:6TP – 3:5TW).



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

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

The limiting subclasses associated with this parcel of land are P (stoniness), T (topographic limitations), and W (excess water).

[15] Based on the agricultural capability ratings, the Panel finds that the Property has mixed prime (Class 1-3) and secondary (Class 4-7) agricultural capability.

[16] The Panel finds that the reconfiguration of the Covenant will have a negative impact on the agricultural utility of the Property by utilizing cultivated land for residential purposes.

DECISION

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

[18] These are the unanimous reasons of the Panel.

[19] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.



[20] Resolution #21/2018

Released on January 19, 2018

A handwritten signature in black ink, appearing to read "G. Zimmermann", is positioned above the printed name.

Gerald Zimmermann, Panel Chair

On behalf of the Okanagan Panel