



AGENDA

City of Salmon Arm
Development and Planning Services
Committee

Monday, February 1, 2021
8:00 a.m.
By Electronic Means

Page #	Item #	Description
	1.	CALL TO ORDER
	2.	ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY <i>We acknowledge that we are gathering here on the traditional territory of the Secwepemc people, with whom we share these lands and where we live and work together.</i>
	3.	REVIEW OF AGENDA
	4.	DISCLOSURE OF INTEREST
	5.	REPORTS
1 - 10	1.	Development Variance Permit Application No. VP-524 [Lawson, A. & L.; 2671 17 Street NE; Setback requirements]
	6.	PRESENTATIONS
	7.	FOR INFORMATION
	8.	CORRESPONDENCE
11 - 22	1.	Agricultural Land Commission - Reasons for Decision - ALC Application 60495
23 - 32	2.	Agricultural Land Commission - Reasons for Decision - ALC Application 61024
	9.	ADJOURNMENT

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To: His Worship Mayor Harrison and Members of Council

Date: January 25, 2021

Subject: Development Variance Permit Application No. 525

Legal: Lot 1, Section 24, Township 20, Range 10, W6M, KDYD, Plan EPP93080

Civic: 2671 – 17 Street NE

Owners: Lawson, A. & L.

MOTION FOR CONSIDERATION

THAT: Development Variance Permit No. 514 be authorized for issuance for Lot 1, Section 24, Township 20, Range 10, W6M, KDYD, Plan EPP93080 (2671 17 Street NE) to vary the provisions of Zoning Bylaw No. 2303 as follows:

Section 6.10.1 – R-1 Single-Family Residential Zone – reduce the minimum building setback from the front parcel line from 6.0 m (19.6 ft) to 2.5 m (8.2 ft) to allow for the construction of a new addition to a single-family dwelling.

STAFF RECOMMENDATION

THAT: The motion for consideration be adopted.

PROPOSAL

As further described in this report, this application seeks to vary the required 6 m (19.6 ft) front parcel setback to 2.5 m (8.2 ft) for the construction of an addition to the single family dwelling (Appendix 1). This request translates into a variance of 3.5 m (11.5 ft).

BACKGROUND

The relatively large subject parcel (1.04 ha) is located in the southwest corner of the residential "Appleyard" area at 2671 17 Street NE (Appendix 2 and 3). The subject parcel is designated as Low Density Residential in the City's Official Community Plan (OCP), is zoned R-1 in the Zoning Bylaw (Appendix 4), and contains an existing single family dwelling, similar to surrounding development (site photos attached as Appendix 5).

The current alignment of this parcel was created in 2019 through a boundary adjustment (SUB-18.17) and includes land identified as potentially hazardous due to the steep slopes along the western portion of the parcel. Due to this potentially hazardous area, a covenant (CA7725246) was placed on the parcel's title requiring the supervision of a geotechnical engineer for any development (Appendix 6).

This lot is subject to standard setback requirements specified by the R-1 regulations in the zoning bylaw which specify a 6.0 metre setback from the front parcel line. The requested variance would permit the proposed addition to be constructed within the front setback area on the south-east portion of the parcel.

COMMENTS

Engineering Department

No concerns.

Building Department

No concerns.

Fire Department

No concerns.

Planning Department

Setback regulations enable adequate separation between buildings sited adjacent to streets for aesthetic (privacy and view preservation), traffic and building (limiting distance) safety reasons.

The requested variance would reduce the required 6 m front setback to 2.5 m. Considering adjacent parcels, the parcels to the north, south, and the parcel to the east are subject to the same parcel line setbacks. Development on these parcels is relatively removed from the proposed addition. The 2.5 m setback, in addition to the approximate 6.9 m distance within the road right-of-way to the edge of the paved roadway, should still allow for an area of sufficient size to accommodate parking in front of the addition (approximately 9.4 m), further to the potential parking along the south edge of the subject parcel. The proposed setback allows for sightlines, while the site is not subject to significant through-traffic as it is at the end of a dead-end road.

Considering the above, it is the opinion of staff that the character of the parcel will not be unreasonably or significantly altered by approval of the proposed variance, nor will there be any significant technical impacts on the adjacent parcels, with the typical side parcel line setback maintained to the north and south parcel lines.

The subject parcel meets all other R-1 zone requirements, including on-site parking.

CONCLUSION

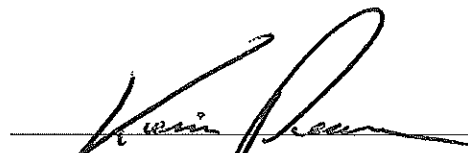
Considering the size of the variance requested, site location and the context of adjacent development, Staff are not concerned with the requested variance.

As with the majority of similar variance applications, while staff can make technical comments, it can be difficult to consider the impacts from the perspective of a neighbour. Any concerns or potential affects positive or negative should be heard directly from the adjacent land owners. The applicant has been encouraged to consult with the immediate neighbours.

Staff note that the variance is only in regards to buildings as shown in Schedule A and do not permit any additional use other than what is permitted under the Zoning Bylaw.



Prepared by: Chris Larson, MCP
Planning and Development Officer



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

Tuesday, December 01, 2020

Kevin Pearson, Approving Officer
City of Salmon Arm
Box 40 500 2nd Avenue NE
Salmon Arm, B.C. V1E 4N2

RE: 2671 17th Street NE Salmon Arm, BC – Front Yard Building Setback Request

Dear Mr. Kevin Pearson:

We are proposing to complete an addition to our dwelling located at the above referenced address. The extents of the addition are outlined on the attached preliminary site plan. In general, the addition will include the enclosure of our open carport, to create a 12'x30' garage and to create a front entry way with approximate dimensions of 4'x6'. In order to accomplish this, we are requesting a variance to our front-yard setback from 6m to 2.5m. It is our opinion that this front-yard setback reduction will have little effect to the neighboring properties, and to roadway site line requirements.

Your consideration to this request would be greatly appreciated.

If you have questions or concerns, please do not hesitate to call.

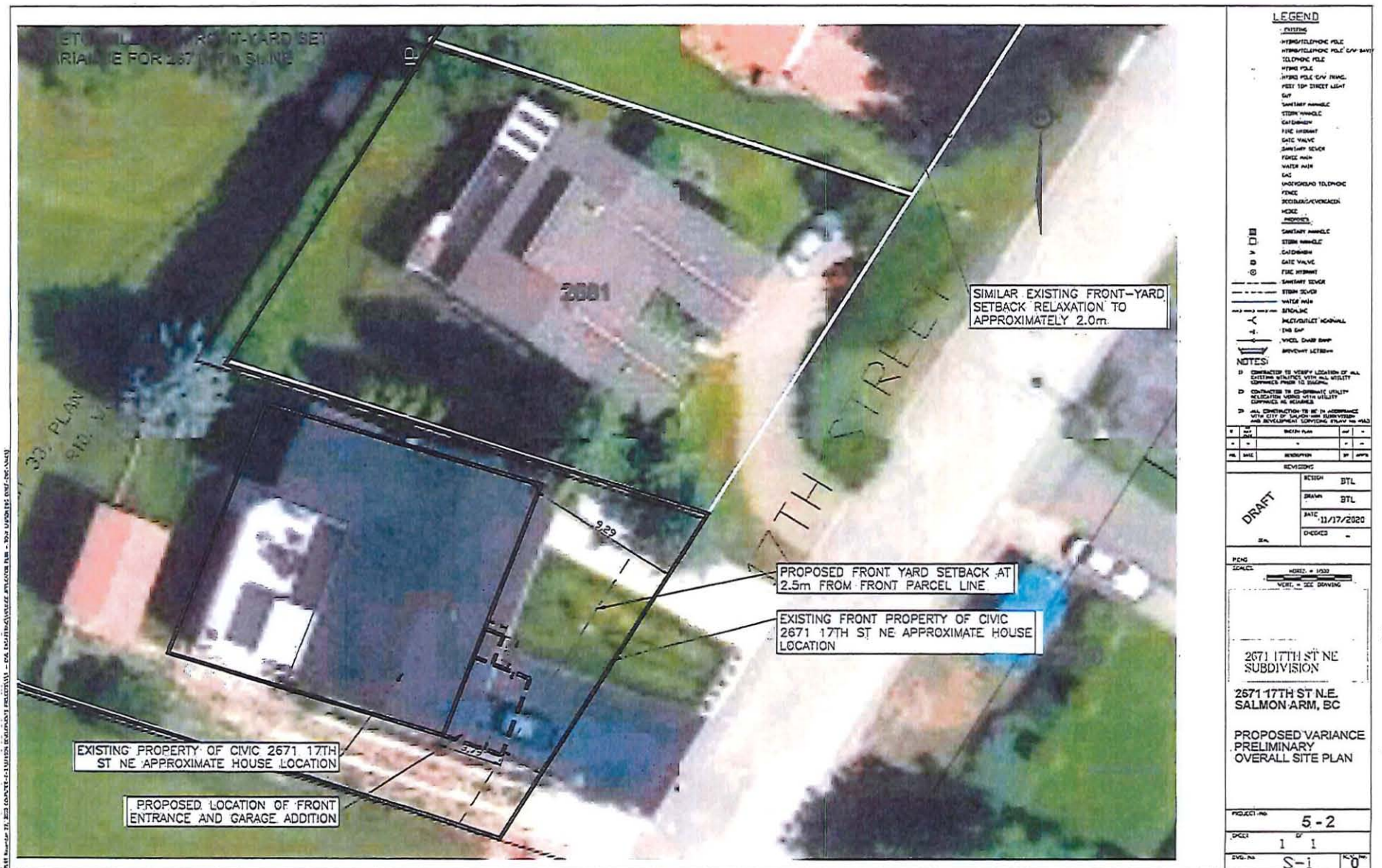
Best Regards,



Anthony Lawson, Owner
250-540-1410

Attachments:

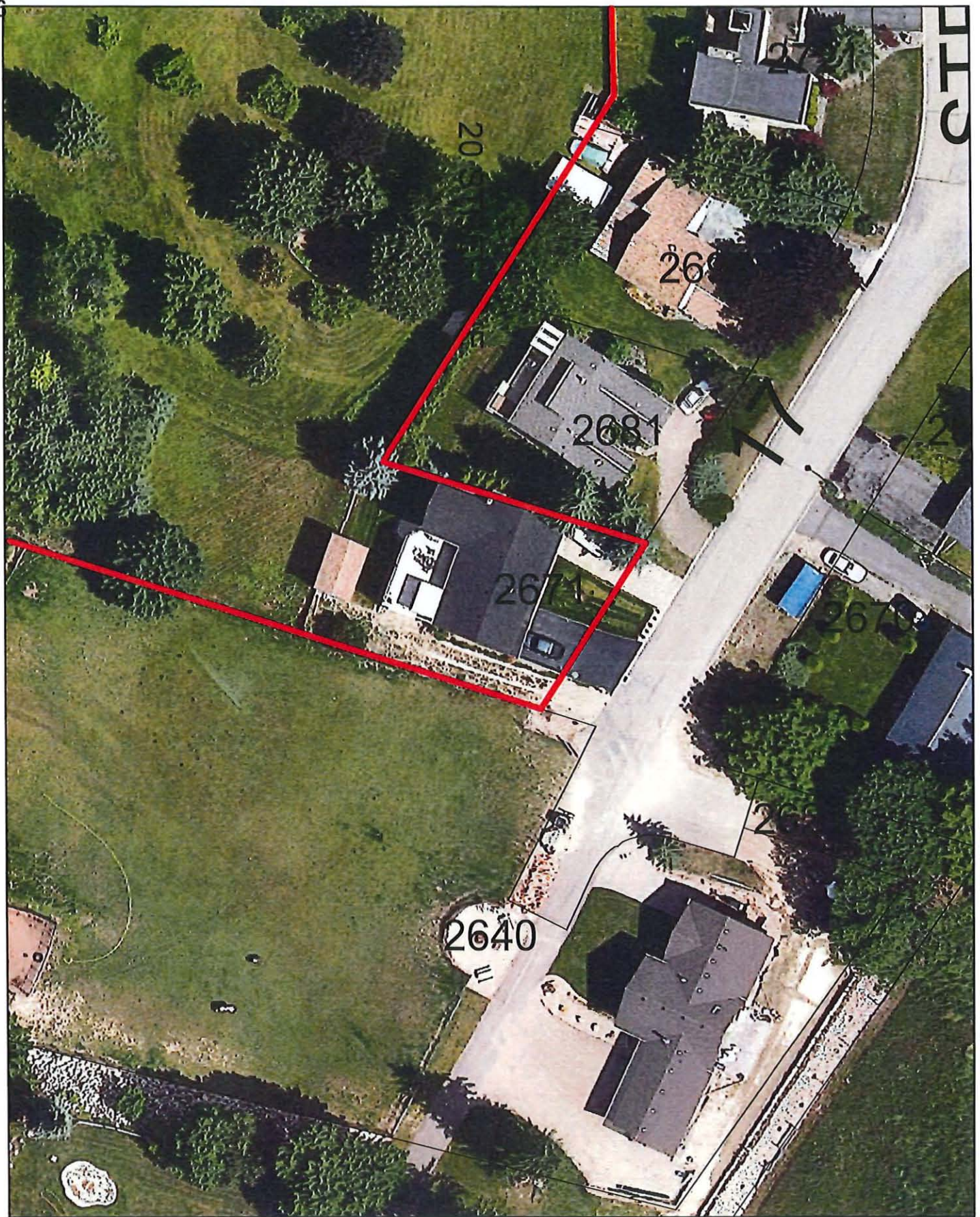
- Proposed Variance Preliminary Overall Site Plan





0 15 30 60 90 120 Meters

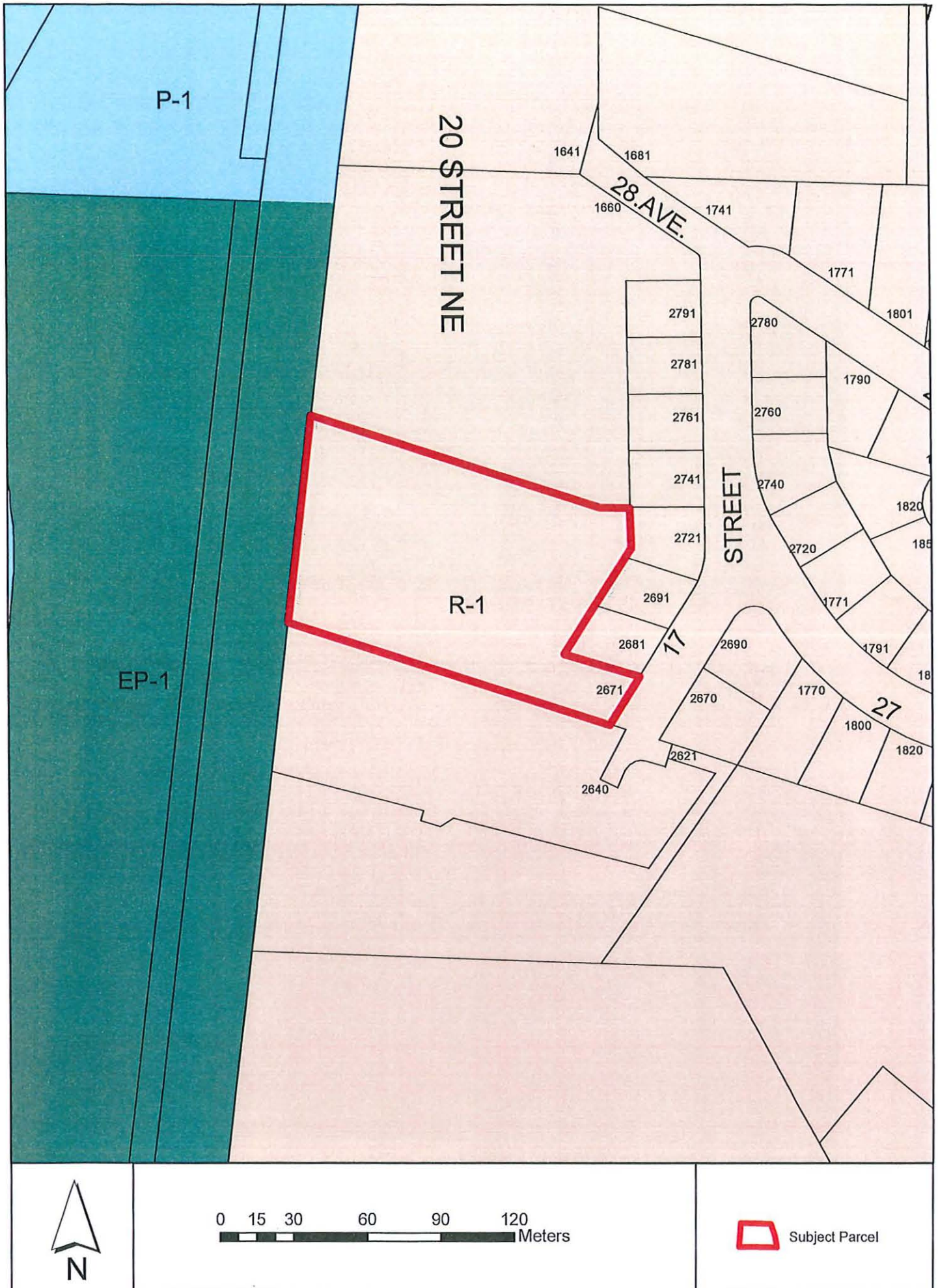




0 5 10 20 30 40 Meters

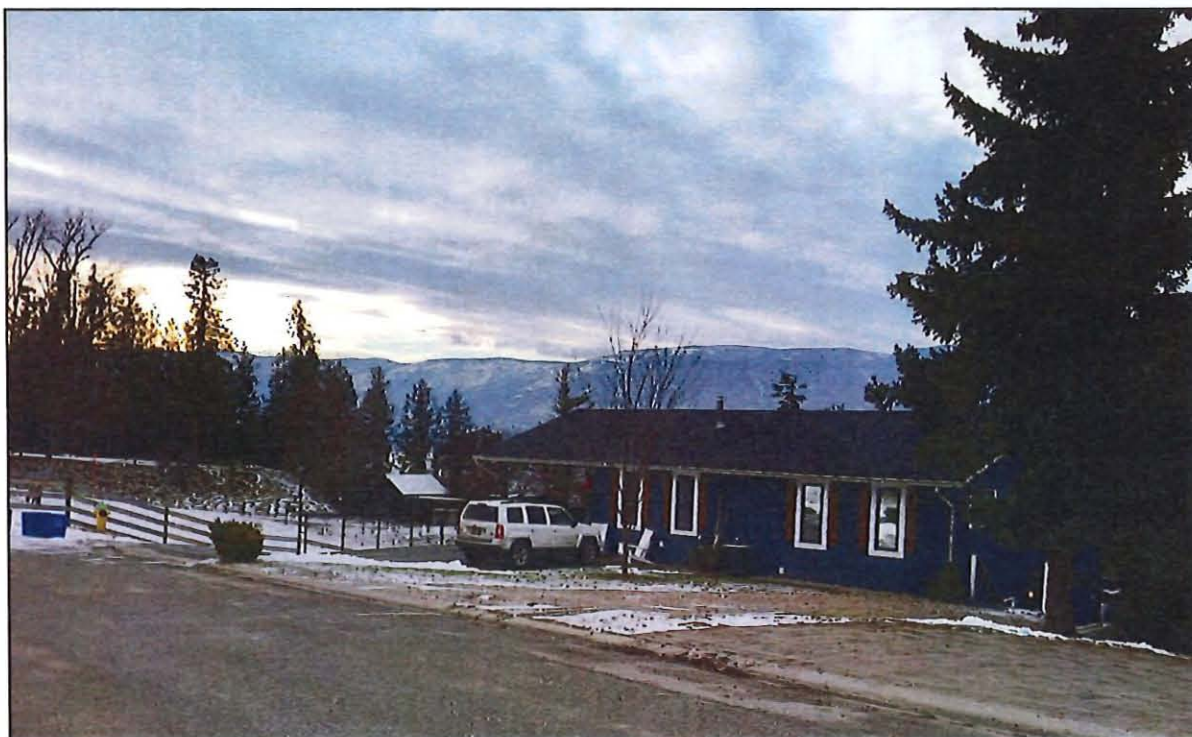


Subject Parcel





View northwest of subject parcel from 17 Street NE.



View southwest of subject parcel from 17 Street NE.

**TERMS OF INSTRUMENT –
Part 2**

The Transferor is the registered owner of the property located within the City of Salmon Arm and more particularly described as:

Lot 1, Sec 24, Tp 20, Rge 10, W6M, KDYD, Plan EPP93080
Lot 2, Sec 24, Tp 20, Rge 10, W6M, KDYD, Plan EPP93080

(hereinafter called the "Transferor's Land").

WHEREAS approval of the subdivision creating the Transferor's Land has been granted subject to the Transferor entering into this covenant with the Transferee pursuant to Section 219 of the Land Title Act.

NOW THEREFORE, in consideration of the premises and the sum of One Dollar (\$1.00) of lawful money of Canada, now paid by the Transferee to the Transferor, the receipt and sufficiency of which is hereby acknowledged, the Transferor covenants and agrees as follows:

1. The covenants herein contained are and shall be deemed to be covenants running with the Transferor's Land, and shall enure to the benefit of and be binding upon the Transferor and their successors in title in perpetuity until such time as the covenant herein contained shall be ordered released and discharged by a Court of competent jurisdiction, or until such time as the Transferee shall execute, in writing and in registerable form, a release of the covenants herein contained.
2. Hereafter any further subdivision, development or issuance of Building Permits on the Transferor's Land shall be prohibited until the Transferor has provided the City of Salmon Arm with written assurance that any subdivision, development or construction of any dwelling or building on the property, will only be proceeded with under the supervision of a qualified geotechnical engineer.
3. The Transferor hereby releases and forever discharges the Transferee of and from any claims, causes of action, suits and demands whatsoever which the Transferor can or may have against the Transferee for any loss, damage and/or injury that the Transferor may sustain or suffer arising directly or indirectly out of the approval of the subdivision, the issuance of a Building Permit or the use or occupation of the Transferor's Land.
4. The Transferor covenants and agrees to indemnify and save harmless the Transferee from any and all claims, causes of action, suits and demands whatsoever that anyone has, or may have in the future, as an owner occupier, tenant, visitor, invitee or user of the Transferor's Land, including without limitation, claims, causes of action, suits and demands for loss of life and/or injury to person or property, that arises directly or indirectly out of the approval of the subdivision, the issuance of a Building Permit or the use or occupation of the Transferor's Land.
5. The covenants herein contained shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and assigns.

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January 19, 2021

Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 680-7000
Fax: 604 680-7033
www.alc.gov.bc.ca

ALC File: 60495

Melanie Howard
Browne Johnson Land Surveyors
DELIVERED ELECTRONICALLY

Dear Melanie Howard:

Re: Reasons for Decision - ALC Application 60495

Please find attached the Reasons for Decision of the Okanagan Panel for the above noted application (Resolution #16/2021). As agent, it is your responsibility to notify the applicant accordingly.

Under section 33 of the *Agricultural Land Commission Act (ALCA)*, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. Please be advised however that on March 12th, 2020 the ALC Amendment Act (Bill 15 – 2019) was brought into force and effect, changing the reconsideration process.

A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides evidence not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
- The request provides evidence that all or part of the original decision was based on evidence that was in error or was false.

The amendments also propose a change to limit the time period for requesting a reconsideration to 90 days from the date of this decision – this change has not been brought into force and effect yet. As a result, a person affected by this decision will have one year from the date of this decision's release as per ALC Policy P-08: Request for Reconsideration to request reconsideration of the decision or 90 days from the date the legislative change takes effect (date unknown at this time), whichever comes sooner.

Please refer to the ALC's Information Bulletin 08 – Request for Reconsideration for more information.

Please direct further correspondence with respect to this application to
ALC.Okanagan@gov.bc.ca

Yours truly,

Claire Buchanan, Land Use Planner

Enclosure: Reasons for Decision (Resolution #16/2021)

cc: City of Salmon Arm (File: ALC-394/SUB.19.23). Attention: Kathy Frese

60495d1



**AGRICULTURAL LAND COMMISSION FILE 60495
REASONS FOR DECISION OF THE OKANAGAN PANEL**

Subdivision Application Submitted Under s.21(2) of the Agricultural Land Commission Act

Applicants: Lori Ellen Anthony (Shuswap Flight Centre Ltd. Inc.
No.BC0206567)

Property Owner(s): Lori Ellen Anthony
Shuswap Flight Centre Ltd. Inc. No. BC0206567

Agent: Melanie Howard, Browne Johnson Land Surveyors

Property: **Property 1:**
Parcel Identifier: 027-677-630
Legal Description: Lot 1 Section 36 Township 20
Range 10 West of the 6th Meridian Kamloops
Division Yale District Plan KAP87679
Civic: 5271 30 Street NE, Salmon Arm, BC
Area: 4.3 ha (4.3 ha within the ALR)

Property 2:
Parcel Identifier: 027-677-648
Legal Description: Lot 2 Section 36 Township 20
Range 10 West of the 6th Meridian Kamloops
Division Yale District Plan KAP87679
Civic: 5311 30 Street NE, Salmon Arm, BC
Area: 1.8 ha (1.8 ha within the ALR)



Panel:

Gerald Zimmermann, Okanagan Panel Chair
Joe Deuling



OVERVIEW

- [1] The Properties are located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] Pursuant to s. 21(2) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the "Commission") to adjust the boundary between the 4.3 ha Property 1 (PID: 027-677-630) and the 1.8 ha Property 2 (PID: 027-677-648), to create one 4.3 ha lot ("Proposed Lot A") and one 1.8 ha ("Proposed Lot B"). The boundary adjustment will result in Property 1 decreasing in size to 1.8 ha (Proposed Lot B), and Property 2 increasing in size to 4.3 ha (Proposed Lot A). The new configuration would allow the Applicant to retain her current farming operation and build a new residence on Proposed Lot B (the "Proposal").
- [3] The issue the Panel considered is whether the Proposal would impact the agricultural utility of the Properties.
- [4] The Proposal was considered in the context of the purposes and priorities of the Commission set out in s. 6 of the ALCA:
 - 6 (1) The following are the purposes of the commission:
 - (a) to preserve the agricultural land reserve;
 - (b) to encourage farming of land within the agricultural land reserve 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 land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.
 - (2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:
 - (a) the size, integrity and continuity of the land base of the agricultural land reserve;



(b) the use of the agricultural land reserve for farm use.

EVIDENTIARY RECORD

- [5] The Proposal along with related documentation from the Applicant, 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

- [6] The Applicant currently resides on PID: 010-103-007 that was purchased by the Applicant's family in the early 1950's. PID: 010-103-007 is located adjacent to the east of Property 2. Properties 1 and 2 were purchased by the Applicant and her late husband in 2008. The Applicant submits that when the two Properties were purchased, there was a requirement that access to Property 1 was widened. As such, a boundary adjustment was completed by an approving officer pursuant to former s. 10 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (ALRRUSPR) as it was written in 2008, to widen the access to Property 1. The current configuration of the Properties is the result of the 2008 boundary adjustment.
- [7] The City of Salmon Arm's (the "City") Approving Officer may review boundary adjustments in accordance with s. 3 of the ALR General Regulation (formerly s. 10 of the ALRUSPR) in circumstances where the proposal is accompanied by a written assessment by an professional agrologist to demonstrate how a proposal would enhance or impact agricultural use of the land. City staff deferred the review of the Proposal to the ALC for its determination because the Proposal was not accompanied by any such documentation.

EVIDENCE AND FINDINGS

- [8] The Application was submitted on June 05, 2020 and was forwarded to the Commission by the City of Salmon Arm on September 02, 2020. Subsequently, on March 12, 2020, the ALCA was amended and changes were made to its regulations. The Applicant was given



an opportunity to make written submissions relating to the amendment of the ALCA and changes to its regulations as it relates to this application. The Panel has considered the Application under s. 6(1) and s.6(2) of the ALCA as amended by Bill 15.

Issue: Whether the Proposal would Impact the agricultural utility of the Properties.

- [9] 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 2 and Class 3, more specifically (6:2X-4:3TM).

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 M (moisture deficiency), T (topographic limitations), and X (a combination of soil factors).

- [10] Based on the agricultural capability ratings, the Panel finds that the Properties have prime agricultural capability.
- [11] The Applicant submits that both Properties are used for agriculture and do not contain any residential or other structures. Property 2 is cross fenced with two paddocks used for sheep grazing. The Applicant currently leases the entirety of Property 1 and 1.01 ha of Property 2 to a farmer for alfalfa production. The proposed configuration would retain the fencing on Property 2 on Proposed Lot B. Following the boundary adjustment, the Applicant submits that she will construct a residence on Proposed Lot B and will grow fruit trees, berry bushes, and a vegetable/garlic garden around the residence. The Applicant has converted a small sheep shelter on Property 2 into a large chicken coop for 30-layer chickens. In 2021, the Applicant plans on building a large barn/feed storage shelter. In

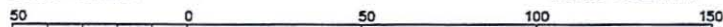


addition, the Applicants submits the remaining portion of Proposed Lot B will be leased for crop sales.

- [12] The Applicant submits that the purpose of the boundary adjustment is to create an improved and organized agricultural use of the Properties. The topography of the Properties means that the best location to build a residence on Proposed Lot B is at the south east corner of the lot. This location would allow the residence to have the best vantage point to oversee the agricultural operations on both Proposed Lot A and B. The Applicant submits that farm use of the Properties are challenged by trespassing, specifically by snowmobile users, and livestock mortality from predation. The Applicant submits that the Proposal and the addition of a residence on Proposed Lot B would help resolve these challenges.
- [13] The Applicant submits that the farmer who leases Property 1 and a portion of Property 2, also leases land immediately to the south of Property 1 for crop production. This farmer operates all three properties together. The Applicant states that the new configuration would eliminate the panhandle that currently exists on Property 1. The current panhandle on Property 1, bisects the two open fields that are farmed together.
- [14] The Panel considered the agricultural capabilities of the Properties, the proposed configuration, and the Applicant's agricultural plans for Proposed Lot B. The Panel finds that, while the new configuration would retain the current lot sizes of 4.3 ha lot and 1.8 ha lot, the proposed configuration would not improve the agricultural utility of the Properties.
- [15] The Panel understands that Property 1 and Property 2 are currently owned by the Applicant and are leased to a farmer that farms them in addition to the property to the south. The Panel considered that the Properties are not bound together and may be sold or leased separately. For this reason, the Panel considered the impact of the Proposal on the Properties in the long-term preservation of the ALR regardless of ownership.
- [16] The Panel finds that the current size and configuration of Property 1 as a large square parcel with a panhandle is conducive to the current scale, type of agriculture (alfalfa), as

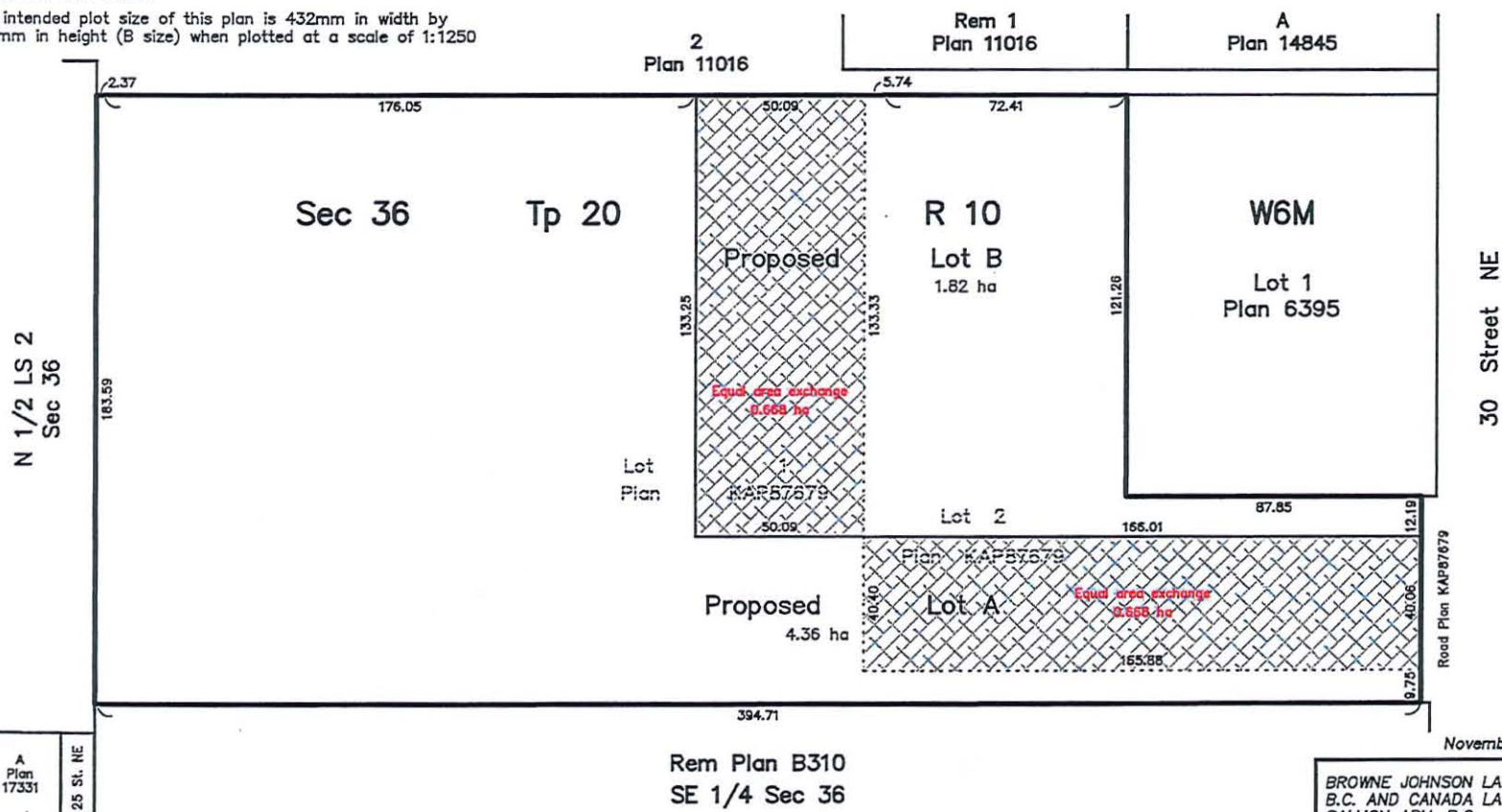
Scale 1:1250

BCGS 82L074



All distances are in metres.

The intended plot size of this plan is 432mm in width by 280mm in height (B size) when plotted at a scale of 1:1250



November 13, 2019

BROWNE JOHNSON LAND SURVEYORS
B.C. AND CANADA LANDS
SALMON ARM, B.C. 250-832-9701
File: 537-19



well as practical operation of machinery for that crop or other crops. Conversely, the proposed configuration would create an L-shaped parcel that is less practical for continuity of crops. The Panel considered the proposed configuration and finds that the boundary adjustment would negatively impact the agricultural utility of the Properties.

- [17] The Panel considered the Applicant's rationale for realigning the property boundaries and to resolve the stated challenges for farm use of the Properties, specifically trespassing and predation. The Panel finds that the Applicant is not hindered from starting their proposed agricultural operation or constructing a residence on Property 2 in its current configuration to address these concerns.

DECISION

- [18] For the reasons given above, the Panel refuses the Proposal to adjust the boundary between Property 1 and Property 2.

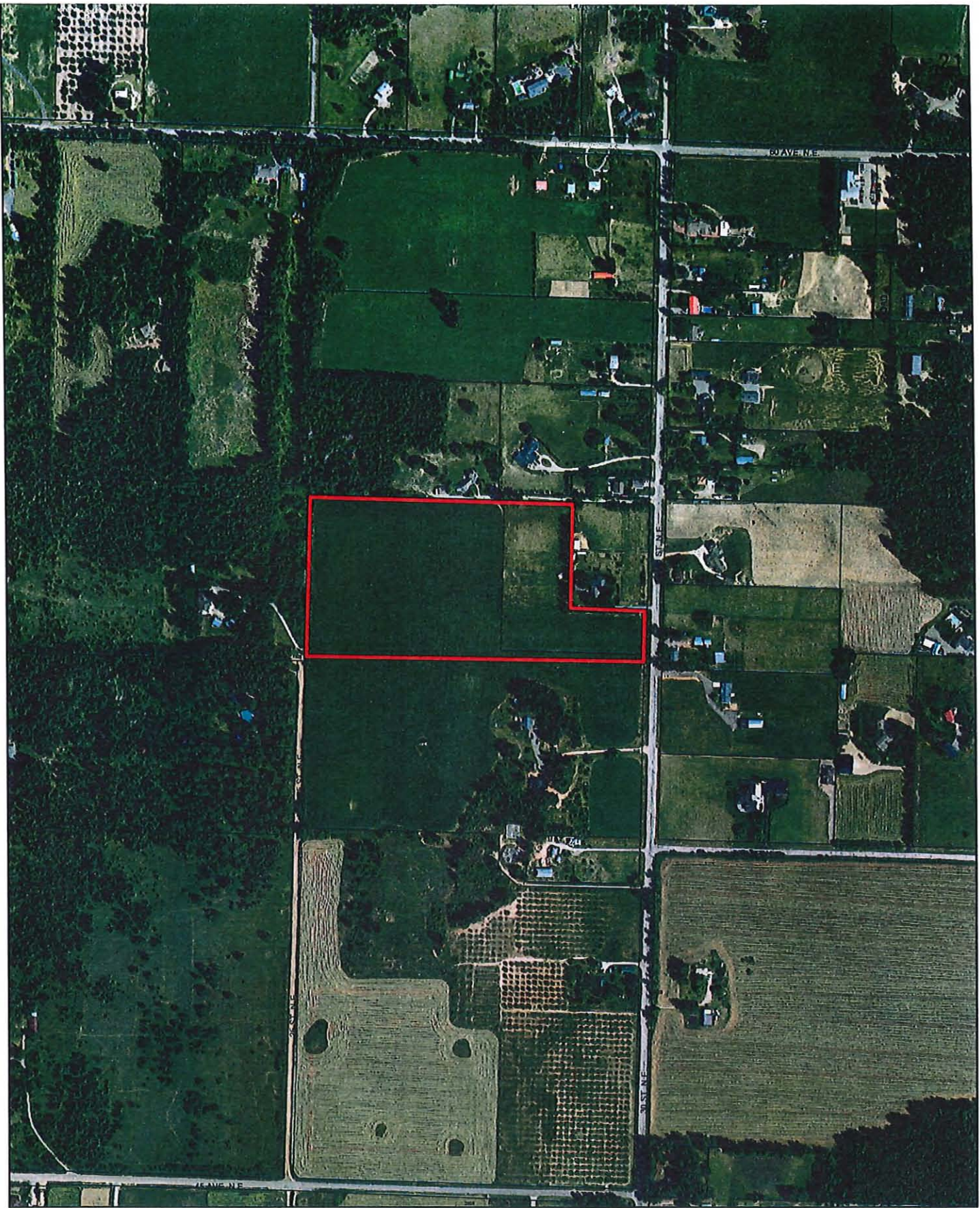
- [19] These are the unanimous reasons of the Panel.

- [20] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.

- [21] Resolution #16/2021
Released on January 19, 2021

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



0 60 120 240 360 480 Meters



Subject Parcels

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Agricultural Land Commission
 201 – 4940 Canada Way
 Burnaby, British Columbia V5G 4K6
 Tel: 604 660-7000
 Fax: 604 660-7033
www.alc.gov.bc.ca

December 22, 2020

ALC File: 61024

Amy Alibhai
DELIVERED ELECTRONICALLY

Dear Amy Alibhai:

Re: Reasons for Decision - ALC Application 61024

Please find attached the Reasons for Decision of the Okanagan Panel for the above noted application (Resolution #613/2020). As agent, it is your responsibility to notify the applicant accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with s. 11(2)(b) of the ALR General Regulation.

Under section 33.1 of the *Agricultural Land Commission Act* (ALCA), the Chair of the Agricultural Land Commission (the "Commission") has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Under section 33 of the *Agricultural Land Commission Act* (ALCA), a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. Please be advised however that on March 12th, 2020 the ALC Amendment Act ([Bill 15 – 2019](#)) was brought into force and effect, changing the reconsideration process.

A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides evidence not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
- The request provides evidence that all or part of the original decision was based on evidence that was in error or was false.

The amendments also propose a change to limit the time period for requesting a reconsideration to 90 days from the date of this decision – this change has not been brought into force and effect yet. As a result, a person affected by this decision will have one year from the date of this decision's release as per [ALC Policy P-08: Request for Reconsideration](#) to request reconsideration of the decision or 90 days from the date the legislative change takes effect (date unknown at this time), whichever comes sooner.

Please refer to the ALC's [Information Bulletin 08 – Request for Reconsideration](#) for more information.

Please direct further correspondence with respect to this application to
ALC.Okanagan@gov.bc.ca

Yours truly,

A handwritten signature in black ink, appearing to read 'Katie Cox', with a stylized flourish at the end.

Katie Cox, Land Use Planner

Enclosures: Reasons for Decision (Resolution #613/2020)
 Schedule A: Decision Map

cc: City of Salmon Arm (File ALC-396) Attention: Kathy Frese

61024d1



**AGRICULTURAL LAND COMMISSION FILE 61024
REASONS FOR DECISION OF THE OKANAGAN PANEL**

Non-Adhering Residential Use Application Submitted Under s.20.1(2) of the Agricultural Land
Commission Act

Applicants:

Amyr Alibhai
Gulbanu Alibhai
Zainab Jamal
Tasnim Dharamsi

Agent:

Amyr Alibhai

Property:

Parcel Identifier: 001-555-464
Legal Description: Lot 1 Section 16 Township 20
Range 10 West of the 6th Meridian Kamloops
Division Yale District Plan 35406
Civic: 250 40 St SW, Salmon Arm, BC
Area: 3.2 ha (all within the ALR)

Panel:

Gerald Zimmermann, Okanagan Panel Chair
Joe Deuling



OVERVIEW

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

- [2] In 1991 the Applicants purchased the Property. The Property contains a 165 m² (1776 ft²) principal residence built in 2009 and occupied by the farm manager, a 143 m² (1539 ft²) modular home installed on blocks in 2013 and occupied by the assistant farm manager, and several poultry barns.

- [3] Pursuant to s. 20.1(2) of the ALCA, the Applicants are applying to the Agricultural Land Commission (the "Commission") to construct a 69.7 m² secondary suite (the "Suite") attached to the assistant farm manager's modular home to provide accommodation for farm help (the "Proposal").

- [4] The first issue the Panel considered is whether the Proposal is necessary to support the agricultural operation on the Property.

- [5] The second issue the Panel considered is whether the Proposal would impact the agricultural utility of the Property.

- [6] The Proposal was considered in the context of the purposes and priorities of the Commission set out in s. 6 of the ALCA:
 - 6 (1) The following are the purposes of the commission:
 - (a) to preserve the agricultural land reserve;
 - (b) to encourage farming of land within the agricultural land reserve 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 land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.



- (2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:
- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
 - (b) the use of the agricultural land reserve for farm use.

EVIDENTIARY RECORD

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

EVIDENCE AND FINDINGS

- [8] The Application was submitted on July 31, 2020 and was forwarded to the Commission by the City of Salmon Arm on September 21, 2020. On March 12, 2020, the ALCA was amended and changes were made to its regulations. The Applicant was given an opportunity to make written submissions relating to the amendment of the ALCA and changes to its regulations as it relates to this application. The Panel has considered the Application under s. 6(1) and s. 6(2) of the ALCA as amended by Bill 15.

Issue 1: Whether the Proposal is necessary to support the agricultural operation on the Property.

- [9] The Agent describes the agricultural activity on the Property as a commercial egg-layer poultry farm that raises 36,500 laying hens in a conventional production system, 15,000 free-run brown laying hens, and 7,200 free-run brown laying hens. The operation produces two cycles per year of 37,500 white pullets and 7,500 free-run brown pullets, and one cycle per year of 28,000 pullets raised for another farm in Kamloops. The Application states that 48,000 eggs are collected daily, approximately 85,000 birds are on



the Property on any given day and approximately 101,500 pullets are raised on the farm annually.

- [10] The Agent submits that the farm operation is partially automated, and barns must be checked daily for air quality, temperature, water and feed availability, mortality, and equipment functionality, among other tasks. Therefore, farm responsibilities are required 24/7 in order to immediately resolve breakdowns to prevent losses and bird mortality. The Agent states that the Applicants have a hard time finding farm workers and having farm worker residences on-site makes the position more attractive and easier to retain a good farm employee. The Agent further submits that the farm requires four to five full time workers and having three on-site reduces risk of bird mortality by providing better oversight.
- [11] At its meeting of September 14, 2020, the City of Salmon Arm (the "City") Council resolved to strongly support the Application and forward it to the Commission along with a staff report from the City (the "Report to Council"). The City issued a permit for the modular home in 2013 and rezoned the Property from Rural Holding (A2), to Comprehensive Development (CD 15) in order to allow the modular home for farm help. The Report to Council submits that the current CD 15 zoning for the Property permits one single family dwelling, one additional residence for farm help, and one secondary suite with a maximum total floor area of 90 m². The Report to Council submits that should the Proposal be approved, the City's zoning would not permit any further residences on the Property to be built.
- [12] The Panel noted that the Application had not been referred from the City to the Ministry of Agriculture (the "Ministry") staff for comment. As such, the Panel referred the Application to the Ministry in order to understand the intensity of the farm operation and received the comments below from Ministry staff:

"The operation appears to be intensive enough to warrant at least one additional person to be on site at all times and possibly two as they have more than double the industry average for numbers of layers (approximately 20,000 layers)."



- [13] In consideration of the size, scale and intensity of the farm operation and its requirement for on-site farm help as described and supported in the Application material, the Panel finds that the Proposal is necessary to support the agricultural operation on the Property.
- [14] The Panel understands that a new farm employee has not yet been hired to occupy the Suite. The Panel will require that a covenant be registered on the Property's title that restricts occupation of the Suite to farm help (and not for non-agricultural related use, short or long-term rental); and should the Suite be unoccupied by farm help for longer than 6 consecutive months, it must be removed from the Property.

Issue 2: Whether the Proposal would negatively impact the agricultural utility of the Property.

- [15] The Application submits that the Suite will be attached to the modular home occupied by the assistant farm manager and be clustered with existing residential uses. The Application submits that the Suite is modular in design, requires no fill, and would share a common wall with the existing modular home; which is installed on blocks. For this reason, the Panel finds that the Proposal would not negatively impact the agricultural utility of the Property.

DECISION

- [16] For the reasons given above, the Panel approves the Proposal to construct a 69.7 m² secondary suite attached to the assistant farm manager's modular home to provide accommodation for farm help subject to the following conditions:
- (a) Siting of the non-farm use in accordance with Schedule A;
 - (b) the registration of a covenant for the purpose of restricting occupancy of the secondary suite to farm help, and if the secondary suite is not occupied by farm help for greater than six consecutive months it must be removed from the Property;



(c) Approval for non-farm use is granted for the sole benefit of the Applicants and is non-transferable.

[17] 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.

[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(3) of the ALCA.

[20] Resolution #613/2020

Released on December 22, 2020

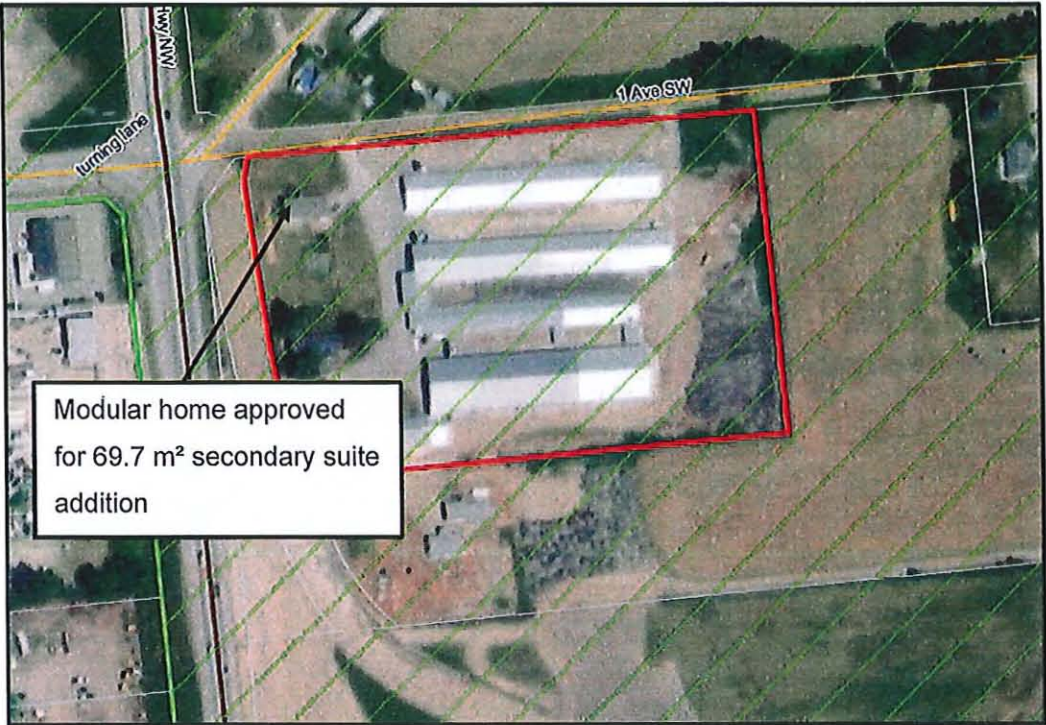
A handwritten signature in black ink, appearing to read "G. Zimmermann", is written over a horizontal line.

Gerald Zimmermann, Panel Chair

On behalf of the Okanagan Panel



Schedule A: Agricultural Land Commission Decision Sketch Plan
ALC File 61024 (Alibhai)
Conditionally Approved Non-Adhering Residential Use
ALC Resolution #613/2020



Modular home approved
for 69.7 m² secondary suite
addition



The Property

