

**City of Salmon Arm
Development and Planning Services Committee**

Monday, June 17, 2024, 8:00 a.m.
Council Chambers of City Hall
500 – 2 Avenue NE, Salmon Arm, BC

Pages

1. **CALL TO ORDER**
2. **ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY**
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.
3. **ADOPTION OF AGENDA**
Motion for Consideration
THAT: the Agenda be adopted as presented.
4. **APPROVAL OF MINUTES**
 - 4.1 Development and Planning Services Committee Meeting Minutes of May 21, 2024 3 - 5
Motion for Consideration
THAT: the Development and Planning Services Committee Meeting Minutes of May 21, 2024 be approved.
5. **DISCLOSURE OF INTEREST**
6. **REPORTS**
 - 6.1 Non-Farm Use File No. ALC-424 (ALC Application ID: 100178) 6 - 25
Legal: Lot 2, Section 8, Township 20, Range 9, W6M, KDYD, Plan 2040, Except Plan KAP74809
Civic: 2651 70 Street SE
Owner: Sancha and Arthur Sherman
Agent: Owner

Motion for Consideration
THAT: Agricultural Land Commission Application No. 425 be authorized for submission to the Agricultural Land Commission.
7. **FOR INFORMATION**
 - 7.1 Agricultural Land Commission 26 - 39
Reason for Decision
ALC Application No. 70055
J., B. & St. Thompson/J. & L. DeDood/0847774 BC Ltd.
690 10 Avenue SW/550 10 Avenue SW/431 Foothill Road
8. **IN-CAMERA**

9. ADJOURNMENT

DEVELOPMENT AND PLANNING SERVICES

Minutes of a Meeting of the Development and Planning Services Committee of the City of Salmon Arm

May 21, 2024, 8:00 a.m.
Council Chambers of City Hall
500 – 2 Avenue NE, Salmon Arm, BC

COUNCIL PRESENT: Mayor A. Harrison
Councillor K. Flynn
Councillor T. Lavery
Councillor D. Cannon
Councillor S. Lindgren

ABSENT: Councillor L. Wallace Richmond
Councillor D. Gonella

STAFF PRESENT: Director of Engineering & Public Works R. Niewenhuizen
Executive Assistant B. Puddifant
Deputy Corporate Officer R. West
Manager of Planning & Building, M. Smyrl
Planner, M. Paiement

Other Staff present: Acting Chief Administrative Officer, G. Buxton
Planner, A. Jeffries

1. CALL TO ORDER

Mayor Harrison called the meeting to order at 8:00 a.m.

2. ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY

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.

3. ADOPTION OF AGENDA

Moved by: Councillor Lindgren

Seconded by: Councillor Flynn

THAT: the Agenda be adopted as presented.

Carried Unanimously

4. APPROVAL OF MINUTES

4.1 Development and Planning Services Committee Meeting Minutes of May 6, 2024

Moved by: Councillor Lindgren
Seconded by: Councillor Cannon

THAT: the Development and Planning Services Committee Meeting Minutes of May 6, 2024 be approved.

Carried Unanimously

5. DISCLOSURE OF INTEREST

6. REPORTS

6.1 Zoning Bylaw Amendment Application No. 1285

Civic: 1281 - 15 Street SE
Owner/Agent: L. & C. Fitt

L. Fitt, the applicant, outlined the application and was available to answer questions from the Committee.

Moved by: Councillor Lavery
Seconded by: Councillor Flynn

THAT: the Development and Planning Services Committee recommends to Council that a bylaw be prepared for Council's consideration, adoption of which would amend Zoning Bylaw No. 2303 by rezoning Lot 9, Section 12, Township 20, Range 10, W6M KDYD, Plan 9687 from R-7 (Large Lot Single Family Residential Zone) to R-8 (Residential Suite Zone).

Carried Unanimously

6.2 Temporary Use Permit Application No. TUP-19

Civic: 460 10 Avenue SW
Owner/Agent: Page, L. & D.

Moved by: Councillor Lindgren
Seconded by: Councillor Cannon

THAT: the Development and Planning Services Committee recommends to Council that Temporary Use Permit Application No. TUP-19 be issued for Lot 2, Section 11, Township 20, Range 10, W6M, KDYD, Plan 27414 for the temporary use of the subject property for a campground as shown in Appendix 5, subject to:

- i) The total number of tent or recreational vehicle sites on the subject property shall not exceed 150;
- ii) Approval of a Fire Safety Plan by the City's Fire Department;
- iii) Approval of a Security Plan by the RCMP;

- iv) TUP-19 is valid for a two-week period during the Roots and Blues Festival for the years 2024, 2025 and 2026, with camping limited to a maximum seven day time period during the Roots and Blues Festival.; and
- v) Agricultural Land Commission approval for Non-Farm Use.

Carried Unanimously

6.3 Agricultural Land Commission Application No. ALC-423

Non-Adhering Residential Use
Civic: 1240 60 Street NE
Owner/Agent: J. & A. Franklin

J. Franklin, the applicant, outlined the application and was available to answer questions from the Committee.

Moved by: Councillor Flynn
Seconded by: Councillor Cannon

THAT: the Development and Planning Services Committee recommends to Council that Agricultural Land Commission Application No. ALC-423 be authorized for submission to the Agricultural Land Commission.

Carried Unanimously

- 7. **FOR INFORMATION**
- 8. **IN-CAMERA**
- 9. **ADJOURNMENT**

There being no further business on the agenda, the meeting adjourned at 8:19 a.m.

MAYOR, A. HARRISON



REQUEST FOR DECISION

To: Development & Planning Services Committee

From: Planner I

Title: Non-Farm Use File No. ALC-424 (ALC Application ID: 100178)

Legal: Lot 2, Section 8, Township 20, Range 9, W6M, KDYD, Plan 2040, Except Plan KAP74809

Civic: 2651 70 Street SE

Owner: Sancha and Arthur Sherman

Agent: Owner

Date: June 17, 2024

Executive Summary/Purpose:

The Agricultural Land Commission (ALC) is seeking a Council resolution with regard to the owner's request to operate a Non-Farm Use activity in an accessory building on the subject property.

Motion for Consideration:

THAT: Agricultural Land Commission Application No. 425 be authorized for submission to the Agricultural Land Commission.

Staff Recommendation:

THAT: the motion for consideration be adopted.

Proposal:

The owner of 2651 70 Street SE is requesting a Non-Farm Use approval from the ALC in order to operate a Non-Farm Use activity in an accessory building on the subject property. ALC approval is needed in order to host events in a permanent structure. The ALC application is enclosed as Appendix 8.

Background:

The subject property is approximately 5.7ha (14ac) in area. It is within the Agricultural Land Reserve (ALR), designated Acreage Reserve in the Official Community Plan (OCP), outside the Urban Containment Boundary (UCB), and is zoned A2 - Rural Holding Zone (Appendices 2 to 6). The subject property is comprised of a single family dwelling and 3 accessory buildings.

The proposed Non-Farm Use would be conducted out of an accessory building constructed in 2023 for the dual purpose of a riding arena and an event space. The floor area of the accessory building is 406.5m² (4375.5ft²).

The subject property has two (2) classifications of soils. The northern portion of the property has an Improved Soil Capability Rating of 60% Class 4 (P) and 40% class 5 (T/P), affected by conditions of excess stoniness, soil moisture deficiency, and topography. The southern portion of the property has an improved soil capability rating of 60% class 6, and 40% class 7, with topography and shallow soil being conditions (Appendix 7). With regard to the Unimproved Soil Capability Rating, the northern portion of the subject property is 100% Class 5 affected by soil moisture deficiency conditions. The southern portion of the subject property has an unimproved soil rating of 60% class 6, and 40% class 7, being affected by topography and shallow soil conditions (Appendix 7),

Adjacent zoning and land uses include the following:

North:	Rural Holding (A-2) – ALR – Single Family Dwelling/ Home Occupation
South:	Agriculture Zone (A-1) - Residential
East:	Rural Holding (A-2) - ALR – Residential
West:	Rural Holding (A-2) - ALR – Residential

Non-Farm Use means any type of activity or structure that is not designated as a farm use. Typical Non-Farm Use applications include use of a permanent building when gathering for an event, Agri-tourism accommodations, and home occupation. Gathering for an event is a permitted Non-Farm Use in the ALR. The reason for this application is that the use of a permanent structure for events requires ALC approval.

Relevant Policy:

Policy L-22 from the Agricultural Land Commission Act designates “Gathering for an Event” in the ALR as a permitted Non-Farm Use so long as the events meets the conditions listed in the Use regulations. Conditions include; no more the 150 people in attendance and a maximum of 10 events per year. If a permanent building is used for the events, a Non-Farm Use application and approval by the ALC is necessary (Appendix 9).

Referral Comments:

Fire Department

No Concerns.

Building Department

No Concerns.

Engineering Department

No Concerns.

Planning Department

The ALC limits events to 10 per year. Should the ALC support the request to use the permanent building for events, the Planning Department has no issue with this as it is consistent with the Zoning Bylaw.

Agricultural Advisory Committee

The Agricultural Advisory Committee reviewed the application at their May 8, 2024 meeting and passed the following resolution:

THAT: The AAC supports ALC Application No. 424.

Conclusion:

Staff support the application being authorized for submission to the ALC for decision.

Prepared by: Planner I

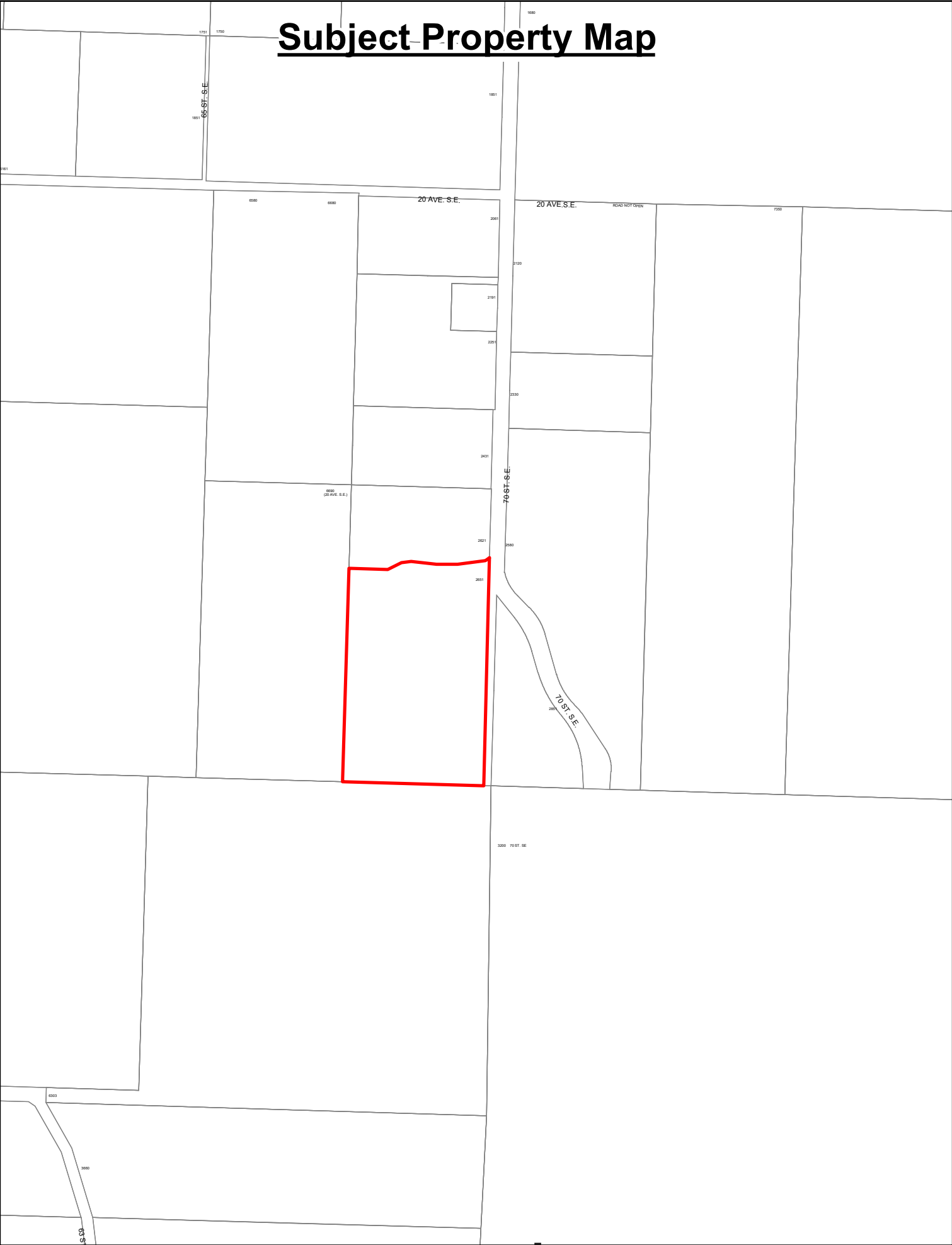
Reviewed by: Director of Planning and Community Services

Approved by: Chief Administrative Officer

Attachments:

- Appendix 1 – Subject Property Map
- Appendix 2 - Ortho Map (Large Scale)
- Appendix 3 – Ortho Map (Small Scale)
- Appendix 4 – Official Community Plan Map
- Appendix 5 – Zoning Map
- Appendix 6 – ALR Map
- Appendix 7 – Unimproved and Improved Soil Map
- Appendix 8 – ALC Application
- Appendix 9 – Gathering For An Event Bulletin

Subject Property Map



0 45 90 180 270 360
Meters

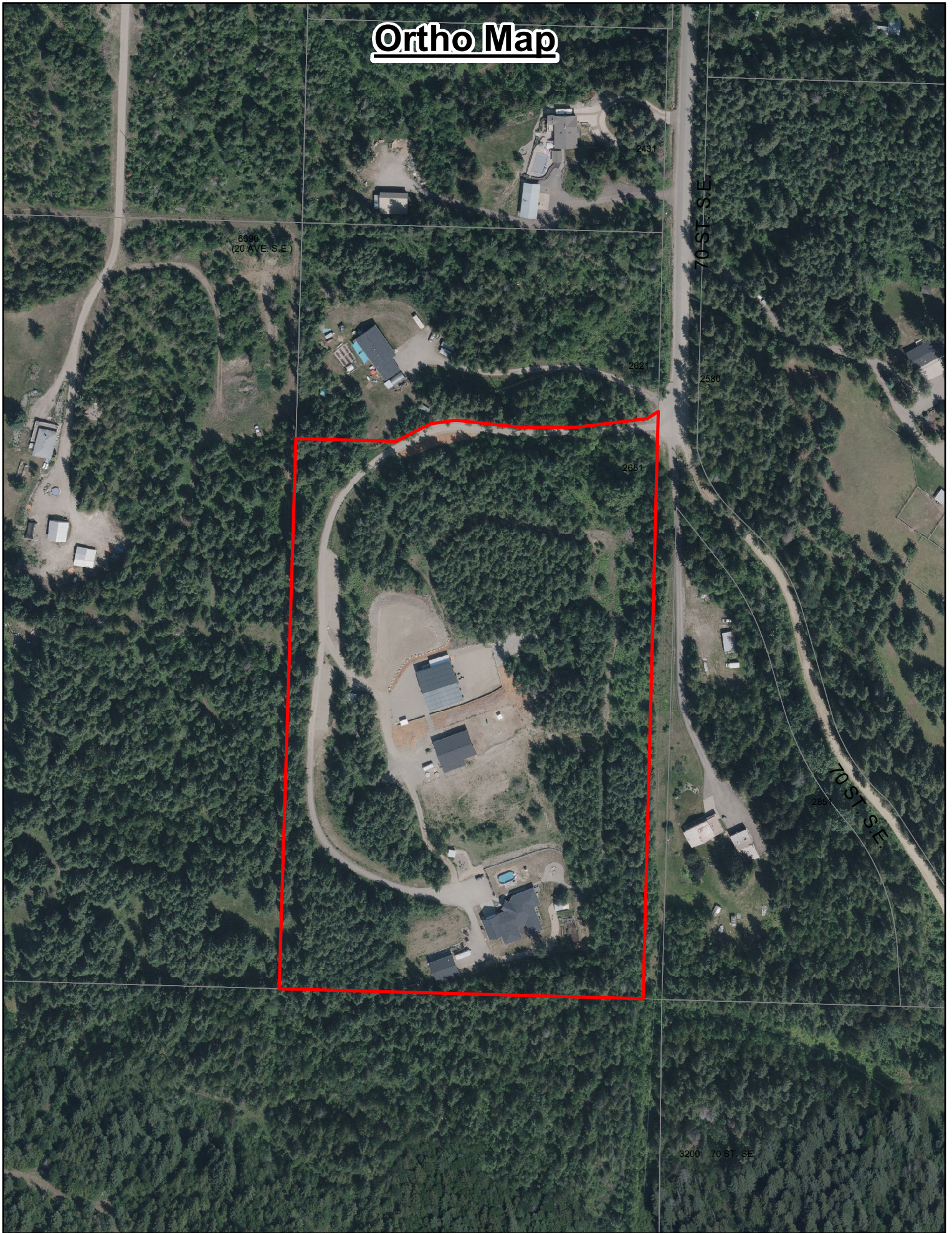


Subject Property



Parcels

Ortho Map



0 15 30 60 90 120 Meters Page 10 of 39

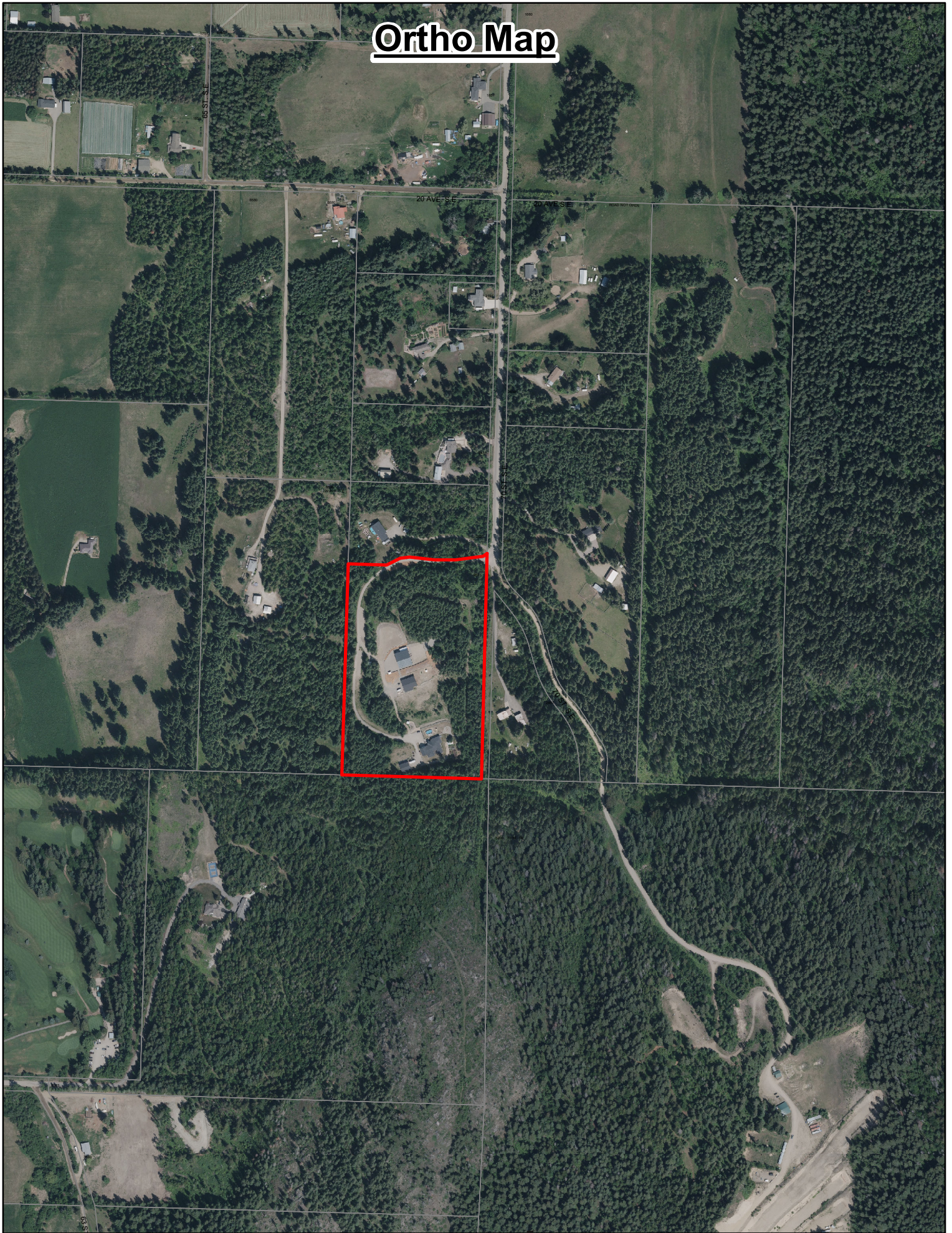


Subject Property



Parcels

Ortho Map



0 45 90 180 270 360

Meters

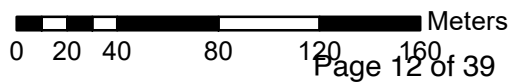
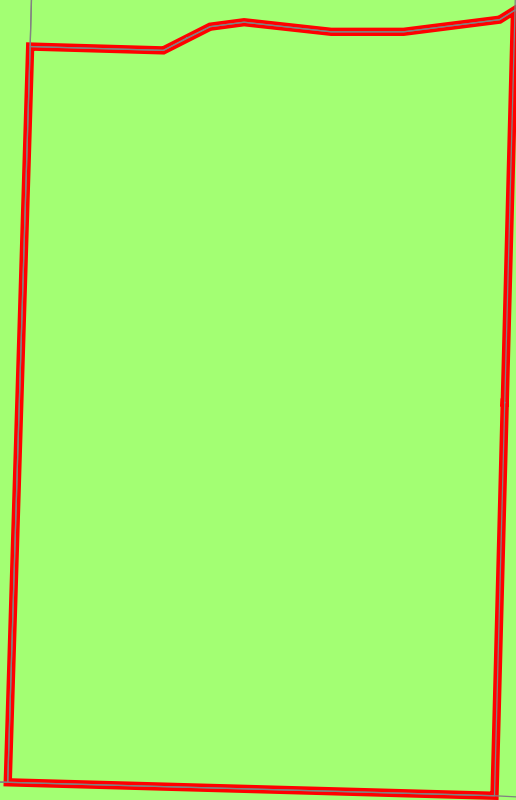


Subject Property






Parcels

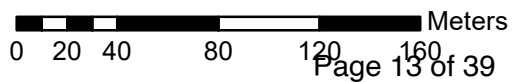
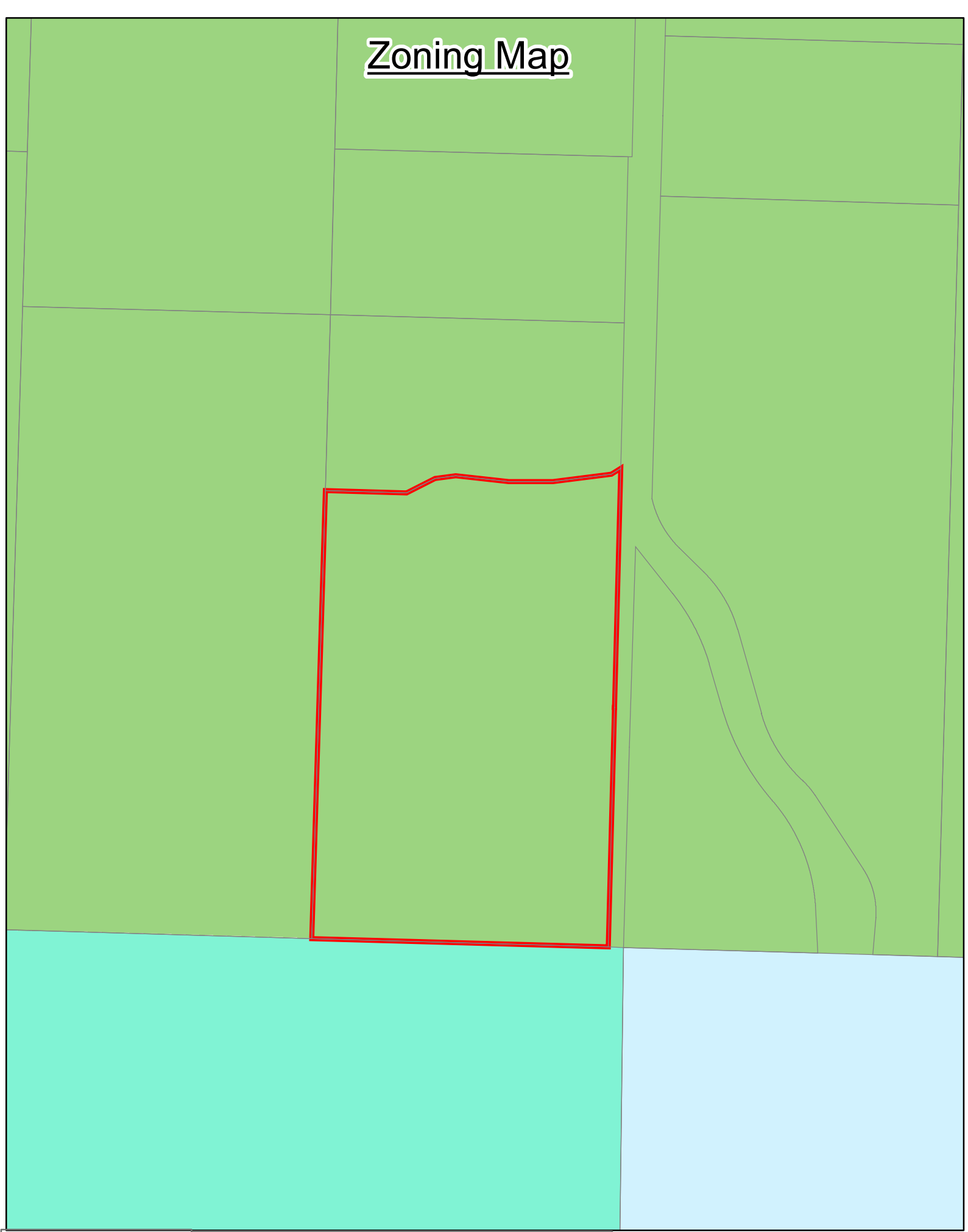
OCP Map








Legend

-  Parcels
-  Subject Property
-  Acreage Reserve

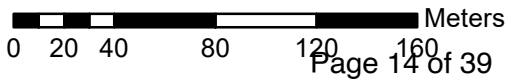
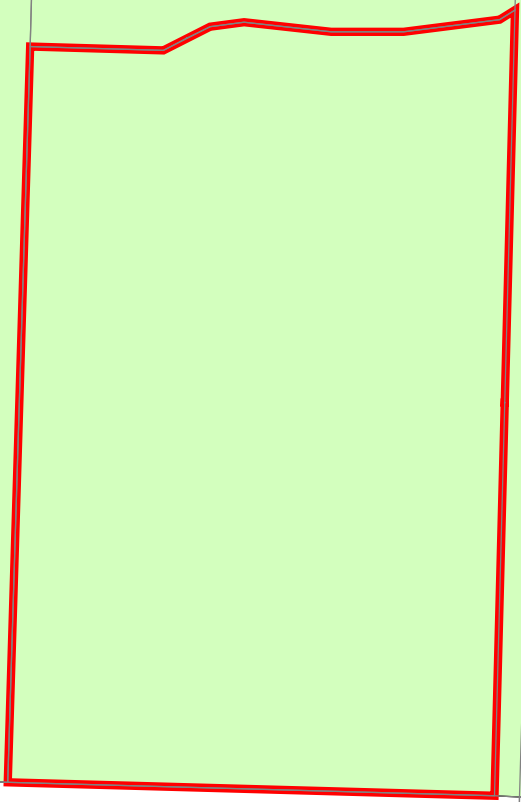
Zoning Map






Legend

- | | | | |
|---|------------------|---|-----|
|  | Parcels |  | A-1 |
|  | Subject Property |  | A-2 |
| | |  | P-1 |

ALR Map

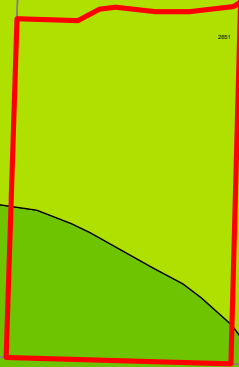


Legend

-  Parcels
-  Subject Property
-  ALR

Unimproved Soil Classification Map

M
4 T





0 45 90 180 270 360

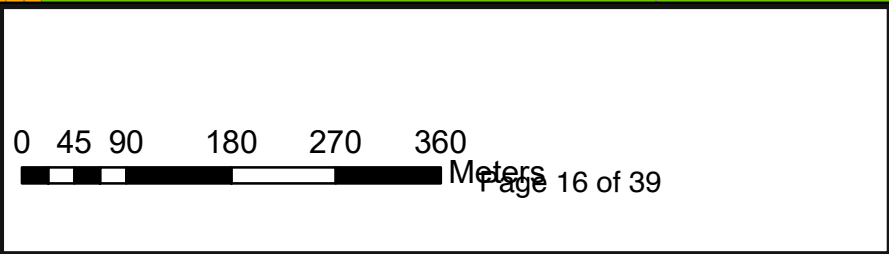
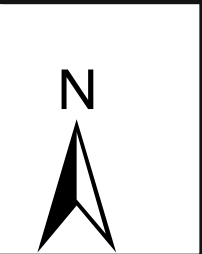
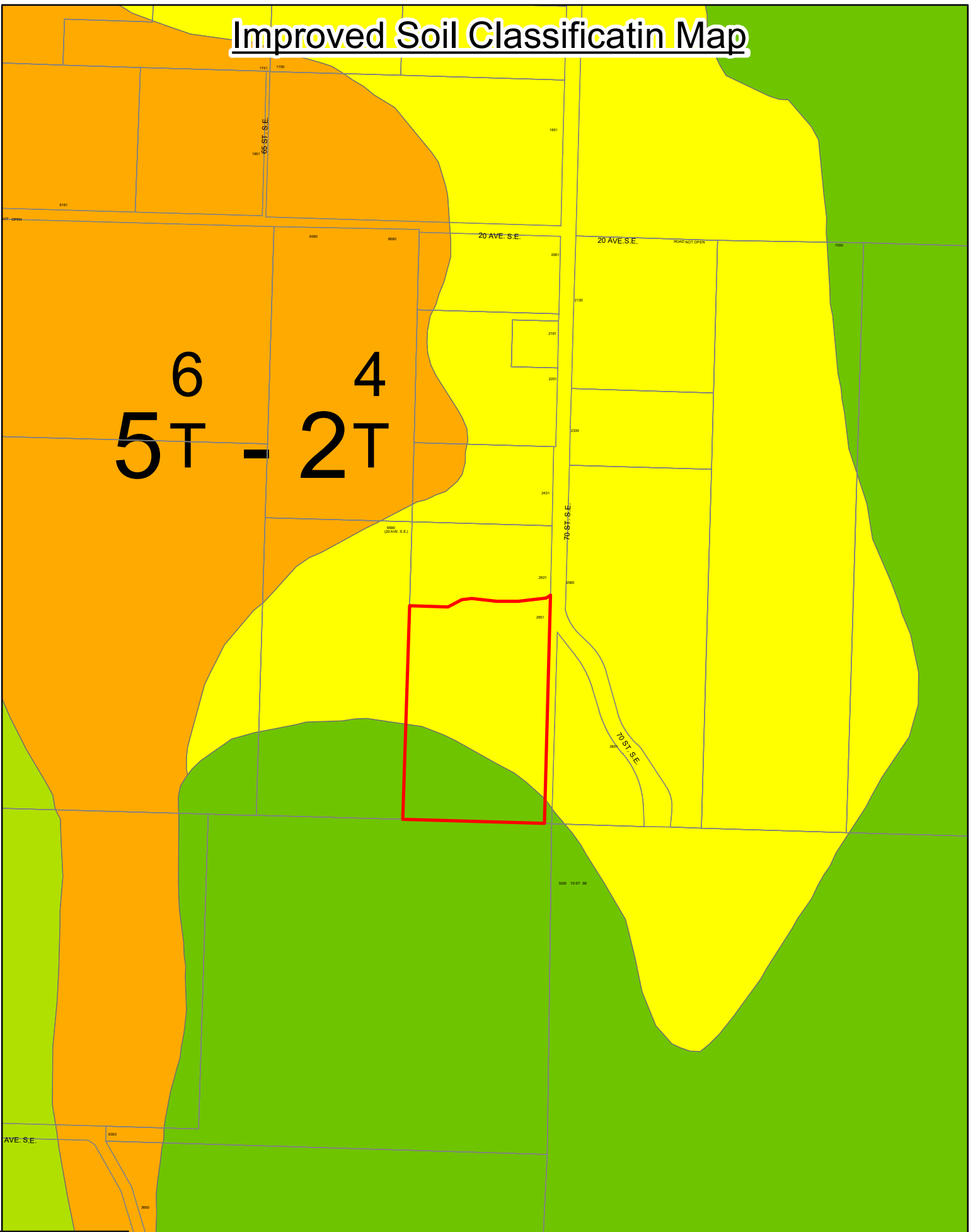





Meters

Legend

-  CLASS 4
-  CLASS 5
-  CLASS 6

Improved Soil Classification Map



Legend	
	CLASS 3
	CLASS 4
	CLASS 5



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 100178
Application Type: Non-Farm Uses within the ALR
Status: Submitted to L/FNG
Applicant: Sherman et al.
Local/First Nation Government: City of Salmon Arm

1. Parcel(s) Under Application

Parcel #1

Parcel Type Fee Simple
Legal Description LOT 2 SECTION 8 TOWNSHIP 20 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 2040 EXCEPT PLAN KAP74809
Approx. Map Area 5.73 ha
PID 011-264-683
Purchase Date May 5, 2012
Farm Classification Yes
Civic Address 2651 70th Street SE Salmon Arm, BC V1E 1X4
Certificate Of Title State of Title Certificate CA2522908.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
Arthur Sherman	No Data	2508336505	sancha222@hotmail.com	Not Applicable
Sancha Sherman	No Data	2508336587	sancha222@hotmail.com	Not Applicable

2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process? No

3. Primary Contact

Will one of the landowners or government contacts added previously be the primary contact? Yes

Type Land Owner
First Name Sancha
Last Name Sherman
Organization (If Applicable) No Data
Phone 2508336587
Email sancha222@hotmail.com

4. Government

Local or First Nation Government: City of Salmon Arm

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s). Horse rearing, cattle, chickens, vegetables, fruit, herbs and flowers - approx. 7 acres

Describe all agricultural improvements made to the Perimeter fencing
Minor outbuildings

parcel(s). Horse barn and riding arena
Improvements to soils

Describe all other uses that currently take place on the parcel(s). Primary Residence
Horsemanship Workshops and Education
Wedding Venue
Parking

Choose and describe neighbouring land uses

	Main Land Use Type	Specific Activity
North	Other	Private acreage in ALR, access to 70th Street SE
East	Other	Private acreage in ALR, and road access to Salmon Arm Fishing and Gaming Club
South	Other	Private acreage zoned A, mountain and dense tree terrain, with city easment leading to hydro towers, house a great distance away. Salmon Arm Fishing and Gaming also located behind us.
West	Other	Private acreage in ALR, dense tree line, house a great distance away.

6. Proposal

How many hectares are proposed for non-farm use? 0.80937 ha

What is the purpose of the proposal? The purpose of our proposal is to diversify our farm's activities while still maintaining our commitment to agriculture and community engagement. We're applying for non-farm use to adapt our riding arena into a dual-purpose building that can host weddings during the peak season from May to September, while continuing to offer horse educational activities for seniors and children year-round.

By hosting weddings, we aim to generate additional income to sustain our farm operations and support our local community. These events will not only provide a beautiful setting for couples to celebrate their special day but will also showcase the natural beauty of our farm, promoting

agritourism and supporting local vendors who provide goods and services for the weddings.

Furthermore, our proposal benefits agriculture by preserving our farm's land for productive use while generating revenue that can be reinvested into improving our agricultural practices. Additionally, by offering horse educational activities, we continue to educate the community about the importance of horses in agriculture and provide opportunities for people of all ages to connect with these magnificent animals.

Overall, our proposal aims to strike a balance between agricultural sustainability, community engagement, and economic viability, ensuring that our farm remains a valuable asset to both our local community and the agricultural industry as a whole.

While our proposal does not directly benefit agriculture, it indirectly supports the agricultural community by generating income for local businesses, including farmers who may provide produce and other goods for events hosted at our venue. Additionally, by preserving and beautifying the land, we uphold the natural beauty of the area, which can enhance the appeal of the region to visitors and residents alike.

Could this proposal be accommodated on lands outside of the ALR?

The proximity of our farm to urban areas, coupled with the natural beauty of our private mountain-side ALR-designated land, creates an enchanting setting perfectly suited for hosting weddings and horse workshops. Couples are drawn to the scenic backdrop and rural charm, which elevate their wedding experience and create lasting memories amidst the picturesque surroundings. Moreover, the ALR designation assures the suitability of our land for agricultural endeavors, from the gentle care of horses and chickens to the cultivation of vibrant vegetables, flowers, and fragrant herbs. This cohesive approach allows us to offer a diverse array of activities that not only enrich our agricultural operations but also foster community engagement and connection.

In essence, while elements of our proposal could potentially be adapted elsewhere, the distinct blend of agricultural vitality, event hosting, and community involvement that defines our farm is best preserved and nurtured within the protective embrace of ALR land.

Does the proposal support agriculture in the short or long

The proposal supports agriculture in both the short and long term. In the short term, hosting weddings and events provides immediate financial

term? support to our farm, contributing to its sustainability and allowing us to continue our agricultural activities. Additionally, the revenue generated from these events can be reinvested into our farm, improving infrastructure, acquiring equipment, and enhancing our agricultural practices.

Proposal Map / Site Plan Riding Arena - Event Use Building Permit (Aug. 9, 2023).pdf

Do you need to import any fill to construct or conduct the proposed Non-farm use? Yes

Soil and Fill Components

Describe the type and amount of fill proposed to be placed. Riding arena and parking: pit run, gravel crushed fines and sand

Briefly describe the origin and quality of fill. Original soil on property. Pit run, gravel crushed fines and sand provided by a local company: Little Projects Ltd.


Placement of Fill Project Duration It took us 5 years and we continue to improve our landscape with maintenance. We are complete on soil and fill components.

Fill to be Placed

Volume	1120 m ³
Area	1200 ha
Maximum Depth	0.4 m
Average Depth	0.5 m

7. Optional Documents

Type	Description	File Name
Professional Report	Occupancy Certificate from City of Salmon Arm	Occupancy Certificate.pdf

 <p>Agricultural Land Commission Act</p>	<p style="text-align: center;">ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE:</p> <p style="text-align: center;">GATHERING FOR AN EVENT IN THE AGRICULTURAL LAND RESERVE</p>	<p style="text-align: right;">Policy L-22</p> <p style="text-align: right;">Amended October 2021 Amended April 2019 October 2016</p>
--	--	--

This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act, 2002](#), (the “ALCA”) and, BC Regulation 30/2019 [Agricultural Land Reserve Use Regulation](#), (the “Use Regulation”). In case of ambiguity or inconsistency, the ALCA and Use Regulation will govern.

INTERPRETATION:

Gathering for an event is a permitted non-farm use in the Agricultural Land Reserve (ALR) and must not be prohibited by a local government bylaw as long as the event meets the conditions set out in the Use Regulation.

No more than 150 people may be in attendance and the event must be less than 24 hours in duration.

A maximum of 10 events of any type are permitted within a calendar year on a farm. For example, 5 weddings, 2 music concerts and 3 art shows. Where more than one farm business is being operated from a farm, the maximum 10 events applies. It is recommended that a record of events be maintained by the farmer including the type of event, date and number of attendees.

There is no requirement for these events to directly market or promote agricultural products grown on the farm and therefore are not considered agri-tourism events.

People hosting events must make every effort to avoid negative impacts to the use of agricultural land including but not limited to, damage to agricultural land and structures, noise that disturbs animals and livestock, trespass, vandalism, theft and blocking access to adjacent farm businesses.

Events may include weddings, private parties, corporate retreats, music concerts and concert series, music festivals, film and theatrical presentations, art shows, dance recitals, charitable and political fundraising events, dances, and sports events, so long as otherwise compliant with the Use Regulation. Any event that is not an agri-tourism event falls into this category.

The Use Regulation allows gathering for events in the ALR provided the land is assessed as “farm” under the [Assessment Act](#). If the assessment changes, the use is no longer permitted. The farm may be comprised of one or several parcels of land owned or operated by a farmer as a farm business. The farm parcels should be contiguous or in the same general geographic area.

Permanent facilities must not be constructed or erected for any event activity. Permanent facilities include, but are not limited to: buildings or permanent structures, hard surface parking areas, concrete pads, structural foundations, retaining walls, permanent tents (erected for more than 90 days) and permanent alteration to the landscape (fill, gravel, berms, hills, dugouts, amphitheatres). The conversion of existing buildings and the construction associated with bringing them up to public assembly building code is also deemed as the construction or erection of a permanent facility. If permanent facilities are required, an application and approval of the Agricultural Land Commission (the "Commission") is necessary.

For the purposes of this policy, parking areas must not be permanent (asphalt, concrete, gravel, etc) and parking must not interfere with the farm's agricultural productivity. All vehicles visiting the farm for the event must be parked on site (except for filming event days, where parking may also be supported on nearby private property and/or in accordance with local government regulations). To minimize impacting farm land, parking should be along field edges, adjacent to internal farm driveways and roads, and in farm yard areas or immediately adjacent to farm buildings and structures.

Personal family celebrations hosted by the farm owner where no fee is charged continue to be allowed.

This policy does not apply to agri-tourism activities. See Related Policies.

As per subsection 13(1)(e) of the Use Regulation, these conditions do not apply to alcohol production facilities (e.g. wineries, cideries, meaderies, breweries and distilleries) if the event(s) is held only in the ancillary food and beverage service lounge that has been developed in compliance with section 13(1)(b) of the Use Regulation or within the special event area under a special event area endorsement described in section 13(1)(c)(ii) of the Use Regulation. Section 17 of the Use Regulation and associated restrictions apply if the event(s) are held outside the lounge area or special event area. This means alcohol production facilities may host an unlimited number of events in their lounge area and special event area and an additional 10 events as per section 17 of the Use Regulation held outside the lounge area or special event area.

Local governments have the authority to regulate events with regard to structures and building occupancy (including determining if an existing farm building is appropriate for a gathering or requires upgrades for public assembly), parking, lighting, hours of operation, health and safety, noise, access for police, fire and emergency vehicles, etc. Local governments have the authority to require permits for events.

Events in excess of what is permitted under section 17 of the Use Regulation require an application pursuant to section 20(2) of the ALCA and approval of the Commission.

TERMS:

family event means an event attended by
(a) family members, and

(b) close personal friends or close business associates of family members

family member with respect to a person means

- (a) parents, grandparents and great grandparents,
- (b) spouse, parents of spouse and stepparents of spouse,
- (c) brothers and sisters,
- (d) children or stepchildren, grandchildren and great grandchildren, and
- (e) aunts, uncles, cousins, nephews and nieces

fee or other charge includes a gift in lieu of a fee or charge given in connection with the event

wedding means the ceremony of marriage or a marriage-like ceremony and/or the reception celebration

music festival means concert or concert series no more than 24 hours in duration

Unless defined in this policy, terms used herein will have the meanings given to them in the ALCA or the Use Regulation.

RELATED POLICY:

ALC Policy L-04 *Activities Designated as a Farm Use: Agri-Tourism Activities in the ALR*

REFERENCE:

Agricultural Land Reserve Use Regulation (BC Reg. 30/2019), Sections 1, 13, 14 and 17.

Definitions

Section 1 in this regulation:

“gathering for an event” means a gathering of people on agricultural land for the purpose of attending

(a) a wedding, other than a wedding to which paragraph (c) (ii) applies,

(b) a music festival, or

(c) an event, other than

(i) an event held for the purpose of agri-tourism activity, or

(ii) the celebration, by residents of the agricultural land and those persons whom they invite, of a family event for which no fee or other charge is payable in connection with the event by invitees;

Alcohol Production

Section 13(1) In this section:

(e) gathering for an event, if the event is held only in the lounge referred to in paragraph (b) or the special event area under a special event area endorsement referred to in paragraph (c), and, for this purpose, section 17 [gathering for an event] does not apply;

Non-farm uses that may not be prohibited

Section 14 The non-farm uses referred under this Division may not be prohibited

- (a) by a local government enactment, or*
- (b) by a first nation government law, if the activity is conducted on settlement lands.*

Gathering for an event

Section 17 The use of agricultural land for the purpose of gathering for an event is permitted and may not be prohibited as described in section 14 if all of the following conditions are met:

- (a) the event is conducted on agricultural land that is classified as a farm under the [Assessment Act](#);*
- (b) no permanent facilities are constructed or erected in connection with the event;*
- (c) parking for those attending the event
 - i. is available on that agricultural land,*
 - ii. occurs only in connection with that event, and*
 - iii. does not interfere with the productivity of that agricultural land;**
- (d) no more than 150 people, excluding residents of the agricultural land and employees of the farm operation conducted on that agricultural land, are gathered on that agricultural land at one time for the purpose of attending the event;*
- (e) the event is of no more than 24 hours in duration;*
- (f) no more than 10 gatherings for an event of any type occur on that agricultural land within a single calendar year.*

Agricultural Land Commission Act, S.B.C. 2002, c. 36, Section 1.

Definitions

Section 1(1)

“agricultural land” means land that

- (a) is included in the agricultural land reserve under section 15 (1.1), 17(3.1) or 45(1) of this Act, or*
- (b) was included under a former Act as agricultural land or land in an agricultural land reserve,*

Unless the land has been excluded from the agricultural land reserve under this Act or from an agricultural land reserve under a former Act;

May 28, 2024

ALC File: 70055

Toni Starkell
Salmon Arm Folk Music Society
DELIVERED ELECTRONICALLY

Dear Toni Starkell:

Re: Reasons for Decision - ALC Application 70055

Please find attached the Reasons for Decision of the Okanagan Panel for the above noted application (Resolution #316/2024). As the agent, it is your responsibility to notify the applicants 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 section 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 ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
 - Evidence that was 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
- Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per [ALC Policy P-08: Request for Reconsideration](#).

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,



Dimitri Giannoulis, Land Use Planner

Enclosures: Reasons for Decision (Resolution #316/2024)
 Schedule A: Additional Application History
 Details Schedule B: Decision Map

cc: City of Salmon Arm (File: ALC-421). Attention: Development Services

70055d1



AGRICULTURAL LAND COMMISSION FILE 70055
REASONS FOR DECISION OF THE OKANAGAN PANEL

Non-Farm Use Application Submitted Under s.20(2) of the Agricultural Land
Commission Act

Applicants:

Jerold, Bonnie, & Stacy Thompson
Judy & Loretta Dedood
0847774 BC Ltd.

Agent:

Toni Starkell, Salmon Arm Folk Music Society

Properties:

Property 1

Parcel Identifier: 014-072-009

Legal Description: Parcel B (Plan B5839) Of
The North West 1/4 Of Section 11 Township
20 Range 10 West of the 6th Meridian
Kamloops Division Yale District

Civic: 690 10 Avenue SW, Salmon Arm, BC

Area: 2.2 ha (Entirely within the ALR)

Property 2

Parcel Identifier: 004-831-853



Legal Description: Lot 1 Section 11 Township
20 Range 10 West of the 6th Meridian
Kamloops Division Yale District Plan 27414

Civic: 550 10 Avenue SW, Salmon Arm, BC

Area: 2.0 ha (Entirely within the ALR)

Property 3

Parcel Identifier: 009-460-411

Legal Description: Lot 1 Section 11 Township
20 Range 10 West of the 6th Meridian
Kamloops Division Yale District Plan 4279
Except Parcel A On Plan B7061, Plans 29487
And 42166

Civic: 1300 10 Street SW, Salmon Arm, BC

Area: 8.5 ha (Entirely within the ALR)

Property 4

Parcel Identifier: 003-454-606

Legal Description: Parcel A (Plan B5838) Of
The Northwest 1/4 Of Section 11 Township 20
Range 10 West Of The 6th Meridian
Kamloops Division Yale District

Civic: 431 Foothill Road SW, Salmon Arm, BC

Area: 10.1 ha (Entirely within the ALR)

Panel:

Gerry Zimmermann, Okanagan Panel Chair

Joe Deuling

Erin Carlson

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] The Applicants are applying to the Agricultural Land Commission (the "Commission" or "ALC") under s. 20(2) of the ALCA to use a total of 14 ha across the four Properties as a campground with up to 1,000 campsites for the Salmon Arm Roots and Blues Festival (the "Festival"), on a temporary basis, annually in July (the "Proposal").

- [3] The Applicant submits that they would require two weeks for campground preparation, camping would be for one week, and one week would be needed to return the land to its previous condition.

- [4] The Proposal was considered in the context of the purposes and priorities of the Commission set out in section 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 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

- [6] In 2005, the Salmon Arm Roots and Blues Festival (the "Festival") submitted application 41968 to the ALC to use Properties 1 and 2 for 217 campsites for the Festival. The Commission approved the use until 2008, subject to conditions.

- [7] Since 2008, there have been 6 additional applications to the ALC for similar requests involving Properties 1-3, approved for limited terms, with conditions. Most recently, ALC Application 56448 was submitted in 2020, which approved the short-term annual use of 12.7 ha for up to 1,000 campsites across Properties 1-3 until August 31, 2024.
- [8] The nature of this Application (70055) is similar to the previous applications, but would also include Property 4, and would be for 14 ha in total. See Schedule A for further details on the previous applications.
- [9] The City of Salmon Arm submitted a Request for Decision dated March 18, 2024, (the "Salmon Arm Report"), which includes approval for a Temporary Use Permit for the temporary campground use until 2026.
- [10] Properties 1 and 2 each have a principal residence and additional structures. Properties 3 and 4 have no residences or structures.

ANALYSIS AND FINDINGS

- [11] The Festival occurs in the Salmon Arm fairgrounds directly to the north, outside the ALR.

- [12] The Properties are used for hay production and grazing. The Panel notes that the Properties continue to support agricultural operations in addition to the annual campground use during the Festival.
- [13] The Panel reviewed the application history relating to the Festival dating back to 2005. The Commission has historically approved temporary camping for the Festival on the condition that the land be returned to an equal or better agricultural standard. The Panel confirms that the Applicants have complied with the conditions of approval of previous applications, including the submission of post-event reports with photographs demonstrating the good post-event condition of the land.
- [14] The Panel finds that the annual use of the land for temporary Festival camping has not resulted in long-term impacts to the productive capacity of the land or limited the ability of the landowners to use the land for farm use, apart from during the Festival period. In alignment with section 6 of the ALCA, the Panel finds that the Proposal will not negatively impact the use of the land for agriculture in the long-term if it is properly reclaimed.
- [15] The Application explains that the Festival has been moved from August to July “due to the growing threat of climate change and the increased risk of fires in the Shuswap in the month of August.” Considering that the temporary campground use will necessitate a pause in agricultural activities on the Properties, the Panel finds that it is not ideal for agriculture for the campground use to be moved forward within the growing season. However,

the Panel understands and appreciates the reasons given for the adjustment, which are beyond the control of the Applicants or Festival organizers.

[16] The Panel notes that this Proposal includes a fourth parcel that was not included in the previous application (ALC Application 56448), but the total number of proposed campsites remains at 1,000. The proposed camping area has increased from approximately 12.7 to 14 ha. The expansion area appears to be similar in condition and use to the previously approved camping areas. The Panel finds that although the use area would increase, the total number of sites is to remain the same and therefore would not increase the physical impact of the sites on the Properties and therefore has no issue with the expansion.

[17] It was noted within ALC application 56448 that an adjacent landowner on 10 Street SW had concerns about Festival patrons accessing the Festival via an easement through their parcel, which is outside of the ALR. Accordingly, the Commission conditioned that public access to Property 3 be limited to the north side, from 10 Avenue SW to minimize conflict.

[18] In support of preserving the agricultural integrity of the land, the Panel conditions that signage be installed at the camper check-in locations, of a size and quality to the satisfaction of the Commission, that reads "This is an active farm. Please respect the integrity of the land: No polluting or littering. Thank you."

DECISION

[19] For the reasons given above, the Panel approves the Proposal to use a total of 14 ha across the Properties as a campground with up to 1,000 campsites for the Festival on a temporary basis annually, subject to the following conditions:

- (a) The approval is valid through to the end of 2027.
- (b) The non-farm use is only approved for a 4 week period each year (1 week of camping, 3 weeks of preparation/clean-up).
- (c) The use may only occur no earlier in the year than July.
- (d) Siting of the non-farm use must be in accordance with Schedule A.
- (e) The approval is only for the Salmon Arm Roots and Blues Festival, not any other festivals or events.
- (f) No permanent facilities are to be constructed, and no fill is to be placed on the Properties in association with the non-farm use.
- (g) Public access to Property 3 is to be located off of 10 Avenue SW.
- (h) The inclusion of signage at all camper check-in locations of good quality and legibility (to the satisfaction of the Commission) that read: "This is an active farm. Please respect the integrity of the land: No polluting or littering. Thank you."
- (i) The submission of an annual post-event report (including photos) verifying that (within 60 days of the end of the Festival):
 - a. The land utilized for the non-farm use has been returned to an equal or better agricultural standard.

b. The sign(s) at the camper check-in location(s) were included.

[20] Should the above conditions of approval not be completed to the satisfaction of the ALC within the timeframe(s) specified, the approval will expire and a new application may be required.

[21] 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.

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

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

[24] Resolution #316/2024
Released on May 28, 2024



Gerry Zimmermann, Panel Chair

On behalf of the Okanagan Panel



SCHEDULE A: Additional Application History Details

In 2005, ALC Application 41968 was submitted to the Commission to use a 2.9 ha area of Properties 1 and 2 for a temporary campground for the Festival. The Commission conditionally approved the application for a period of one year (2005) (Resolution #203/2005), and subsequently allowed an expansion of the camping area to 3.5 ha (Resolution #390/2005). Following the first year of the Festival, the Applicant submitted a request to extend the Commission's approval for the campground. The Commission confirmed that the land was returned to its pre-event state after the 2005 Festival, and conditionally approved the campground for an additional three years (2006-2008), subject to the submission of an annual post-event status report verifying rehabilitation of the land to pre-event conditions, and submission of a \$3,000 bond (Resolution #681/2005). The society organizing the Festival submitted a reconsideration request claiming that Festival already had mechanisms in place to address potential damages to the properties, including a contract with the landowners, and commercial general liability insurance. The Commission found that the bond would cause unnecessary hardship to the Festival and removed the condition for the bond (Resolution #267/2006).

In 2007, ALC Application 43907 was submitted to the Commission to use a 4.7 ha area of Property 3 for temporary overflow camping for the Festival. The Commission conditionally approved the application for a period of two years (2007- 2008) (Resolution #278/2007).

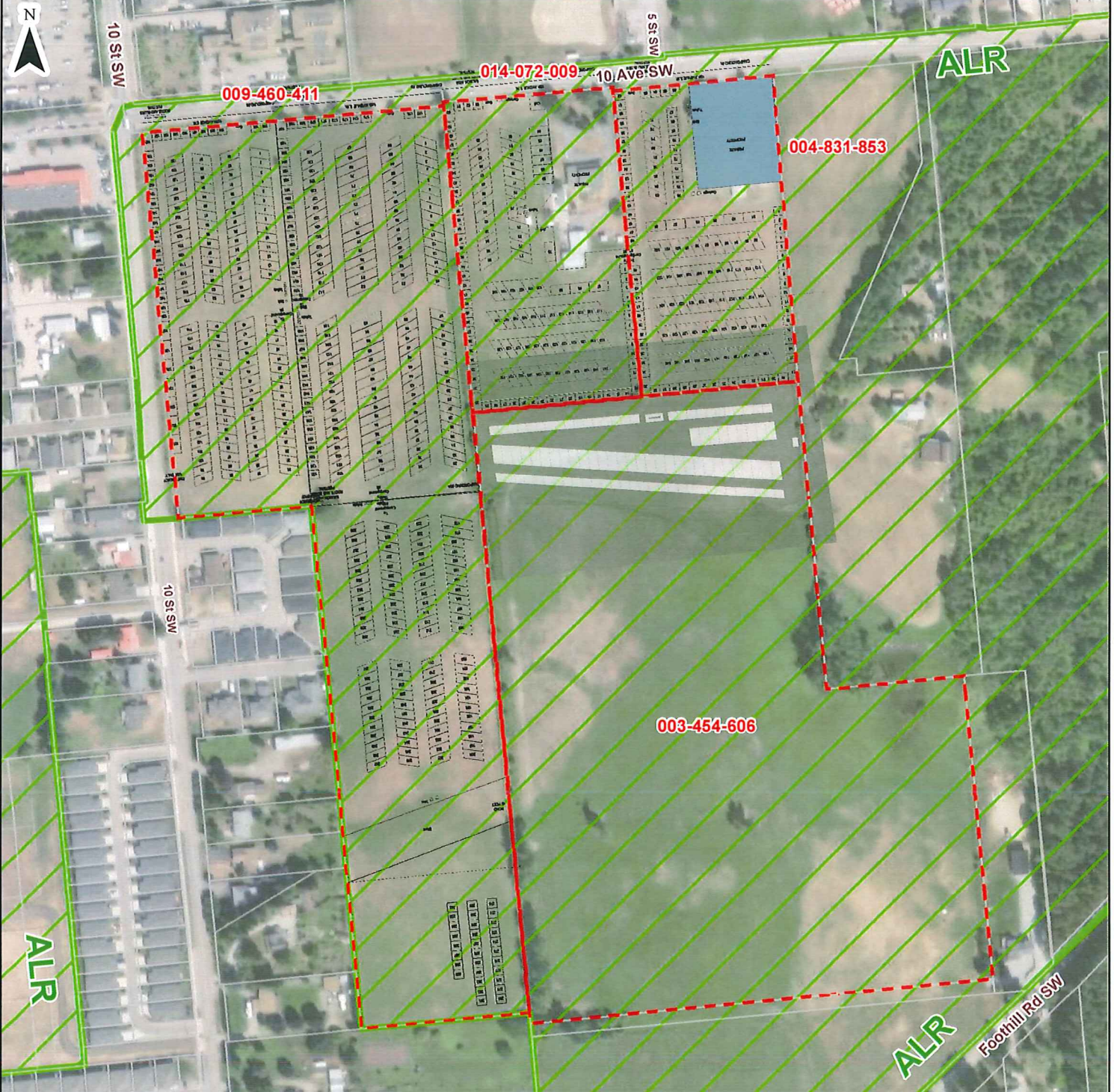
In 2009, ALC Application 45749 was submitted to the Commission to use a ~7 ha area over Properties 1, 2, and 3 for a temporary campground (approximately 600 sites) for the Festival. The Commission conditionally approved the application for a period of three years (2009-2011) (Resolution #97/2009).

In 2011, ALC Application 52336 was submitted to the Commission to use Properties 1 and 2 for a temporary campground for the Sturgis North Music Festival. The Commission conditionally approved the application by for one year (2011) (Resolution #236/2011).

In 2012, ALC Application 52608 was submitted to the Commission to use a 5 ha area across Properties 1, 2, and 3 for a temporary campground (approximately 600 sites) for the Festival. The Commission conditionally approved the application by for a period of three years (2012-2014) (Resolution #209/2012).

In 2014, ALC Application 53963 was submitted to the Commission to use a 5 ha area across Properties 1, 2, and 3 for a temporary campground for the Festival. The Commission conditionally approved the application by for a period of five years (2015-2019) (Resolution #177/2015).

In 2020, ALC Application 56448 was submitted to use a 12.7 ha area across Properties 1, 2, and 3, for a temporary campground for the Festival. The Commission conditionally approved the application by until August 31, 2022. In 2022, the applicant requested a time extension due to COVID-19 disruptions (Resolution #170/2020). The Commission conditionally extended the approval until August 31, 2024 (Resolution #77/2023).



ALC FILE NO:
70055; Resolution #316/2024

MAP PRODUCED:
May 3, 2024

MAP SCALE:
1:3,500

DATA SOURCES & NOTES:
ALC, BCGW, ESRI / Maxar and Applicant. Contains information licensed under Open Government License - British Columbia.

Map for reference only. Accuracy not guaranteed.

- Approved Festival Camping Sites (files provided by Applicant)
- Subject Properties
- Agricultural Land Reserve
- PMBC Parcel Cadastre

