



**AGENDA**  
City of Salmon Arm  
Development and Planning Services  
Committee  
  
Monday, March 20, 2023  
8:00 a.m.  
Council Chambers, City Hall  
500 – 2 Avenue NE  
Salmon Arm, BC

GoTo Meeting Link: <https://meet.goto.com/877601757>  
Phone Access: Access Code: 877-601-757 / Canada: +1 (647) 497-9373

Page #	Item #	Description
	1.	<b>CALL TO ORDER</b>
	2.	<b>ACKNOWLEDGEMENT OF TRADITIONAL TERRITORY</b> <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.	<b>REVIEW OF AGENDA</b>
	4.	<b>DISCLOSURE OF INTEREST</b>
	5.	<b>REPORTS</b>
1 - 14	1.	Agricultural Land Commission Application No. ALC-415 [Thurgood, J. & L.; 5491 10 Avenue NE; Non-Farm Use]
	6.	<b>FOR INFORMATION</b>
15 - 32	1.	Agricultural Land Commission – Extension of approval – ALC Application No. 56448 – 550 10 Avenue SW/690 10 Avenue SW/1300 10 Street SW
	7.	<b>IN-CAMERA</b>
	8.	<b>ADJOURNMENT</b>

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To: His Worship Mayor Harrison and Council

Date: March 14, 2023

Subject: Agricultural Land Commission Application No. 415 (Non-Farm Use)  
 Legal: Parcel A, (Plan B1123) of the West ½ of the South West ¼ Section 20, Township 20, Range 10, W6M, KDYD,  
 Civic: 5491 10 Avenue NE  
 Owner/Applicant: Jay and Lennie Thurgood

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**STAFF RECOMMENDATION:**

**THAT: Agricultural Land Commission Application No. 415 be authorized for submission to the Agricultural Land Commission.**

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**PROPOSAL**

The owner of 5491 10 Avenue NE is requesting Non-Farm Use approval from the Agricultural Land Commission (ALC) in order to construct and operate a pet crematorium in an accessory building on the subject property. The ALC application is enclosed as Appendix 1.

**BACKGROUND**

The subject property is approximately 10ha (25ac). 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 number of agricultural buildings, a single family dwelling constructed in 2013 and a decommissioned building that was previously the principle dwelling. The applicant is proposing to demolish the decommissioned building to make way for the proposed accessory building.

The proposed accessory building would include a detached dwelling and pet crematorium. The applicant has stated the floor area of the pet crematorium would be under 100m<sup>2</sup> (1076ft<sup>2</sup>) and the detached dwelling less than 90m<sup>2</sup> (968ft<sup>2</sup>). Given the proposed area of the detached dwelling and pet crematorium (operating as a Home Occupation) the uses are permitted under the City's A2 and General Regulations of the Zoning Bylaw. A site plan and a photo of the building to be demolished are included as Appendix 6.

The subject property has an Improved Soil Capability Rating of 100% Class 4 (W) and O4 (W), affected by conditions of excess water and low fertility (Appendix 7). With regard to the Unimproved Soil Capability Rating, the subject property is 80% Class 5 and 20% Class O5 (Appendix 8), affected by conditions of excess water and low fertility. Soil capability rating ranges from Class 1 to Class 7, "O" is in reference to Organic Soils. The best agricultural lands are rated Class 1 because they have ideal climate and soil to allow the growth of the widest range of crops. Class 7 is considered non-arable, with no potential for soil bound agriculture.

Adjacent zoning and land uses include the following:

North: Rural Holding (A-2) – ALR – Single Family Dwelling/ Home Occupation  
 South: Rural Holding (A-2) – ALR – Agriculture/Hay Fields  
 East: Mobile Home Park (R6) – Mobile Home Park  
 West: Rural Holding (A-2) - ALR – Residential/Agriculture/Pasture

COMMENTS

Engineering Department

No concerns.

Building Department

No concerns.

Fire Department

No concerns.

Agricultural Advisory Committee

The Agricultural Advisory Committee reviewed the application at their March 8, 2023 meeting and passed the following resolution:

THAT: The AAC supports ALC Application No. 415.

The applicants attended the meeting and confirmed that the unit is designed to facilitate only small animals and is designed to be smokeless and odourless. Following cremation the animal remains would be returned to the owners and the operation would not include any on-site disposal.

Planning Department

Home Occupations are defined in the Zoning Bylaw as "any occupation or profession carried out in a home, where the occupation or profession is accessory to the use of a dwelling for residential purposes". Further the regulations stipulate that the Home Occupation shall not create a nuisance and is limited to 100m<sup>2</sup> (1076ft<sup>2</sup>). Further, the Home Occupation shall not generate noise, vibration, smoke, dust, toxic or noxious matter, or odour beyond the subject property.

The pet crematorium as proposed would be consistent with the regulations of a Home Occupation. The applicant has provided a letter from the manufacturer of the crematorium that provides details for the unit. The letter is enclosed as Appendix 9.

Should the application be supported by the ALC, the applicant would then apply for a Building Permit and compliance with zoning regulations would be confirmed. If in the future the applicant wishes to expand the operation or increase the area of the building further approvals through the City and ALC would be necessary. As mentioned above, the proposed second dwelling and pet crematorium are permitted uses under the Zoning Bylaw No. 2303, staff are supportive of the application.

Prepared by: Melinda Smyrl, MCIP, RPP  
Planner

Reviewed by: Rob Niewenhuizen, ASCT  
Director of Engineering and Public Works



# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 67441

**Application Status:** Under LG Review

**Applicant:** Joseph Thurgood

**Local Government:** City of Salmon Arm

**Local Government Date of Receipt:** 01/26/2023

**ALC Date of Receipt:** This application has not been submitted to ALC yet.

**Proposal Type:** Non-Farm Use

**Proposal:** To demolish existing old home on property and replace with new building to house a pet crematorium service.

**Mailing Address :**

5491 10th Ave NE

Salmon Arm, BC

V1E 1Y1

Canada

**Primary Phone :** (250) 832-2084

**Mobile Phone :** (250) 833-2754

**Email :** jjthurgood@msn.com

## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type :** Fee Simple

**Parcel Identifier :** 008-287-121

**Legal Description :** PARCEL A (PLAN B1123) OF THE WEST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 20 TOWNSHIP 20 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLANS B1937 AND 10416

**Parcel Area :** 9.5 ha

**Civic Address :** 5491 10th Ave NE

**Date of Purchase :** 06/24/2004

**Farm Classification :** Yes

**Owners**

1. **Name :** Joseph Thurgood

**Address :**

5491 10th Ave NE

Salmon Arm, BC

V1E 1Y1

Canada

**Phone :** (250) 832-2084

**Cell :** (250) 833-2754

**Email :** jjthurgood@msn.com

**Applicant:** Joseph Thurgood

**Current Use of Parcels Under Application**

- 1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**  
*Sheep 50%, chicken 5%and horse breeding/raising 45%*
- 2. Quantify and describe in detail all agricultural improvements made to the parcel(s).**  
*Fencing 7hectares, new barn, new arena and new home built since purchased in 2004*
- 3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**  
*House and old decommissioned home*

**Adjacent Land Uses**

**North**

**Land Use Type:** Residential  
**Specify Activity :** homes with small acreage

**East**

**Land Use Type:** Agricultural/Farm  
**Specify Activity :** neighbour has cattle and horses , Excavation company

**South**

**Land Use Type:** Residential  
**Specify Activity :** Has a dog grooming business and Auto detailing shop

**West**

**Land Use Type:** Agricultural/Farm  
**Specify Activity :** White mountain nursery, haskap berries, horse acreage

**Proposal**

- 1. How many hectares are proposed for non-farm use?**  
*0.01 ha*
- 2. What is the purpose of the proposal?**  
*To demolish existing old home on property and replace with new building to house a pet crematorium service.*
- 3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.**  
*The cost of purchasing more property for proposed business would make the business non profitable.*
- 4. Does the proposal support agriculture in the short or long term? Please explain.**

**Applicant:** Joseph Thurgood

*Yes in the long term, we may be able to offer a livestock cremation service if the business is profitable. There are no current cremation services in our area. The nearest one is in Armstrong and Lake country. The current companies do not do any livestock. My wife and I are both large animal veterinarians and have an interest in the livestock viability in the area.*

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

*No*

### **Applicant Attachments**

- Proposal Sketch - 67441
- Other correspondence or file information - BC assessment
- Site Photo - #2 photo
- Site Photo - #1 photo
- Certificate of Title - 008-287-121

### **ALC Attachments**

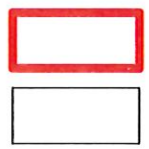
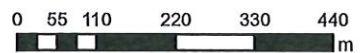
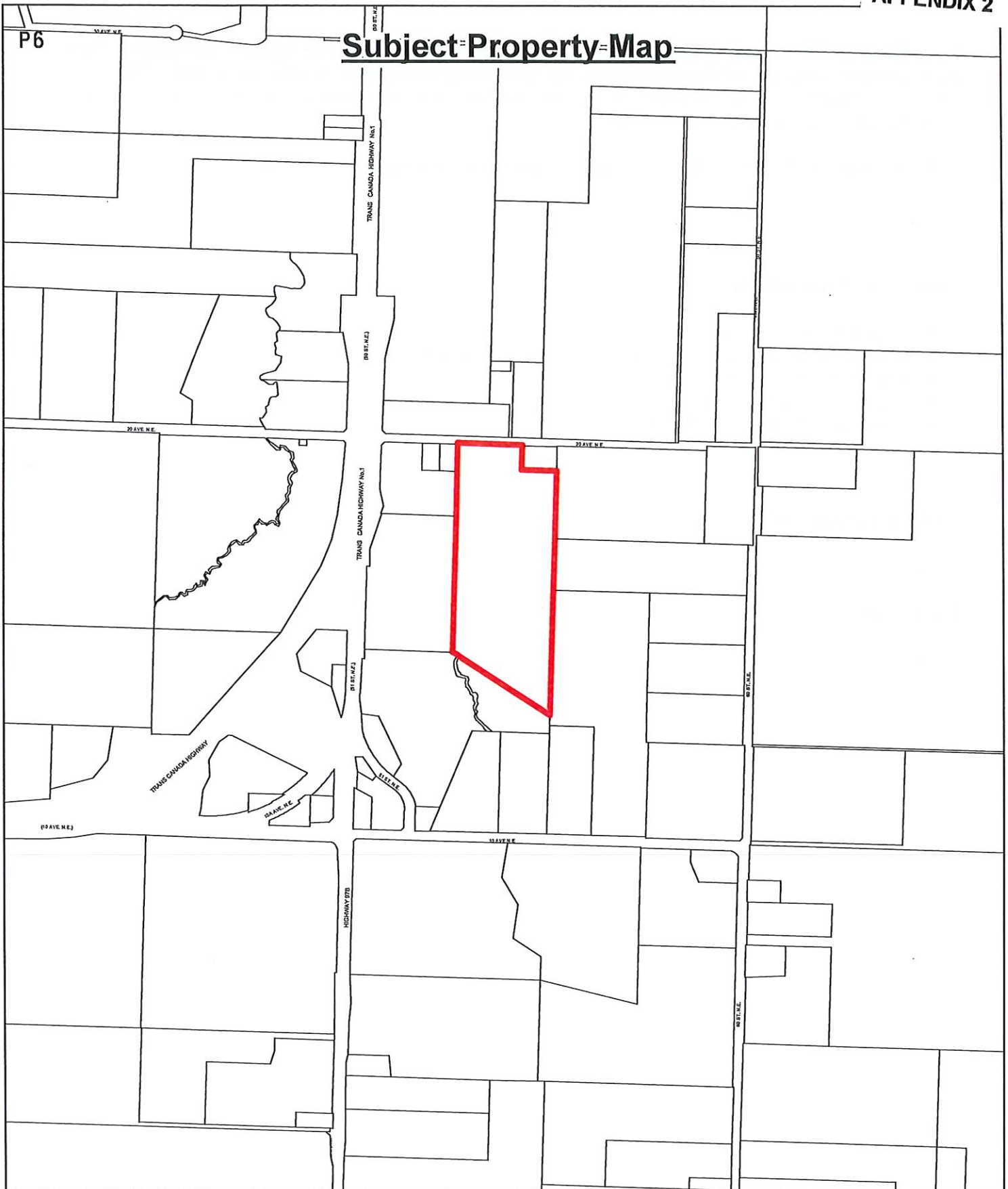
None.

### **Decisions**

None.

P6

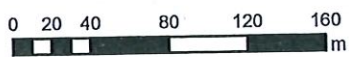
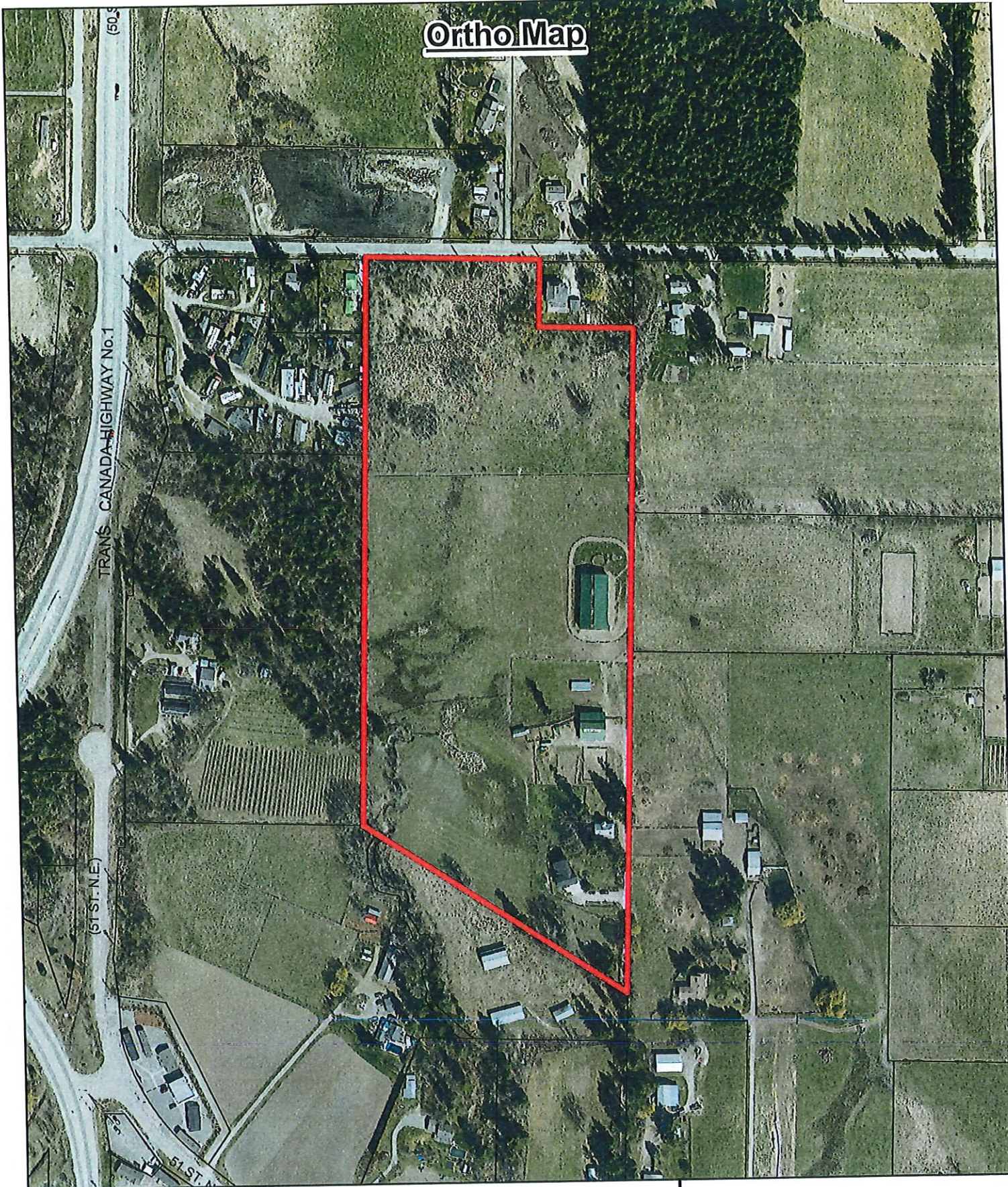
# Subject Property Map





Subject Property  
Parcels

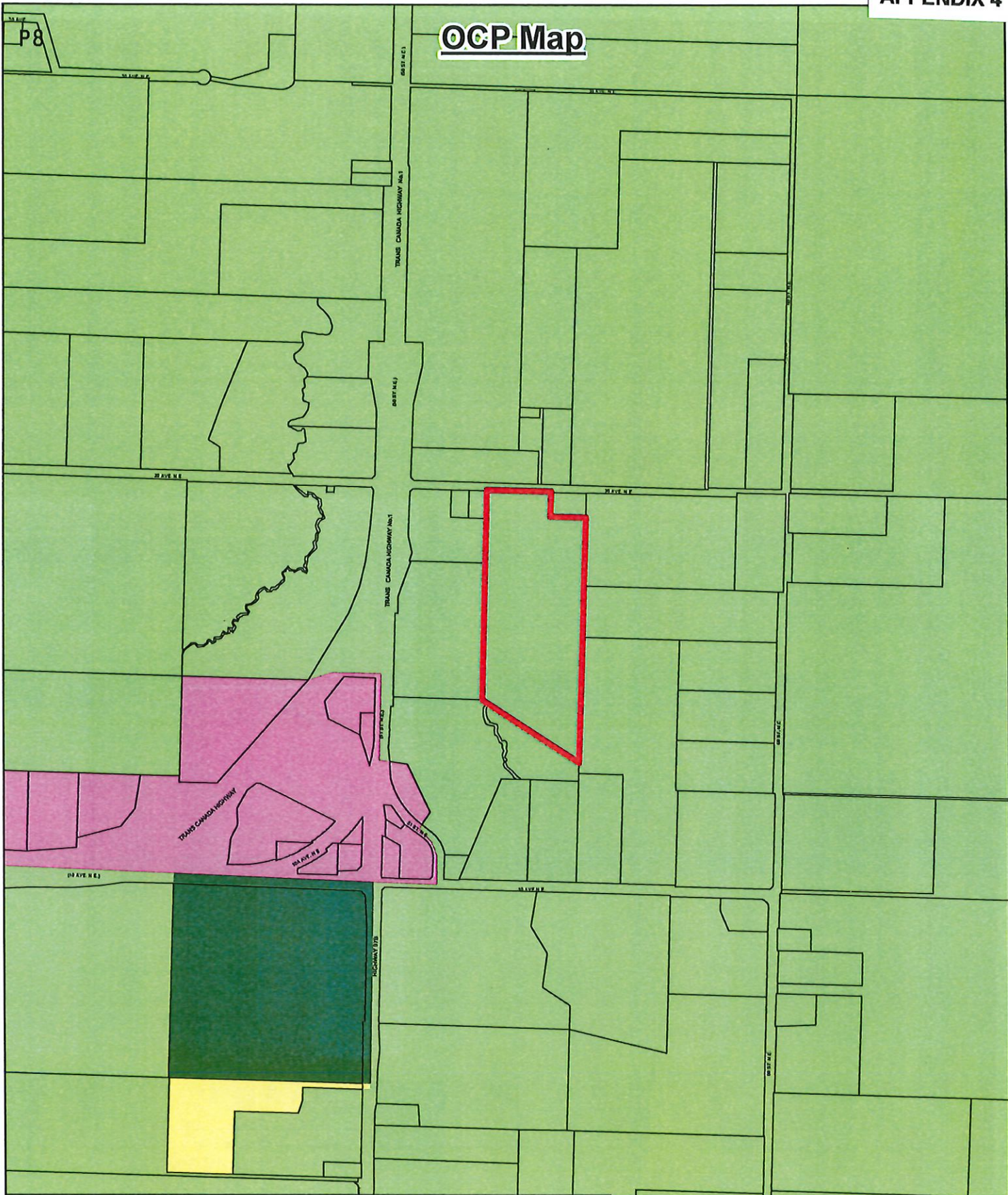


# Ortho Map



-  Subject Property
-  Parcels

# OCP Map

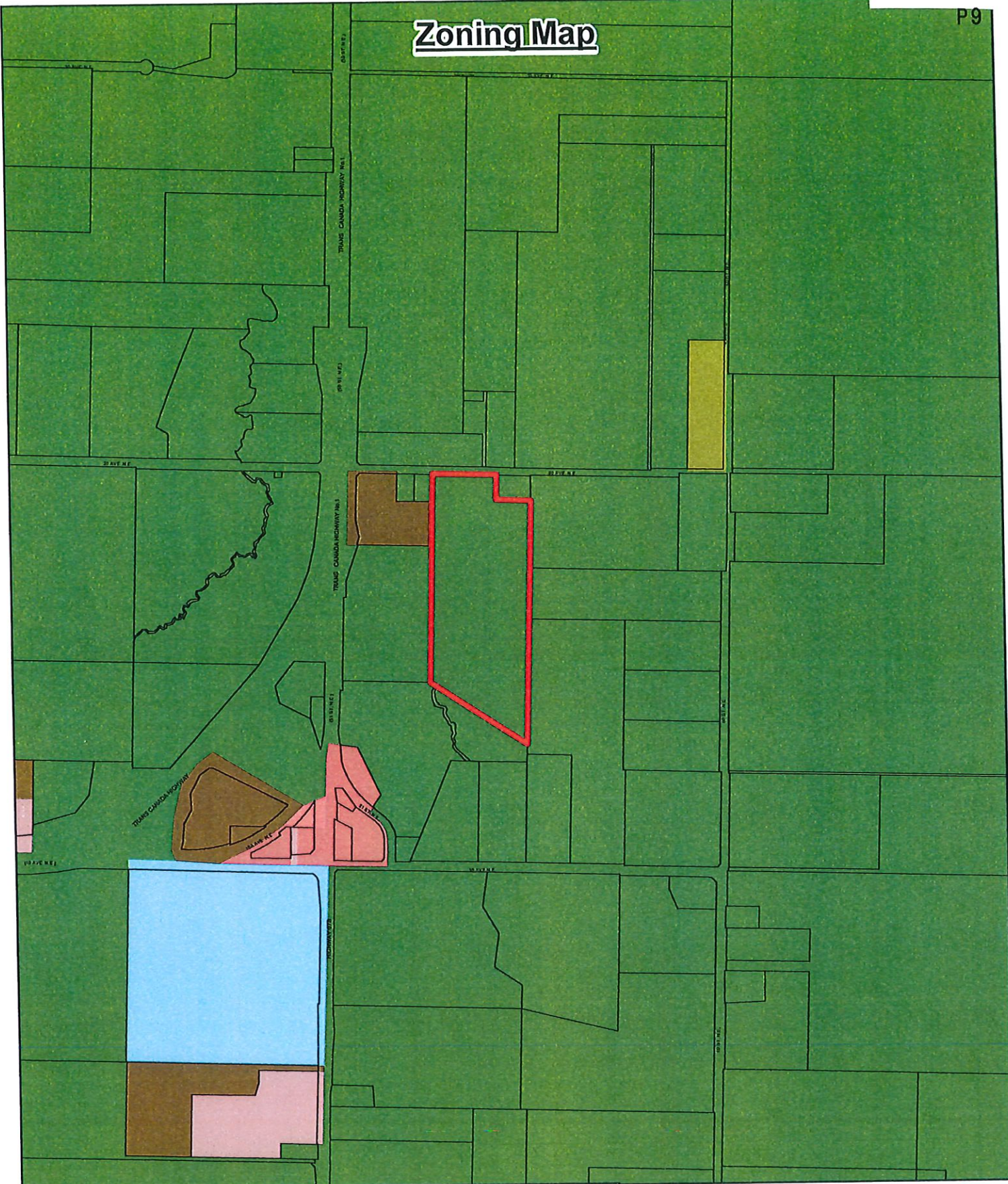


P8



- Subject Property
- Parcels
- Acreage Reserve
- Park
- Residential - Low Density
- Commercial - Highway Service / Tourist

# Zoning Map

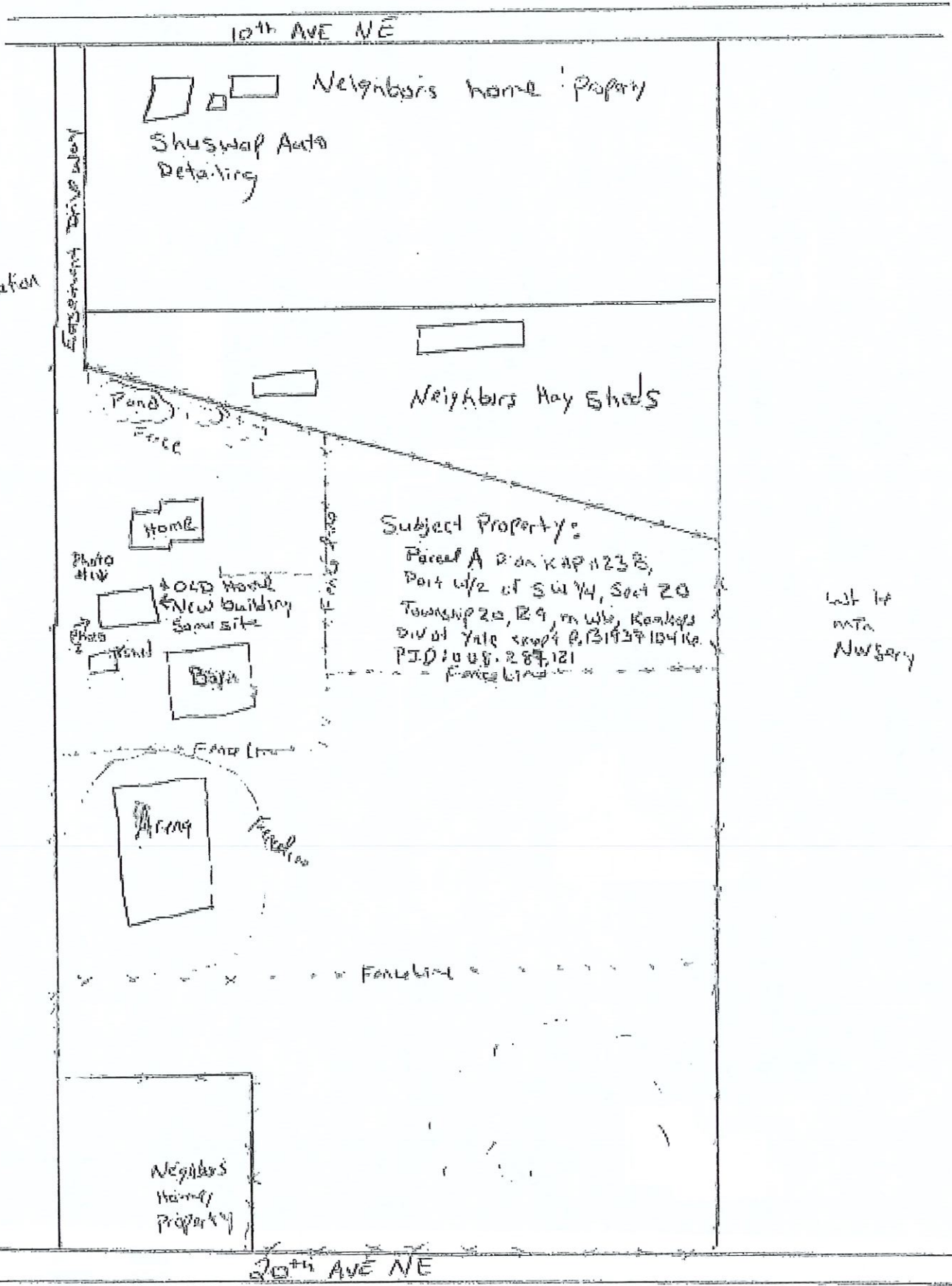


	Subject Property		A-2		C-5
	Parcels		A-3		P-1
			C-3		P-3
			C-4		R-6

P10



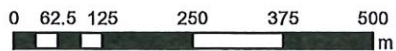
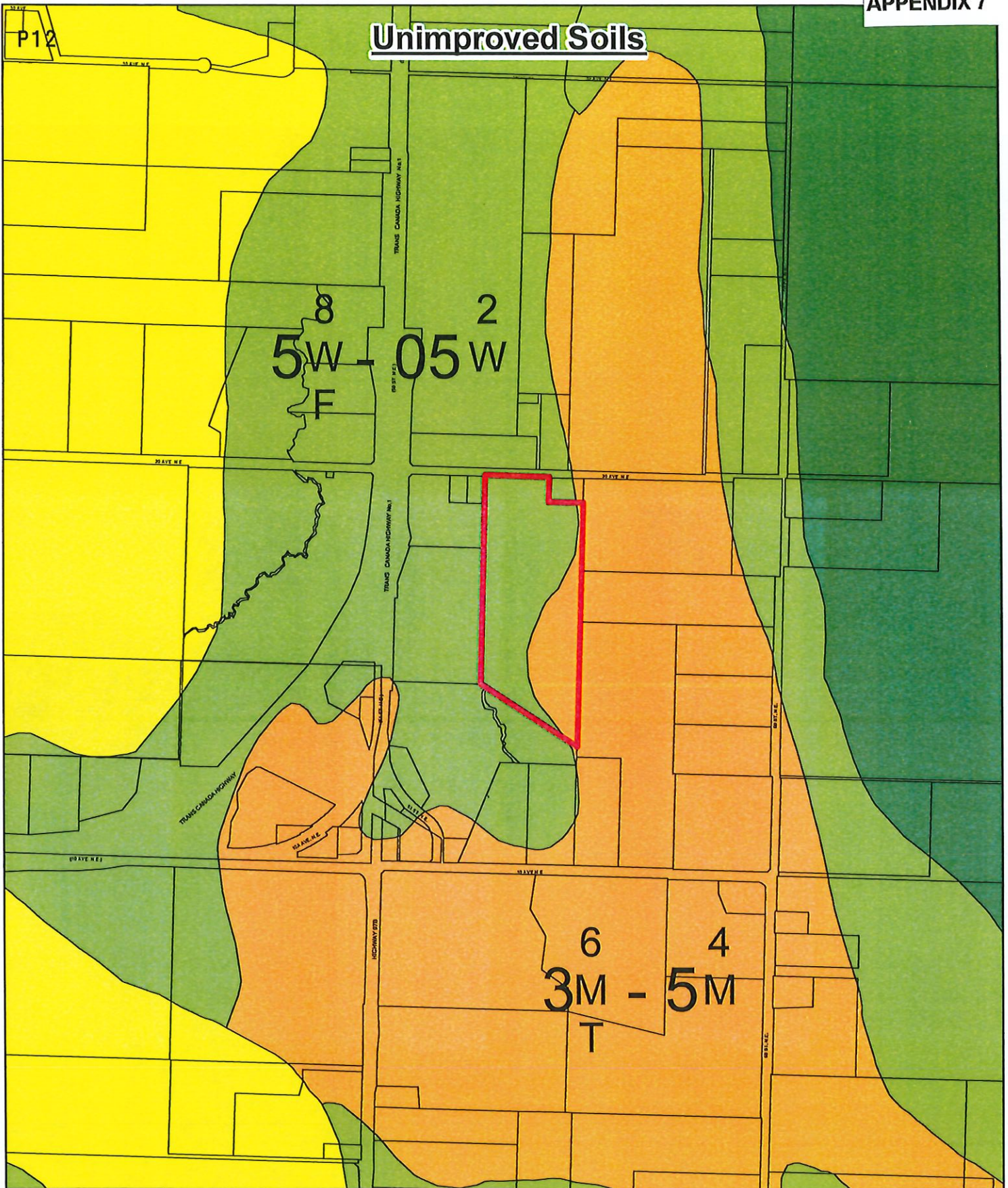
Winn  
Chris  
Excavation









Lot 14  
MTA  
Nursery

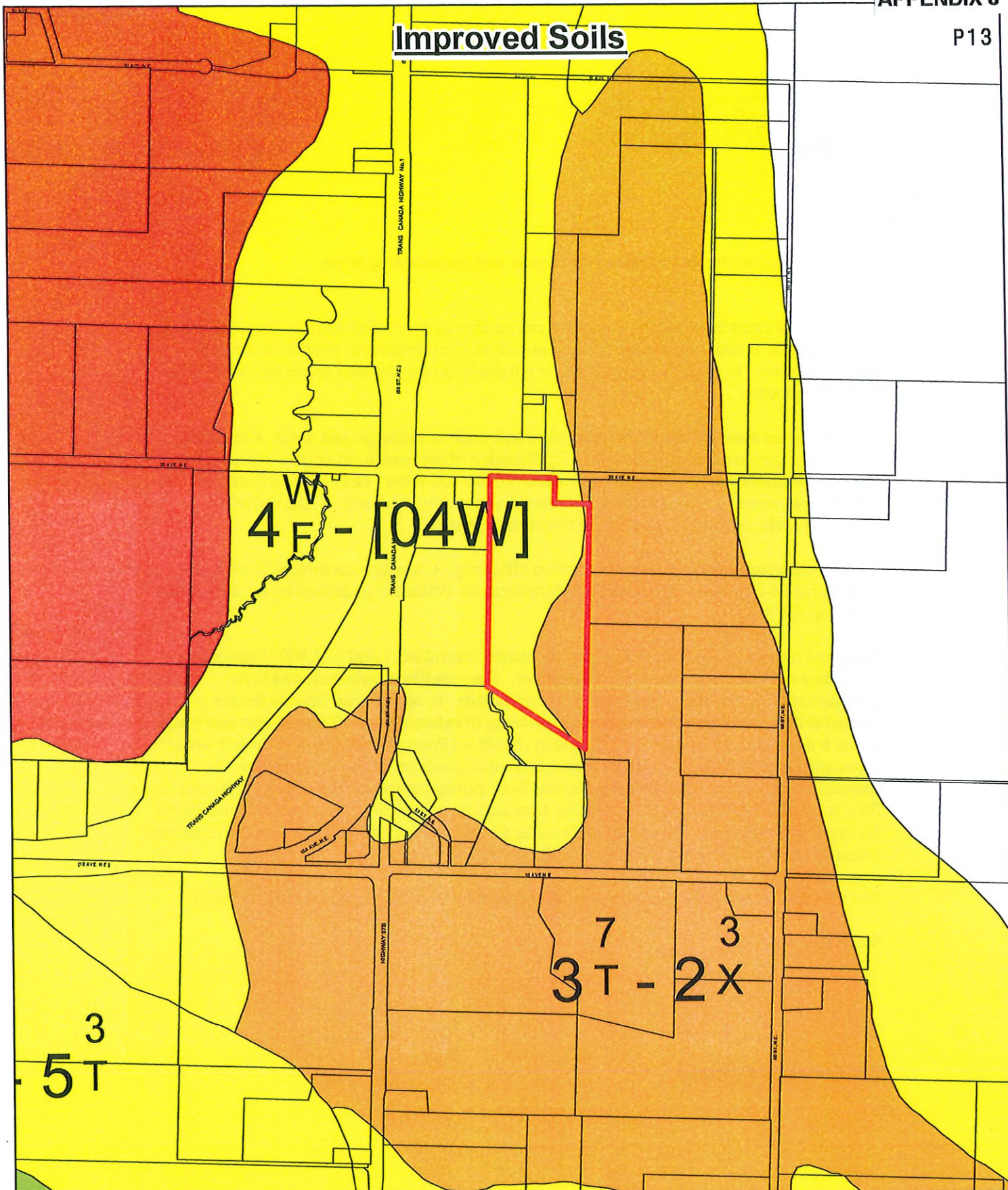


# Unimproved Soils

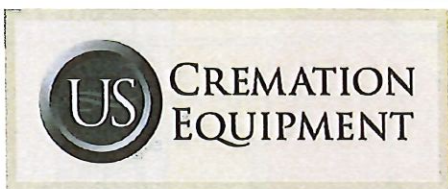


-  Subject Property
-  Parcels
-  CLASS 3
-  CLASS 4
-  CLASS 5
-  CLASS 6

# Improved Soils



- Subject Property
- Parcels
- CLASS 2
- CLASS 3
- CLASS 4
- CLASS 5



**Re: Pet crematory impact on the environment and surrounding areas.**

Under normal operating conditions, modern crematories operate efficiently and inconspicuously, without smoke or odor. Unless specifically identified, the crematory is not noticeable to an outside observer. In addition, crematories do not discharge wastewaters or use any water in the cremation process.

Pet remains are mostly made of organic compounds such as hydrogen and water. Cremation (chemically known as oxidation) is ideal for disposing of pet remains as organic compounds that can be completely transformed into carbon dioxide and water. Only 2% to 8% of pet remains are inorganic and comprised of sodium and potassium (bones). At the end of the cremation cycle, only a few sterile bone fragments remain.

Modern cremators have a 99.99% combustion efficiency. Cremation containers, if used, are designed to be cremated without causing Hazardous Air Pollutants as defined by the EPA under the Clean Air Act.

Complete combustion is achieved in the temperature controlled (1,600° – 1,800° Fahrenheit) Secondary Chamber, also called the Afterburner. The volatilized carbon created in the combustion process is fully converted to carbon dioxide. In addition, an Opacity Sensor is located at the base of the stack to monitor the clarity of exhaust gases. If the exhaust gases were to reach the maximum locally allowed opacity, the PLC (Programmable Logic Control) would automatically shut down the primary burner and adjust combustion air supply to slow the combustion rate and prevent visible emissions from exiting the stack. The cremation process is fully automated and PLC based. Operating temperatures and air flows are constantly monitored for maximum efficiency. Temperature Recorder Charts also provide auditable data to insure the cremator operates within the environmentally mandated limits.

Our modern cremators fully comply with all stringent Federal, State and local requirements.

Sincerely,

U.S. Cremation Equipment





**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

March 8, 2023

ALC File: 56448

**David Gonella**

[davidg@rootsandblues.ca](mailto:davidg@rootsandblues.ca)

**DELIVERED ELECTRONICALLY**

Dear David Gonella:

**Re: Application 56448 to use land for a non-farm use in the Agricultural Land Reserve**

Please find attached the Reasons for Decision for the above noted application (Resolution #77/2023).

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.

Please direct further correspondence with respect to this application to [ALCOkanagan@gov.bc.ca](mailto:ALCOkanagan@gov.bc.ca).

Yours truly,

A handwritten signature in cursive script that reads "Martin Collins". The ink is dark and the signature is fluid and legible.

Martin Collins, Regional Planner

Enclosures:       Reasons for Decision (Resolution #77/2023)  
                      Schedule A: Application #56448

cc: City of Salmon Arm

56448d3



**AGRICULTURAL LAND COMMISSION FILE 56448  
REASONS FOR DECISION OF THE CHIEF EXECUTIVE OFFICER**

**Request to vary Resolution #170/2022 (a decision made on a Subdivision Application Submitted Under s.20(2) of the Agricultural Land Commission Act in force and effect at the time of application)**

**Original Applicant:** 0847774 BC Ltd. (Land Owner, Property 1)  
Judy Dedood (Land Owner, Property 2)  
Loretta Dedood (Land Owner, Property 2)  
Jerald Thompson (Land Owner, Property 3)

**Agent:** David Gonella, Salmon Arm Folk Music Society

**Properties:** Property 1:  
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 (2.0 ha in ALR)

**Property 2:**

Parcel Identifier: 014-072-009

Legal Description: Parcel B (Plan B5839), of the North West  
1/4, 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 (2.2 ha in 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 of Yale  
District, Except Parcel A on Plan B7061, Plans 29487 and  
42166

Civic: 1300 10 Street, Salmon Arm, BC

Area: 8.6 ha (8.6 ha in ALR)

**Chief Executive Officer:**

Kim Grout  
(the "CEO")



## 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] Pursuant to s. 20(2) of the ALCA, in force and effect in 2020, the Applicant applied to the Agricultural Land Commission (the "Commission") to use a ~12.7 ha area of the Properties for a temporary campground during the annual Salmon Arm Roots & Blues Festival (the "Festival"). The Society proposes the non-farm use of the lands for fourteen days in August of each year to allow for set-up, approximately seven days of camping during the Festival, and clean-up of the site (the "Proposal") (the "Original Proposal").
- [3] By Resolution #170/2020, dated April 3, 2020, the Okanagan Panel approved the Proposal (the "Original Decision") subject to conditions – noted below.
- a. *The non-farm use is approved for a 14 day period each August for the annual Salmon Arm Roots & Blues Festival only;*
  - b. *The approval is valid through to August 31, 2022;*
  - c. *No permanent facilities are to be constructed, and no fill is to be placed on the Properties in association with the non-farm use;*
  - d. *Public access to Property 3 is located off of 10 Avenue SW; and*
  - e. *The submission of an annual post-event status report (including photos) verifying that the land utilized for the non-farm use has been returned to an equal or better agricultural standard.*
- [4] On October 16, 2020, the Commission received the request to extend the time limit set by condition 'b' of the approval given under Resolution #170/2020 from August 31, 2022 to August 31, 2023. Agent explained that the Applicant had to cancel their event intended to be presented on the Salmon Arm Fairgrounds due to the COVID-19 pandemic.



- [5] By Resolution # 554/2020 dated November 26, 2020 the CEO extended the approval for the temporary camping until August 31, 2023.
- [6] On November 23, 2022 the agent, David Gonella, requested that the approval for temporary camping uses be extended to August 31, 2024 because 2021 was a lost year due to the pandemic, and because of the constrained finances of the Festival. Extending the approval would release the cash strapped Society from the necessity of paying a new application fee.
- [7] Section 27 of the ALCA the Commission, by resolution, may establish criteria under which the CEO may approve applications for exclusion, subdivision non farm use; non-adhering residential use; and soil or fill use applications that are consistent with the intent of the Commission's original decision. The time extension request was reviewed under Criterion #8.

### **EVIDENTIARY RECORD**

- [8] The CEO considered the following evidence:
- a. The original decision on Application 54832 and previous time extension request and decision;
  - b. The time extension request dated November 23, 2022;
- [9] The Commission finds that the time extension request is reasonable, confirming that the applicant has had a history of successful temporary camping which has not significantly affected the agricultural capability of the subject properties. The Commission finds that extending the camping approval until August 31, 2024 would not significantly affect the agricultural capability of the Properties provided the conditions of Resolution #170/2020 were adhered to.



[10] Nevertheless, the Commission reserves the right to require the submission of a new application if there is a request for temporary camping on the Properties in 2025 and beyond.

### **DECISION**

[11] After reviewing the request for variation to Resolutions #170/2020 and #554/2020, the Original Decision and subsequent resolutions and all the associated file material, I am satisfied that the Proposal is consistent with Criterion #8 and approve the request to extend the deadline for temporary camping on the subject Properties until August 31, 2024 subject to the conditions outlined in Resolution #170/2020 and that are in substantial compliance with the plan approved by Application 56448 (Schedule A, enclosed).

[12] 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.

[13] A decision of the CEO is a decision of the Commission pursuant to s. 27(5) of the ALCA.

[14] Resolution #77/2023

Released on March 8, 2023

A handwritten signature in black ink, appearing to read 'Kim Grout', is written over a horizontal line. The signature is fluid and cursive.

Kim Grout, Chief Executive Officer



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

April 23, 2020

ALC File: 56448

**David Gonella**  
**Salmon Arm Folk Music Society**  
**DELIVERED ELECTRONICALLY**

Dear David Gonella:

**Re: Reasons for Decision - ALC Application 56448**

Please find attached the Reasons for Decision of the Okanagan Panel for the above noted application (Resolution #170/2020). As agent, it is your responsibility to notify the applicant accordingly.

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. Please be advised however that on March 12<sup>th</sup>, 2020 the ALC Amendment Act ([Bill 15 – 2019](#)) was brought into force and effect, changing the reconsideration process.

A request to reconsider this decision 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 introduced a change to limit the time period for requests for 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 'M Bandy', written in a cursive style.

Mike Bandy, Land Use Planner

Enclosures: Reasons for Decision (Resolution #170/2020)  
Schedule A: Decision Map

cc: City of Salmon Arm, Attn: Kathy Frese (File: ALC-388)

56448d1





**AGRICULTURAL LAND COMMISSION FILE 56448**  
**REASONS FOR DECISION OF THE OKANAGAN PANEL**

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

**Applicants:** 0847774 BC Ltd. (Land Owner, Property 1)  
 Judy Dedood (Land Owner, Property 2)  
 Loretta Dedood (Land Owner, Property 2)  
 Jerald Thompson (Land Owner, Property 3)

**Agent:** David Gonella, Salmon Arm Folk Music Society

**Properties:** **Property 1:**  
 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 (2.0 ha in ALR)

**Property 2:**  
 Parcel Identifier: 014-072-009  
 Legal Description: Parcel B (Plan B5839), of the  
 North West 1/4, 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 (2.2 ha in 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 of Yale District, Except Parcel  
A on Plan B7061, Plans 29487 and 42166**

**Civic: 1300 10 Street, Salmon Arm, BC**

**Area: 8.6 ha (8.6 ha in 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. 20(2) of the ALCA, the Salmon Arm Folk Music Society (the "Society") is applying to the Agricultural Land Commission (the "Commission") to use a ~12.7 ha area of the Properties for a temporary campground during the annual Salmon Arm Roots & Blues Festival (the "Festival"). The Society proposes the ongoing use of the lands for a fourteen day period in August of each year to allow for set-up, approximately seven days of camping during the Festival, and clean-up of the site (the "Proposal").
- [3] The Commission has historically permitted previous proposals to use the Properties for temporary camping for the Festival dating back to 2005. The most recent approval on the Properties allowed the use of a ~5 ha area of the Properties for temporary campground use (including ~2 ha on Property 3) for a period of five years. This approval expired in 2019.
- [4] The Society now proposes to expand the camping area by ~8.6 ha to include the entirety of Property 3. The Application submits that the additional area is requested to provide the Society with the flexibility to accommodate up to 1,000 campsites should demand warrant it, or to offer different types of camping options to patrons, such as 'glamping' or walk-in options.
- [5] The issue the Panel considered is whether the Proposal would impact the agricultural utility of the Properties.
- [6] The Proposal was considered in the context of the purposes 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.

### **BACKGROUND**

[8] 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 Salmon Arm Roots & Blues Festival. The Commission conditionally approved the application for a period of one year (2005) by ALC Resolution #203/2005, and subsequently allowed an expansion of the camping area to 3.5 ha by ALC 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 by ALC Resolution #681/2005, 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. The Society 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 by ALC Resolution #267/2006.

- [9] 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 by ALC Resolution #278/2007 for a period of two years (2007-2008).
- [10] 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 by ALC Resolution #97/2009 for a period of three years (2009-2011).
- [11] In 2011, ALC Application 52140 was submitted to the Commission to use a 3.3 ha area of the lot directly to the east of Property 1 (PID 004-831-861, "Property 4") for a temporary campground for the Festival in addition to the existing approval for Properties 1-3. The Commission conditionally approved the application by ALC Resolution #104/201 for three years (2011-2013).
- [12] 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 ALC Resolution #236/2011 for one year (2011).
- [13] 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 ALC Resolution #209/2012 for a period of three years (2012-2014).
- [14] In 2014, ALC Application 53620 was submitted to the Commission to use a 3.3 ha area of Property 4 for a temporary campground for the Festival in addition to the existing approval for Properties 1-3. The Commission conditionally approved the application by ALC Resolution #213/2014 for a period of four years (2014-2017).



- [15] In 2014, ALC Application 52608 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 ALC Resolution #177/2015 for a period of five years (2015-2019).
- [16] In 2018, ALC Application 56983 was submitted to the Commission to use a ~2 ha area of Property 4 for a temporary campground for the Festival in addition to the existing approval for Properties 1-3. In accordance with criterion #14 of ALC Resolution #38N/2016 (CEO delegation criteria), the Commission CEO conditionally approved the application by ALC Resolution #120/2018 for a period of five years (2018-2022).
- [17] All of the above approvals were granted subject to the submission of an annual status report verifying that the land utilized for the non-farm use has been returned to an equal or better agricultural standard. The Panel understands that the Applicant has consistently complied with this condition to date.
- [18] At its meeting of January 13, 2020, the City of Salmon Arm Council resolved to forward the Application to the Commission with support. The Proposal would also require an amendment to the current Temporary Use Permit (TUP) with the City of Salmon Arm, which allows for the temporary campground use of Properties 1 and 2, and only a portion of Property 3.

### **EVIDENCE AND FINDINGS**

- [19] The Application was submitted on November 13, 2019 and was forwarded to the Commission by the City of Salmon Arm on January 20, 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. While the Application was submitted in the context of the former s. 6 of the ALCA, the Panel has considered it 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**

[20] 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 4, more specifically (6:2X – 4:4W).

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 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with this parcel of land are W (excess water), and X (a combination of soil factors).

[21] Based on the agricultural capability ratings the Panel finds that the Property has mixed prime and secondary agricultural capability.

[22] Properties 1 and 2 are currently used for hay production, and Property 3 is used for hay production and cattle grazing. The Panel notes that the Properties continue to support agricultural operations while accommodating the annual campground use during the Festival.

[23] 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 Properties be returned to an equal or better agricultural standard. The Panel confirms that the Society has been diligent in complying with this condition of approval to date. The Application material included the Society's 2019 post-event status report and site photos confirming rehabilitation of the Properties following the 2019 event. The



application submits that the proposed expansion of the camping area will not affect the Society's ability to maintain the site and limit impacts to agricultural activities.

[24] The Panel finds that the annual use of the Properties 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 Properties for farm use apart from during the two-week Festival period. As such, the Panel is amenable to allowing the Proposal, including the expansion of the campground area on Property 3, subject to the rehabilitation of the land to an equal or better agricultural standard.

[25] The Panel notes that ALC Resolution #120/2018 approved Festival camping on Property 4 through to 2022. The Panel finds that it would be beneficial to align the approvals so that future proposals for Festival camping on Properties 1-4 can be considered concurrently. As such, the Panel will allow the Proposal for three years, through to 2022. Should the Society choose to apply for the non-farm use beyond 2022, Properties 1-4 can then be addressed under a single application.

[26] The Panel received correspondence from an adjacent landowner on 10 Street SW, who was concerned about Festival patrons accessing the Festival site via an easement through their property, which is outside of the ALR. The Panel suggests that public access to Property 3 should be limited to the north side of the property, along 10 Avenue SW, in order to minimize conflict between the non-farm use and adjacent residential properties outside of the ALR.

## **DECISION**

- [27] For the reasons given above, the Panel approves the Proposal to use a ~12.7 ha area of the Properties for a temporary campground associated with the Salmon Arm Roots & Blues Festival subject to the following conditions:
- a. The non-farm use is approved for a 14 day period each August for the annual Salmon Arm Roots & Blues Festival only;
  - b. The approval is valid through to August 31, 2022;





- c. No permanent facilities are to be constructed, and no fill is to be placed on the Properties in association with the non-farm use;
- d. Public access to Property 3 is located off of 10 Avenue SW; and
- e. The submission of an annual post-event status report (including photos) verifying that the land utilized for the non-farm use has been returned to an equal or better agricultural standard.

[28] 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.

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

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

[31] Resolution #170/2020  
Released on April 23, 2020

A handwritten signature in black ink, appearing to read 'G. Zimmermann', with a long horizontal flourish extending to the right.

**Gerald Zimmermann, Panel Chair**

On behalf of the Okanagan Panel



	The Properties
	Area conditionally approved for Non-Farm Use (~12.7 ha)