



AGENDA

Special Council Meeting

**Tuesday, November 29, 2016
9:00 a.m.**

**Council Chamber of City Hall
500 - 2 Avenue NE**



Carl Bannister, Chief Administrative Officer

Page #	Item #	Description
	1.	CALL TO ORDER
	2.	DECLARATION OF INTEREST
1 - 12	3.	STAFF REPORTS
	1.	Property Acquisition - 5970 - 10 Avenue SE, South Canoe School Property
	4.	OTHER BUSINESS
13 - 14	5.	ADJOURNMENT

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Item 3.1

CITY OF SALMON ARM

Date: November 29, 2016

Property Acquisition

5970 - 10 Avenue SE, South Canoe School Property

Vote Record

- Carried Unanimously
- Carried
- Defeated
- Defeated Unanimously

Opposed:

- Cooper
- Eliason
- Flynn
- Harrison
- Jamieson
- Lavery
- Wallace Richmond



City of Salmon Arm
 Memorandum from the Chief Administrative Officer

TO: Her Worship Mayor Cooper and Council
 DATE: November 22, 2016
 PERPARED BY: Caylee Simmons, Administrative Assistant/ Executive Secretary
 SUBJECT: Property Acquisition - 5970 - 10 Avenue SE, South Canoe School Property

BACKGROUND:

Council authorized the Chief Administrative Officer to negotiate the purchase of the South Canoe School property subject to approval of a Non-Farm Use by the Agricultural Land Commission and Adoption of a Short Term Capital Borrowing Bylaw.

The Agricultural Land Commission denied the Application for Non-farm Use in the Agricultural Land Reserve (ALR) for the property as outlined in the letter dated November 18, 2016 (Appendix 1).

The Short Term Capital Borrowing Bylaw No. 4158 was adopted by Council at the November 14, 2016 Regular Meeting (Appendix 2).

RECOMMENDATION:

Staff do not recommend proceeding with the purchase of the South Canoe School Property. Denial of this application by the ALC means that the City could only use the property for those uses allowed within the Agricultural Land Reserve. The City is not in the business of farming and borrowing capacity could be better used for other purposes.

Carl Bannister, MCIP
 Chief Administrative Officer



Agricultural Land Commission
 133-4940 Canada Way
 Burnaby, British Columbia V5G 4K6
 Tel: 604 660-7000
 Fax: 604 660-7033
 www.alc.gov.bc.ca

November 18, 2016

ALC File: 55670
 Your File: ALC-367

City of Salmon Arm
 Box 40, 400 – 2 Avenue NE
 Salmon Arm, BC
 V1E 4N2

Attention: Kevin Pearson, Director of Development Services

Re: Application for Non-farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Okanagan Panel (Resolution #395/2016) as it relates to the above noted application.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the Agricultural Land Commission Act](#), the Chair may direct the executive committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the Agricultural Land Commission Act](#) which provides a person affected the opportunity to submit a request for reconsideration.

- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Ron Wallace at (Ron.Wallace@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "Ron Wallace", written in a cursive style.

Ron Wallace, Land Use Planner

Enclosure: Reasons for Decision (Resolution #395/2016)

cc: Local Government (File: ALC-367)

55670d1



AGRICULTURAL LAND COMMISSION FILE 55670

REASONS FOR DECISION OF THE OKANAGAN PANEL

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

Applicant:

**The Board of Education of School District
No. 83 (North Okanagan Shuswap)
(the "Applicant")**

Agent:

**Kevin Pearson
(the "Agent")**

Application before the Okanagan Regional Panel:

**Gerry Zimmermann, Panel Chair
Jim Johnson
Greg Norton**

**THE APPLICATION**

[1] The legal description of the property involved in the application is:

Parcel Identifier: 008-448-931

Lot 1, Section 8, Township 20, Range 9, West of the 6th Meridian Kamloops Division

Yale District, Plan 17118

(the "Property")

[2] The Property is 2.1 ha in area.

[3] The Property has the civic address 5970 – 10 Avenue SE, Salmon Arm.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 20(3) of the *ALCA* the Applicants are applying to use the Property for the City of Salmon Arm's (City's) public works yard (the "Proposal"). The Property was previously used by School District No. 83 as the South Canoe Elementary School. The facility first opened in 1956 and ceased its main elementary school course programming in 2003. The Property is designated "Acreage Reserve" in the Official Community Plan (OCP), zoned P-3 "Institutional" and is totally within the ALR. The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.



[8] The Panel considered the Application within the context of s. 6 of the ALCA. The purposes of the Agricultural Land Commission (the "Commission") set out in s. 6 are as follows:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Evidence from any third parties of which disclosure was made to the applicant
4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] At its meeting of September 12, 2016, City of Salmon Arm Council approved the following resolution:

"That: the Agricultural Land Commission Application No. ALC-367 be authorized for submission to the Agricultural Land Commission with the proposed/permitted non-farm use to be listed as Outdoor Recreation, Indoor Recreation and all uses listed in the P-3 zoning."

[11] The Agricultural Advisory Committee met on August 31, 2016 and advised Council that it does not support the Non-farm Use application ALC-367.



[12] The City of Salmon Arm Development Services Department indicated in a Memorandum dated August 29, 2016 that there is a long term plan to relocate the current works yard as a "Long Term Priority" in the City's Corporate Strategic Plan. While a specific site for the relocation was not formally contemplated, the Property was seen to be suitable for the following reasons.

- The current P-3 zone allows the proposed use subject to ALC approval.
- The Property is designated "Acreage Reserve" in the City's OCP and in light of the Property's characteristics could be re-designated to accommodate the proposed use.
- Although the Property "has moderate Improved Soil Capability Ratings, it has not been utilized for agricultural purposes for more than 60 years."
- The City owned South Canoe Gravel Pit is in close proximity to the Property and provides easy access for City crews.
- While the Property is slightly smaller than the current works yard, it is sufficient for this purpose and the existing buildings could be repurposed for office and public works facility uses.
- The purchase price of the Property is affordable and would benefit the City taxpayers in the long term.

[13] While the ALC does not have public notification requirements tied to a Non-farm Use application process, it did receive numerous emails and letters from the local public regarding the Proposal; the Panel acknowledged these comments and noted that they are predominately not in support of the proposed new works yard location.

SITE VISIT

[14] On October 18, 2016, the Panel conducted a walk-around and meeting site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[15] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations



and discussions of the Site Visit by the Agent on November 2, 2016 (the "Site Visit Report").

FINDINGS

[13] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings identified on CLI map sheet 82L/11 for the mapping units encompassing the Property are approximately 40% Class 3 and Class 2, more specifically (6:3T – 4:2T) and 60% Class 4 and Class 5, more specifically (6:4PM – 4:5TP).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

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

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

The limiting subclasses associated with this parcel of land are M (moisture deficiency), P (stoniness) and T (topographic limitations).

[14] The Panel acknowledges the City's interest in utilizing the Property for a future public works yard, given its suitability for this purpose as outlined in the above noted Memorandum proposed by the City's Development Services Department. However, while the Property has a long history of non-farm use (~60 years) and is currently zoned P-3 ("Institutional"), the Panel notes the Property has good agricultural capability and believes it has potential for



agricultural use. Further, the Property is located in a predominately agricultural area – with small and medium sized ALR lots to the north, west, south and southeast of the Property; and the Panel believes the proposed public works yard would negatively impact the surrounding agricultural lands. The Panel considered the Proposal to be inconsistent with context of s. 6 of the *ALCA*.

DECISION

[15] For the reasons given above, the Panel refuses the Proposal to use the Property for the City of Salmon Arm's public works yard.

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

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

[18] This decision is recorded as Resolution #395/2016 and is released on November 21, 2016.

CERTIFICATION OF DECISION

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

Gerry Zimmermann, Panel Chair, on behalf of the Okanagan Panel

END OF DOCUMENT

CITY OF SALMON ARM**BYLAW NO. 4158****A bylaw to authorize the borrowing of money for the purposes of Capital Works**

WHEREAS under the provisions of Section 178 of the Community Charter, Council may, by bylaw adopted with the approval of the Inspector, contract a debt for any purpose of a capital nature, such debt must not cause the municipality to exceed the limit prescribed by regulation. The debt and securities must be payable no later than the lesser of five (5) years from the date on which the securities were issued or the reasonable life expectancy of the capital asset for which the debt is contracted;

AND WHEREAS the amount of the existing obligations of the municipality authorized under said Section 178 at the date hereof is \$0.00;

AND WHEREAS the Council deems it necessary to borrow the sum of Four Hundred and Seventy Five Thousand Dollars (\$475,000.00) for the purpose of acquiring property identified as Lot, 1, Section 8, Township 20, Range 9, W6M, KDYD, Plan 17118, otherwise known as 5970 - 10 Avenue SE (Salmon Arm);

AND WHEREAS the approval of the Inspector of Municipalities has been obtained;

NOW THEREFORE the Council of the City of Salmon Arm, in open meeting assembled, enacts as follows:

1. The Council is hereby authorized and empowered to borrow upon the credit of the City of Salmon Arm from the Municipal Finance Authority, the sum of Four Hundred and Seventy Five Thousand Dollars (\$475,000.00), to be repaid, with interest, over a term of five (5) years for the purposes hereinbefore recited.
2. The purpose for which the debt is contracted shall be for acquiring the property identified as Lot, 1, Section 8, Township 20, Range 9, W6M, KDYD, Plan 17118, otherwise known as 5970 - 10 Avenue SE (Salmon Arm).
3. The interest on the debt shall be at a rate as prescribed by the Municipal Finance Authority.
4. There shall be raised and levied during the currency of the obligation hereby created by a rate sufficient therefore over and above all other rates upon all land and improvements subject to taxation for general municipal purposes in the municipality for the repayment of the principal in the respective years the amount as follows:

PRINCIPAL

2017	\$95,000.00
2018	\$95,000.00
2019	\$95,000.00
2020	\$95,000.00
2021	\$95,000.00

- 5. The Mayor and Chief Financial Officer are hereby authorized to do all necessary acts and things to carry out the intent of this bylaw.
- 6. This bylaw may be cited as "City of Salmon Arm Short Term Capital Borrowing Bylaw No. 4158."

READ A FIRST TIME THIS 8th DAY OF AUGUST 2016
 READ A SECOND TIME THIS 8th DAY OF AUGUST 2016
 READ A THIRD TIME THIS 8th DAY OF AUGUST 2016

APPROVED BY THE INSPECTOR OF MUNICIPALITIES PURSUANT TO SECTION 178
 OF THE COMMUNITY CHARTER THIS 17th DAY OF OCTOBER 2016

ADOPTED BY COUNCIL THIS 14th DAY OF November 2016

"N. COOPER"
 MAYOR

"E. JACKSON"
 CORPORATE OFFICER

Item 5.1

CITY OF SALMON ARM

Date: November 29, 2016

Moved: Councillor Eliason

Seconded: Councillor Lavery

THAT: the Special Council Meeting of November 29, 2016, be adjourned.

Vote Record

- Carried Unanimously
- Carried
- Defeated
- Defeated Unanimously

Opposed:

- Cooper
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