



Agricultural Land Commission
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October 22, 2018

ALC File: 56638
CSR File: LC2545

Terry Langlois
Columbia Shuswap Regional District
DELIVERED ELECTRONICALLY

Dear Terry Langlois:

Re: Application 56638 to exclude land from the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Executive Committee for the above noted application (Resolution #341/2018). As agent, it is your responsibility to notify the applicant accordingly.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

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

Yours truly,

A handwritten signature in black ink that reads 'Celeste' in a cursive, flowing script.

Celeste Barlow, Land Use Planner

Enclosure: Reasons for Decision (Resolution #341/2018)



AGRICULTURAL LAND COMMISSION FILE 56638
REASONS FOR DECISION OF THE EXECUTIVE COMMITTEE

Exclusion Application Submitted Under s. 30(1) of the *Agricultural Land Commission Act*

Applicants: Shuswap Lake Estates Ltd., Inc. No. BC0088417
Shuswap West Development Ltd., Inc. No.
BC0310796

Agent: Terry Langlois, Columbia Shuswap Regional
District

Property: Parcel Identifier: 004-612-710
Legal Description: The South West 1/4 Section 8,
Township 22, Range 10, West Of The 6th Meridian,
Kamloops Division Yale District, Except Plans
36962, H425, H944, KAP58710, KAP67184 AND
EPP3456
Civic: Balmoral Road, Blind Bay, BC
Area: 49.0 ha

Executive Committee: Jennifer Dyson, Chair
Linda Michaluk, Island Panel
Richard Mumford, Interior Panel
William Zylmans, South Coast Panel
David Merz, North Panel
David Zehnder, Kootenay Panel



OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA). The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.
- [2] Pursuant to s. 30(1) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the “Commission”) to exclude the 49.0 ha Property from the ALR (the “Proposal”). The purpose of Proposal is to:
- develop 35.5 ha into the Balmoral Village Centre; and
 - utilize 13.5 ha for a lagoon for wastewater storage effluent facility (the “wastewater facility”) for the Columbia Shuswap Regional District (CSRD) spray irrigation program
- [3] The Application states that the exclusion of the lands from the ALR would allow CSRD to:
- expand the capacity of the existing wastewater facility in order to service a greater area of the community and allow the densification of residential parcels in the area;
 - reduce the amount of effluent entering Shuswap Lake and allowing CSRD to provide the surrounding farms with nutrient rich spray irrigation from the new storage lagoons; and
 - allow the development of a Village Centre to bring services closer to Blind Bay and reduce traffic trips.
- [4] The first issue the Executive Committee considered is whether the Property is appropriately designated as ALR based on agricultural capability and suitability.
- [5] The second issue the Executive Committee considered is whether the Property should be excluded from the ALR to accommodate development of Balmoral Village Centre.
- [6] The third issue the Executive Committee considered is whether the Property should be excluded from the ALR to accommodate the wastewater facility.



- [7] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD

[8] The Proposal along with related documentation from the Applicant, 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.

[9] Vice-Chair Zimmerman and Vice-Chair Merz (the "Executive Committee Representatives") conducted a walk-around and meeting site visit on May 16, 2018 in accordance with the *ALC Policy Regarding Site Visits in Applications*, (the "Site Visit"). A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on July 3, 2018 (the "Site Visit Report").

BACKGROUND

[10] In October 2007, Commission staff reviewed the CSRD Draft Electoral Area C Official Community Plan (the "2007 OCP"). The 2007 OCP proposed to designate ALR lands northeast of the intersection of Balmoral Road and Highway 1 (the area in which the Property is located) as a "Special Planning Area". The Commission previously refused exclusion and non-farm use applications for the Property and suggested that the areas lying northeast of Balmoral Road and Highway 1 should not be included in the boundaries of the "Special Planning Area" (ALC Planning File: 37672).

[11] Subsequent to the 2007 OCP review, in December 2011, Commission staff reviewed the CSRD Draft Electoral Area C Official Community Plan (the “2011 OCP”) which designated approximately 47 ha ALR area (the Property) as a “Balmoral Village Centre”. Commission staff advised that this designation should be deleted to avoid inconsistency with s. 46 of ALCA and the previous decisions of the Commission referred to in paragraph 10.

[12] In May 2013, the Commission reviewed another draft of the Electoral Area C Official Community Plan (the “2013 OCP”). In a letter to the CSRD dated May 24th, 2013, the Commission stated the following:

The Commission confirms its previous (Dec. 2011) advice that the Balmoral “Village Centre” designation of ALR land on the Schedule B OCP map is inconsistent with its previous decisions and current perspective. The Commission recalls that it has twice refused application for the exclusion of the property from the ALR, based on a soil assessment which confirms that the majority of the land has good agricultural capability. Though not developed for agriculture, the property also lies in a farm area. It is the Commission’s perspective that a “Village Centre” designation at Balmoral has potential to foreshadow land use change on the property and destabilize agricultural land uses on other nearby ALR parcels. In addition, no compelling evidence has been provided by the Regional District that there is not sufficient, commercial designated land in Electoral Area C to accommodate anticipated demand for commercial land.

EVIDENCE AND FINDINGS

Issue: Whether the Property is appropriately designated as ALR based on agricultural capability and suitability

[13] The Property is bordered to the east, west and south by ALR land and to the north by non-ALR residential development. The Executive Committee finds that the surrounding land uses do not render the Property unsuitable for agricultural use.

[14] To assess agricultural capability on the Property, the Executive Committee 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 5. More specifically, about 70% of the Property is located in area rated as improvable to (7:2D – 3:2T) and the northwestern 30% of the Property is rated as improvable to (5T).

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 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 D (undesirable soil structure), and T (topographic limitations).

[15] In addition, the Panel received a professional Agrologist's report, prepared by Wayne A. Blashill, P.Ag., dated August 27, 2017 (the "Blashill Report"). The Blashill Report concludes that 36 ha of the Property are arable and that the remaining 12.5 ha are non-arable due to topography and wetness. The 12.5 ha non-arable area contains an existing pond which would be utilized for the proposed wastewater facility.

[16] It is not uncommon for parcels within the ALR to contain areas of varying agricultural capability. If less capable portions of ALR parcels were routinely excluded, the cohesive nature of ALR would be eroded and conflict between agricultural and non-agricultural uses would proliferate. For this reason, the Executive Committee finds that there are no agricultural arguments to justify exclusion of the Property, or a portion thereof. The Executive Committee finds that the Property has agricultural capability and is appropriately designated as ALR.

Issue 2: Whether the Property should be excluded from the ALR to accommodate development of Balmoral Village Centre

[17] Included in the Application was a report titled *ALR Exclusion Application*, prepared by Kent-Macpherson, and dated January 19, 2018 (the “Kent-Macpherson Report”). The Kent-Macpherson Report states that the growth of the Blind Bay and Sorrento community has created demand for a town centre and associated community amenities.

[18] The Executive Committee reviewed the background relating to the Commission’s comments of the previous iterations of the draft Electoral Area C Official Community Plan and concurs with the comments of the Commission that exclusion to accommodate the Balmoral Village Centre would be a substantial loss of land that is suitable and capable of supporting agriculture.

[19] The Executive Committee also shares the previous concerns of the Commission that the introduction of residential parcels would increase the residential character of an agricultural area and may lead to further pressures for subdivision.

Issue 3: Whether the Property should be excluded from the ALR to accommodate the wastewater facility

[20] The Kent-Macpherson Report states that as residential density has increased along Shuswap Lake, so has the necessity for sewer management and the risk of contamination of the lake foreshore area. In 2002, the CSRD developed a Liquid Waste Management Plan (LWMP) which identified the need for a community sewer system in the Blind Bay and Sorrento area in which the Property is located.

[21] With respect to the location of the waste water facility in the Proposal, the Kent Macpherson Report states:

After a thorough and exhaustive process, the CSRD has recently identified that the only available option to advance a community sewer system for the communities of Reedman Point/Blind Bay/Sorrento would be the acquisition of the existing Shuswap Lake Estates private community sewer system and the acquisition of suitable land (in proximity to this treatment plant as well as local farmers) to develop an effluent storage pond for the purpose of supplying spray irrigation effluent to neighbouring farmland. The CSRD



focused its attention on the Balmoral Corner as a solution that could meet these community objectives.

[22] In addition to the provision of a wastewater facility for surrounding development, the Application submits that a benefit of the proposed facility will be to provide nutrient-rich waste water as an irrigation source for adjacent farmland. During the Site Visit, Andrea Gunner (Economic Agrologist) discussed the agricultural benefits of the wastewater storage effluent lagoon. As documented in the Site Visit Report, she explained that there are 11 farms in the surrounding area that are struggling to source enough water to sustain their crops. Of these 11 farms, nine are a suitable distance and size to utilize the irrigation water produced by the proposed wastewater facility. Nine of the 11 farmers have indicated they would be interested in receiving the treated effluent water for irrigation purposes.

[23] The Executive Committee concurred that for certain crops, the irrigation benefit could increase production on the nine farms. However, the Executive Committee also recognized that certain types of agricultural production could be prohibited due to the quality and/or source of the treated water. On balance, the Executive Committee finds that the potential benefit of treated irrigation is not substantive because of the limited area proposed for irrigation, and the narrow range of crops that might benefit.

[24] The Application submits that expanding the capacity of the existing wastewater facility would service a greater area of the community and allow the densification of residential parcels in the area. In this regard, the Executive Committee is not amenable to expanding residential wastewater storage within the ALR. While cognizant of the expanding residential uses in the Balmoral and Sorrento area, the Executive Committee finds that the associated infrastructure for that non-ALR expansion should be planned for and accommodated outside the ALR as well.

DECISION

[25] For the reasons given above, the Executive Committee refuses the Proposal to exclude the 49.0 ha Property from the ALR.



[26] These are the unanimous reasons of the Executive Committee.

[27] A decision of the Executive Committee is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

[28] Resolution #341/2018
Released on October 22, 2018

A handwritten signature in black ink, appearing to be "Jennifer Dyson", is written over a thin horizontal line.

Jennifer Dyson, Chair

On behalf of the Executive Committee