



# Memorandum

**Date:** February 28, 2020  
**To:** Planning and Facilities Committee  
**From:** Mitch Van Aller, Director of Operations  
**Prepared by:** David Widdis, Planning Manager

**Information Item:** **ALC Decision – Sports Fields for George Elliot Secondary and H.S. Grenda Middle Schools**

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## 1.0 RELEVANT BOARD MOTION/DIRECTION

Public Board Meeting – January 16, 2019

Main 19P-003

THAT: The Board approve the recommended Field Design Plan, including a track and field oval, for the sports fields located beside George Elliot Secondary School and the new H.S. Grenda Middle School;

AND THAT: Staff continue discussions with the District of Lake Country regarding joint use opportunities and future field development beside George Elliot Secondary School and the new H.S. Grenda Middle School.

## 2.0 BACKGROUND

The School District submitted an application in May 2019 to reconfigure the two undeveloped sports fields approved by the Agricultural Land Commission (ALC) Resolution #286/2013 and construct a gravel track around one field. The field development required the placement of 3500 m<sup>3</sup> of fill on the Property. The resulting proposed and existing configuration of the four fields are as follows:

- A larger sports field with a proposed gravel track around its perimeter
- A second field will be a standard sized sport field
- Reconfigure the two proposed fields to standard sized sport fields.

The ALC considered two issues:

1. Is the new sports fields' configuration and the addition of the gravel track an appropriate use of the Property?
2. Is the placement of new fill an impact to the agricultural utility of the Property?

After consideration and discussion, the ALC approved the School District's request.

The funding for the H.S. Grenda Middle School does not include the development of the gravel track. The funding for the track will need to be considered in future budget discussions.

### **3.0 INFORMATION STATEMENT**

The School District received the decision from the ALC on February 18, 2020 and that the School District is permitted to construct a gravel track on the fields shared by George Elliot Secondary School and H.S. Grenda Middle School.

### **4.0 APPENDIX**

A. ALC Decision dated February 20, 2020



**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

February 18, 2020

ALC File: 58988

**David Widdis**  
**Central Okanagan Public Schools**  
**DELIVERED ELECTRONICALLY**

Dear David Widdis:

**Re: Application 58988 to conduct a non-farm use in the Agricultural Land Reserve**

Please find attached the Reasons for Decision of the Okanagan Panel for the above noted application (Resolution #68/2020). As agent, it is your responsibility to notify the applicant accordingly.

**Review of Decisions by the Chair**

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.

**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 at [ALC.Okanagan@gov.bc.ca](mailto:ALC.Okanagan@gov.bc.ca).

Yours truly,

A handwritten signature in black ink that reads 'Claire Buchanan'. The signature is written in a cursive, flowing style.

Claire Buchanan, Land Use Planner

Enclosures: Reasons for Decision (Resolution #68/2020)  
Schedule A: Decision Map

cc: District of Lake Country (File: ALR2019-008)  
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**AGRICULTURAL LAND COMMISSION FILE 58988**  
**REASONS FOR DECISION OF THE OKANAGAN PANEL**

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

**Applicant:** Board of School Trustees of School District No.23  
(Central Okanagan)

**Agent:** David Widdis

**Property:** Parcel Identifier: 007-094-701  
Legal Description: Lot 2, Section 10, Township 20,  
Osoyoos Division, Yale District Plan 4073, Except  
Plan 26148 and Plan EPP17253  
Civic: 10303 Bottom Wood Lake Road, Lake Country,  
BC  
Area: 8.8 ha

**Panel:** Gerald Zimmermann, Okanagan Panel Chair  
Jim Johnson



## OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] In 2013, Application ID 53273 was submitted to the Agricultural Land Commission (the “Commission”) to place and operate three to four school sports fields, a paved parking lot, and associated paved driveway on the Property. The Proposal would support the development of a new middle school on the adjacent property, which is outside of the ALR. The Commission allowed the application because of the historic use of the Property as a golf course for over 30 years. The Commission approved four sports fields, a paved parking lot and associated paved driveway by Resolution #286/2013.
- [3] In 2018, School District 23 received funding to develop two out of the four approved sport fields (Fields 1 and 2) and to complete an environmental assessment of the Property. Following the environmental assessment and a review of the community recreational needs, a new configuration was proposed for the remaining two sports fields and a gravel track was proposed around Field 1. ALC staff determined the revised proposal to not be substantially compliant with Resolution #286/2013 and required a new Non-Farm Use application to be submitted.
- [4] Pursuant to s. 20(2) of the ALCA, the Applicant is applying to the Commission to reconfigure the two undeveloped sports fields approved by Resolution #286/2013 and construct a gravel track around Field 1 which will require the placement of 3500 m<sup>3</sup> of fill on the Property (the “Proposal”). The resulting proposed and existing configuration of the four fields are as follows:
- Field 1 is a larger sports field with a proposed gravel track around it’s perimeter. The field has already been developed under Resolution #286/2013.
  - Field 2 is a standard sized sport field that has already been developed under Resolution #286/2013.
  - Field 3 and Field 4 are proposed (but not yet constructed) standard sized sport fields.

- [5] The first issue the Panel considered is if the new sports fields configuration (Field 3 and 4) and the addition of the gravel track around Field 1 is an appropriate use of the Property.
- [6] The second issue the Panel considered is if the placement of fill would impact the agricultural utility of the Property.
- [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 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.

### **EVIDENTIARY RECORD**

- [8] The Proposal along with related documentation from the Applicant, Agent, local government, and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Applicant in advance of this decision.

### **EVIDENCE AND FINDINGS**

#### **Issue 1: Whether the new configuration of the sports fields (Field 3 and 4) and the addition of the gravel track around Field 1 is an appropriate use of the Property.**

- [9] The Application indicates that the new configuration proposed for Fields 3 and 4 and the additional of the gravel track around Field 1, arise from a review of community recreational needs, and environmental and geotechnical constraints identified by the Environmental Assessment completed by the 2018 Calibre Geotechnical (the “Environmental Assessment Report”). The Environmental Assessment Report identified drainage as a major geotechnical issue on the Property. The Applicant states that the location of Field 3 falls



generally within the original configuration approved under Resolution #286/2013. The Application submits that Field 4 is proposed in a new location, beside Field 2, in order to minimize impacts to sensitive features, such as Vernon Creek located to the east of the Property.

[10] The Panel confirms that the revised configuration of Fields 3 and 4 addresses geotechnical and environmental concerns on the Property. Additionally, the Panel finds that there are minimal differences in the size and location of Fields 3 and 4 between the previous configuration and the revised configuration. The Panel reviewed the application and recognizes that the addition of the gravel track around Field 1 addresses community recreational needs. Based on these factors, the Panel finds the use of the Property for the sports fields in the new configuration and the additional of the gravel track around Field 1 to be an appropriate use of the Property.

**Issue 2: Whether the placement of fill would impact the agricultural utility of the Property**

[11] The Application indicates that 3,500m<sup>3</sup> of fill has been placed on the Property for the development of Fields 1 and 2 and the future development of the gravel track. No additional fill will be brought onto the site for the gravel track. Fields 3 and 4 will be developed in the future, when funding is secured, and the recreational needs require it.

[12] The Environmental Assessment Report indicates that fill material is needed to address site drainage for the sports fields. The Panel confirms that the historic use of the Property as a golf course has likely created topographic features that need to be filled to create a level playing surface and to ensure drainage. As such, the Panel finds that the placement of 3,500 m<sup>3</sup> of fill is necessary for the creation of the sports fields and gravel track and would not impact the agricultural utility of the Property.

[13] The Panel understands that additional fill will be needed for the construction of Fields 3 and 4 and reminds the Applicant that the placement of fill for the development of Fields 3 and 4 must be consistent with s. 20.3 of the ALCA and will require a Notice of Intent (NOI) be submitted to the Commission.

**DECISION**

[14] For the reasons given above, the Panel approves the Proposal subject to the following conditions:

- a. The number and location of the sports fields are in substantial compliance with Schedule A of this decision;
- b. A Notice of Intent is submitted to the Commission for any additional fill that may be required on the Property.

[15] 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.

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

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

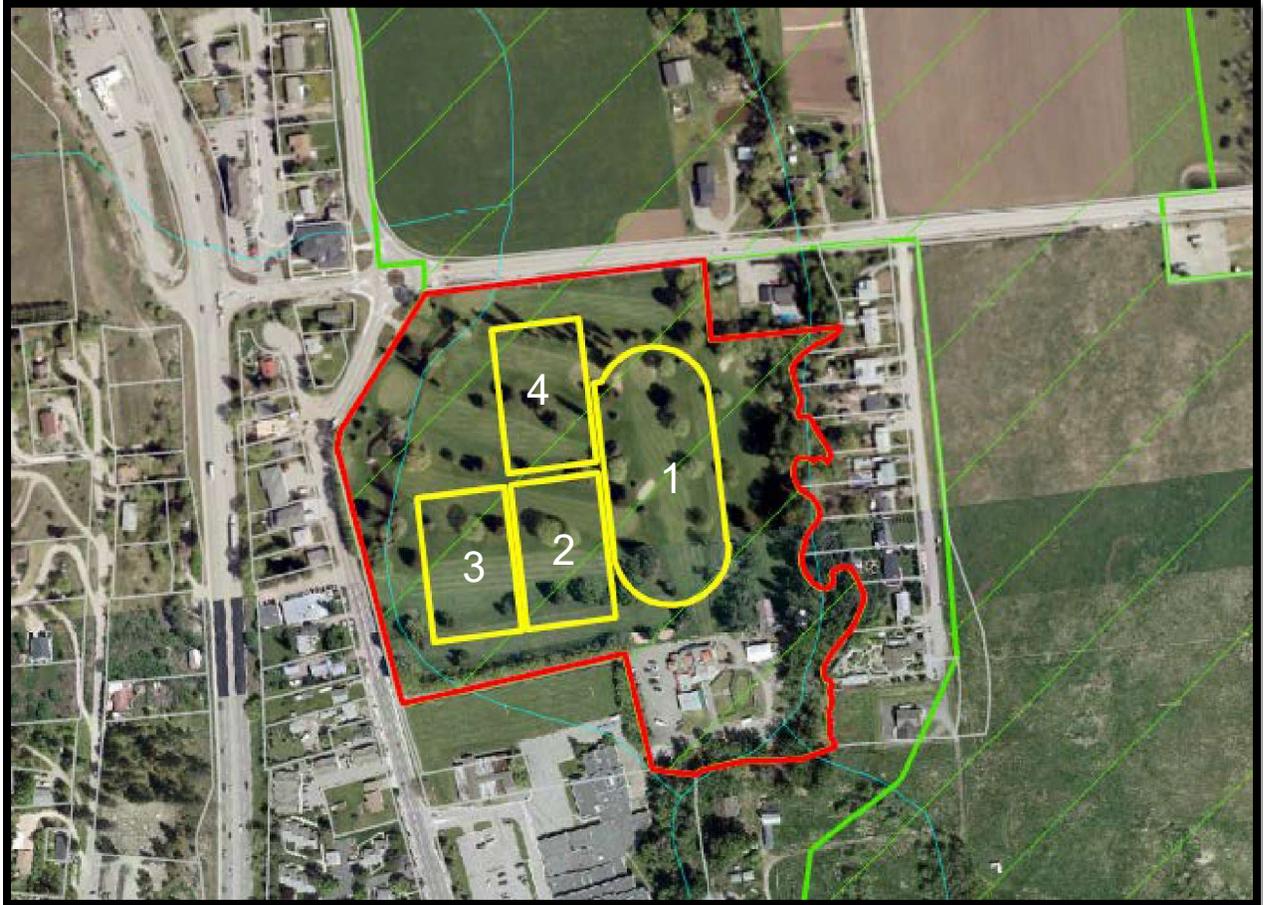
[18] Resolution #68/2020

Released on February 18, 2020



**Gerald Zimmermann, Panel Chair**

On behalf of the Okanagan Panel



	Approved Location for Sports Fields 1-4 (3 ha)
	The Property