



BOARD REPORT

TO: Chair and Directors

File No: LC2531D PL20160213

SUBJECT: Electoral Area D: Agricultural Land Commission (ALC) Application
Section 20(3) – Non-Farm Use LC2531D Monty & Jennifer Siddall

DESCRIPTION: Report from Jennifer Sham, Planner, dated April 25, 2017.
4885 Highway 97, Falkland

RECOMMENDATION: THAT:

Application No. LC2531D, Section 20(3) Non-Farm Use, for the Northeast ¼ Section 19 Township 17 Range 11 W6M KDYD Except Plans A322 and KAP65292, be forwarded to the Provincial Agricultural Land Commission recommending approval on this 18 day of May, 2017.

SHORT SUMMARY:

The property is located in the Cedar Hill area in Electoral Area 'D' at 4885 Highway 97. The proposal is to "reactivate" the second single family dwelling on the property for farm help. The owners have indicated that they have a cow/calf operation and hay sales – they keep approximately 18 cows on the property and 20 ha of hay crop. This application was considered at the April 20, 2017 Regular Board meeting, but deferred to a future Board meeting pending more information from staff.

VOTING:	Unweighted Corporate <input checked="" type="checkbox"/>	LGA Part 14 (Unweighted) <input type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (<i>Weighted</i>) <input type="checkbox"/>
----------------	--	---	---	--

BACKGROUND:

See attached APC Report.

POLICY:

See attached APC Report.

Salmon Valley Land Use Bylaw No. 2500
Section 2.2.5

In addition to the regulations established in this Bylaw, all lands within the Agricultural Land Reserve are also subject to the provisions of the Agricultural Land Commission (ALC) Act, regulations and orders of the ALC (thereby not permitting the subdivision of land or the development of non-farm uses unless approved by the ALC).

Section 2.2.5.1

Any properties located within the ALR and in land use zones that permit two single family dwellings must have approval of the ALC, prior to establishing the second residence.

In the event that a farm requires more than two single family dwellings on the property, either issuance of a Temporary Use Permit or a successful rezoning is required, after approval from the ALC is received.

FINANCIAL:

See attached 2017-04-20-Board_DS_LC2531_Siddall.pdf

KEY ISSUES/CONCEPTS:

Also see attached 2017-04-20-Board_DS_LC2531_Siddall.pdf

Although Bylaw No. 2500 permits 2 single family dwellings per parcel in the R Rural zone, that portion of the property that is in the ALR is subject to the ALC Act and Regulations. A second dwelling for farm help requires an application to the ALC for non-farm use.

A consideration for a second dwelling for farm help is if the farm operation activities are enough to warrant the need for an additional resident(s) to live on the property to provide assistance to the resident(s) living in the primary residence.

At the April 20, 2017 Board meeting, the Board deferred consideration of this application in order for staff to confirm whether a recommendation of refusal of this application by the Board would result in any potential liability to the CSRD because the R Rural zone permits two dwelling. Staff has confirmed that as the Board is only providing a recommendation to the ALC Commissioners, and that it is ultimately up to the ALC to make a decision on this application, the CSRD would not incur any potential liability if it chose to recommend refusal of this application.

SUMMARY:

Staff is recommending approval of this application for the following reasons:

- Advisory Planning Commission D recommended approval; and,
- Salmon Valley Land Use Bylaw No. 2500 R zone allows 2 single family dwellings on parcels of 2 ha or greater.

IMPLEMENTATION:

If the ALC allows this non-farm use, the old farm house will be used as a single family dwelling by a resident(s) who will be providing work assistance for the farm operation.

COMMUNICATIONS:

This application was referred to the Advisory Planning Commission D who recommended approval.

The recommendation of the Board will be forwarded to the ALC for consideration during its review of this application.

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

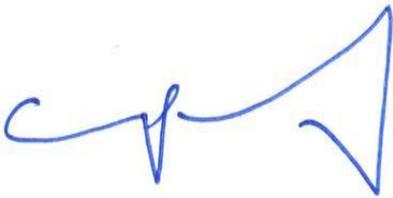
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Salmon Valley Land Use Bylaw No. 2500
2. Agricultural Land Commission Act
3. Agricultural Land Reserve Use, Subdivision and Procedure Regulation

Report Approval Details

Document Title:	2017-05-18_Board_DS_LC2531_Siddall.docx
Attachments:	- 2017-04-20-Board_DS_LC2531_Siddall.pdf - APC Report LC2531.pdf - LC2531 Photos.pdf
Final Approval Date:	May 8, 2017

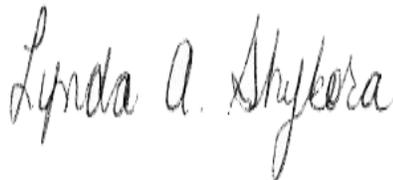
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - May 8, 2017 - 8:30 AM



Gerald Christie - May 8, 2017 - 10:44 AM



Lynda Shykora - May 8, 2017 - 11:47 AM



Charles Hamilton - May 8, 2017 - 2:21 PM