



APC REPORT

TO: APC 'D'
FROM: Jennifer Sham
Planner

File No: LC2531
Date: February 24, 2017

SUBJECT: Agricultural Land Commission (ALC) Application
Section 20(3) Non-Farm Use within the Agricultural Land Reserve (ALR)
Monty & Jennifer Siddall
The Northeast 1/4, Section 19, Township 17, Range 11, West of the 6th
Meridian, Kamloops Division Yale District, Except Plans A322 and KAP65292

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 keep approximately 18 cows on the property.

BACKGROUND:

PROPERTY OWNER: Monty & Jennifer Siddall
ELECTORAL AREA: 'D'
CIVIC ADDRESS: 4885 Highway 97
LEGAL DESCRIPTION: The northeast 1/4, Section 19, Township 17, Range 11, West of the 6th Meridian, Kamloops Division Yale District, Except Plans A322 and KAP65292
SIZE OF PROPERTY: 49.42 ha
OCP/ZONING: Salmon Valley Land Use Bylaw No. 2500, R – Rural
CURRENT USE: Agriculture, Residential
PROPOSED USE: Agriculture, Residential
SURROUNDING LAND USE PATTERN:
North: Crown Land
South: Agriculture, Rural Residential, Salmon River
East: Rural
West: Agriculture, Rural Residential

ALC APPLICATION INFORMATION (completed by the applicant):

Proposal: "There is an existing home built in 1910, which occupies 18 square meters, we would like to reactivate this home for farm help."

Current use of parcels under application: "Agriculture that currently takes place on the property: "Cow/calf operation and hay sales, 18 cows, 30 ha grazing, 20 ha hay crop."

Could this proposal be accommodated on lands outside of the ALR? "No, it cannot because the home already exists on ALR land."

Does the proposal support agriculture in the short or long term? "It supports both, in allowing us to increase our cattle herd as well as hay production."

SITE COMMENTS: Staff conducted a site visit on June 18, 2014 for a previous application (withdrawn) by the same owners. The majority of the property south of Highway 97 is flat and used for pasture and hay production. The Salmon River runs along the southwest portion of the property near the "new" single family dwelling but appears to be outside the 30 m Riparian Areas Regulation area. The portion of the property north of Highway 97 is steep and heavily treed.

At the time of the site visit, there was one single family dwelling ("old home"), a fifth wheel, and a few farm buildings on the property and the "new home" was under construction. There were no cattle or other livestock visible during the site visit.

Both the Canadian National Railway (CNR) and Highway 97 pass through the property in a northwest-southeast direction. Access to the property is from a single driveway off of Highway 97. The CNR passes through the property on the south of Highway 97 portion and access to the "new" single family dwelling requires crossing the railway. There are also a few Right-of-Ways registered on title for BC Hydro and BC Gas.

The subject property is currently listed for sale (Listing number 10119941). According to the real estate listing, the "new home" is a two floor single family dwelling of 2635 sq ft in size and serviced by a well and septic system. No additional information regarding water or septic systems has been received for either one of the single family dwellings.

Soils Capability:

$$\begin{array}{cc} 6 & 4 \\ 4 \text{ M} - 5 \text{ M} \\ \text{P} & \text{P} \end{array}$$

Canada Land Inventory Soil mapping indicates that approximately 45% of the subject property is 60% Class 4 with moisture limitations and stoniness as limiting factors and 40% Class 5 with moisture limitations and stoniness as limiting factors.

$$\left(\begin{array}{cc} 6 & 4 \\ 3 \text{ P} - 4 \text{ P} \\ \text{W} & \text{M} \end{array} \right)$$

The soils are improvable to 60% Class 3 with stoniness and excess water as limiting factors and 40% Class 4 with stoniness and moisture limitations as limiting factors.

$$\begin{array}{cc} 6 & 4 \\ 5 \text{ M} - 6 \text{ T} \\ \text{T} & \end{array}$$

Approximately 45% of the property is 60% Class 5 soils with moisture limitations and topography as limiting factors and 40% Class 6 with topography as limiting factor.

$$\left(\begin{array}{cc} 6 & 4 \\ 4 \text{ T} - 6 \text{ T} \\ \text{P} & \end{array} \right)$$

The soils are improvable to 60% Class 4 soils with topography and stoniness as limiting factors and 40% Class 6 soils with topography as a limiting factor.

$$\begin{array}{cc} 6 & 4 \\ 4 \text{ M} - 5 \text{ M} \\ \text{P} & \text{P} \end{array}$$

Approximately 10% of the property is 60% Class 4 with moisture limitations and stoniness as limiting factors and 40% Class 5 with moisture limitations and stoniness as limiting factors.

$$\left(\begin{array}{cc} 6 & 4 \\ 3 \text{ P} - 4 \text{ P} \\ \text{W} & \text{M} \end{array} \right)$$

The soils are improvable to 60% Class 3 with stoniness and excess water as limiting factors and 40% Class 4 with stoniness and moisture limitations as limiting factors.

History: There have been numerous ALC applications made in the area, including two on the subject property. See ALR/History Map.

- 1046 (1975) refused 4 lot subdivision because "it should be left in the largest possible parcel"
- 1058 (1975) refused 4 lot subdivision because the land is capable of agricultural production
- 1101 (1975) refused 3 lot subdivision because of good ranch land potential
- 1276 (1977) allowed a 2 lot subdivision of 1.5 ac from the property
- 1300 (1977) allowed a 2 lot subdivision of 3 ac from the property
- 1442 (1978) refused a 2 lot subdivision of 30 ac and 25 ac because the property has agricultural potential
- 1719 (1983) approved an inclusion and exclusion
- 1736 (1981) allowed a 2nd dwelling (1983) approved a 7 lot subdivision
- 1786 (1987) no objection to expand "re-man" sawmill. Production not to exceed the maximum output of 20 cu. m/day
- 1808 (1982) refused a 14 lot subdivision (1982) reconsideration. Approved subdivision of 10 x 4 ha, 1 x 30 ha, and 1 x 66.3 ha.
- 1887 (1983) refused a 2 lot subdivision of 1.2 ha and remainder because the property has potential for agriculture and should be retained as a single unit. The ALC would consider the temporary placement of the mobile home in its present location provided it is required for full-time farm help
- 2009 (1986) allowed a 2 lot subdivision of 2.72 ha from the 64.8 ha lot
- 2106 (1991) refused a 2 lot subdivision along the highway. ALC would be prepared to reconsider if the proposed 11 ha lot south of the highway was consolidated with an adjacent agricultural operation
- 2143 (1992) exclusion refused because of agricultural potential
- 2174 (1995) approval for subdivision of 1 x 8 ha, 1 x 40.6 ha, 1 x 17.8 ha, 1 x 47.82 ha, and 1 x 1.78 ha
- 2357 (2007) allowed a 2 lot subdivision of 30 ha and 22 ha divided by the highway (Subject property)
- 2416 (2009) refused 2 lot subdivision
- 2493 (2014) application for a non-farm use to allow a second single family dwelling withdrawn by owners. To bring the property into compliance with the ALC regulations without a non-farm use approval from the ALC, the "old" single family dwelling was decommissioned. (Subject property)
- 2519 (2016) 2 lot subdivision awaiting ALC decision

POLICY:

Agricultural Land Commission Act

Rules for use and subdivision of agricultural land reserve

Section 18

Unless permitted by this Act, the regulations or the terms imposed in an order of the commission,

(a) a local government, a first nation government or an authority, or a board or other agency established by a local government, a first nation government or an authority, or a person or agency that enters into an agreement under the Local Services Act may not

(i) permit non-farm use of agricultural land or permit a building to be erected on the land except for farm use, or

(ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use, and

(b) an approving officer under the Land Title Act, the Local Government Act or the Strata Property Act or a person who exercises the powers of an approving officer under any other Act may not approve a subdivision of agricultural land.

Section 20 (1)

A person must not use agricultural land for a non-farm use unless permitted by this Act, the regulations or an order of the commission.

Comments:

The application (LC2493) in 2014 was the result of bylaw enforcement. The owners began construction of the "new" single family dwelling without approval from the ALC. As a result, the owners submitted an application for non-farm use to allow the 2 single family dwellings. Prior to the Board considering the application, the owners withdrew the application. The ALC closed their enforcement and compliance file in 2016 upon confirmation that the "old" single family dwelling was decommissioned.

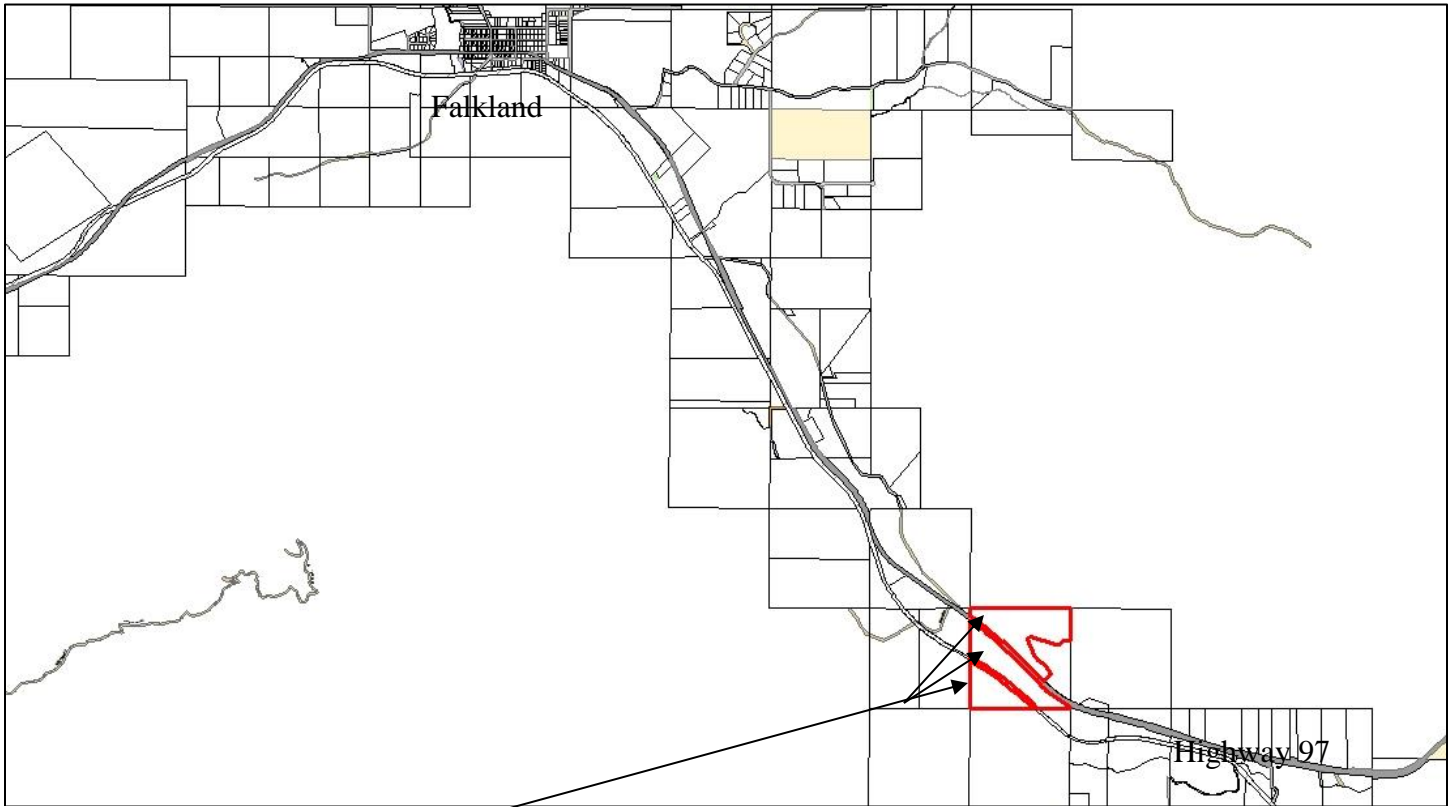
LIST NAME OF REPORT(S) / DOCUMENT(S):

1. Maps: Location, site plan, soils, ALR/History, OCP/Zoning, Orthophoto, photos	Attached to Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
2. Application	Attached to Report: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

COMMUNICATIONS:

This application has been referred to APC 'D'.

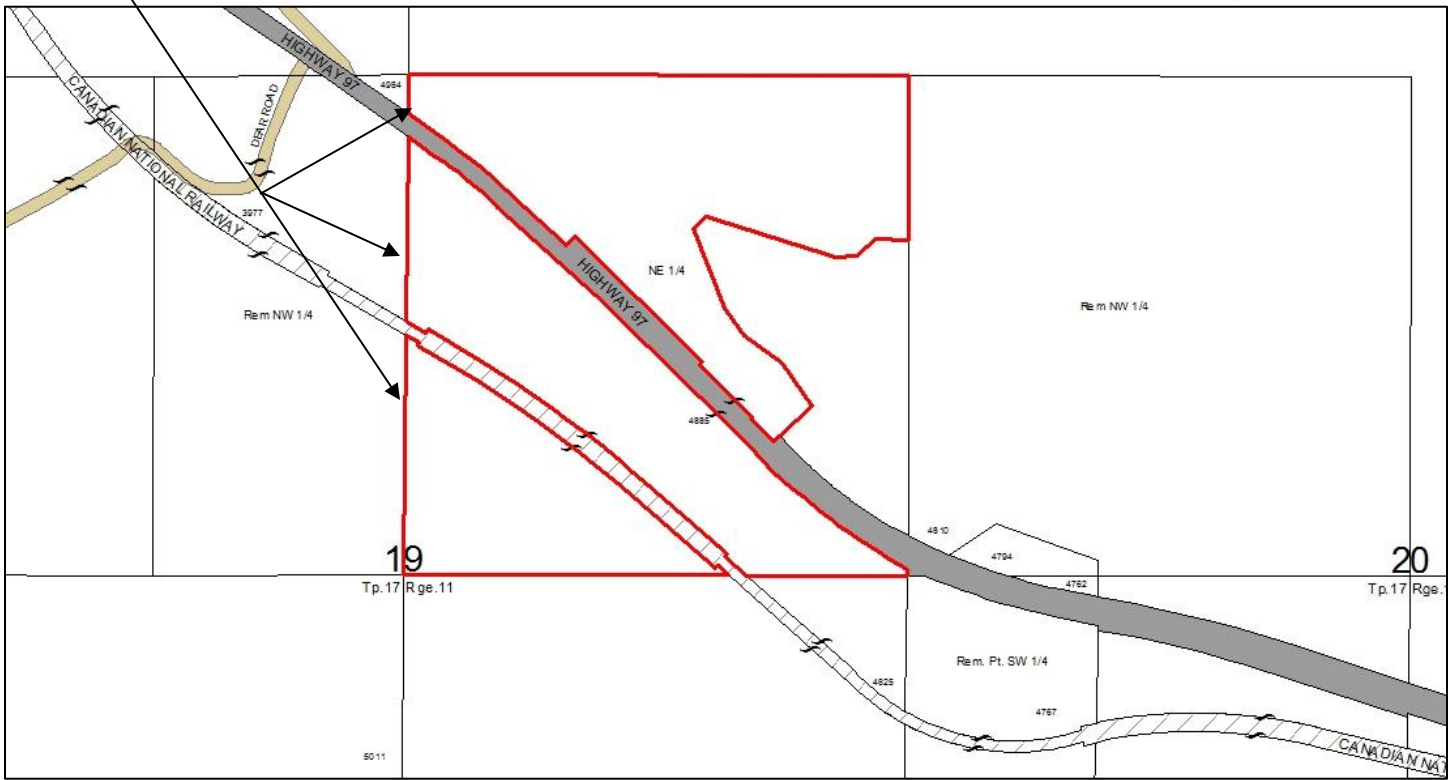
Location



Subject Property

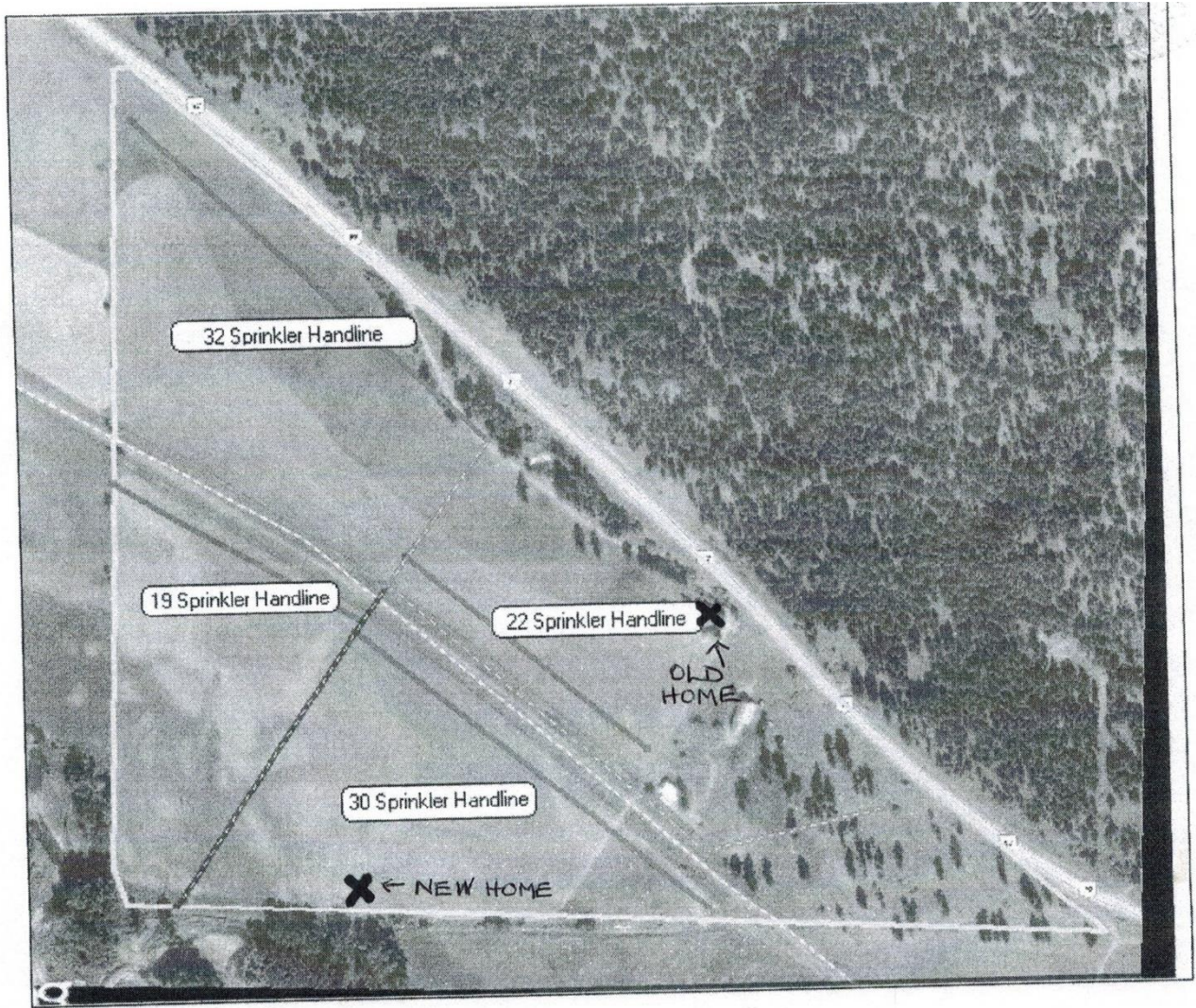


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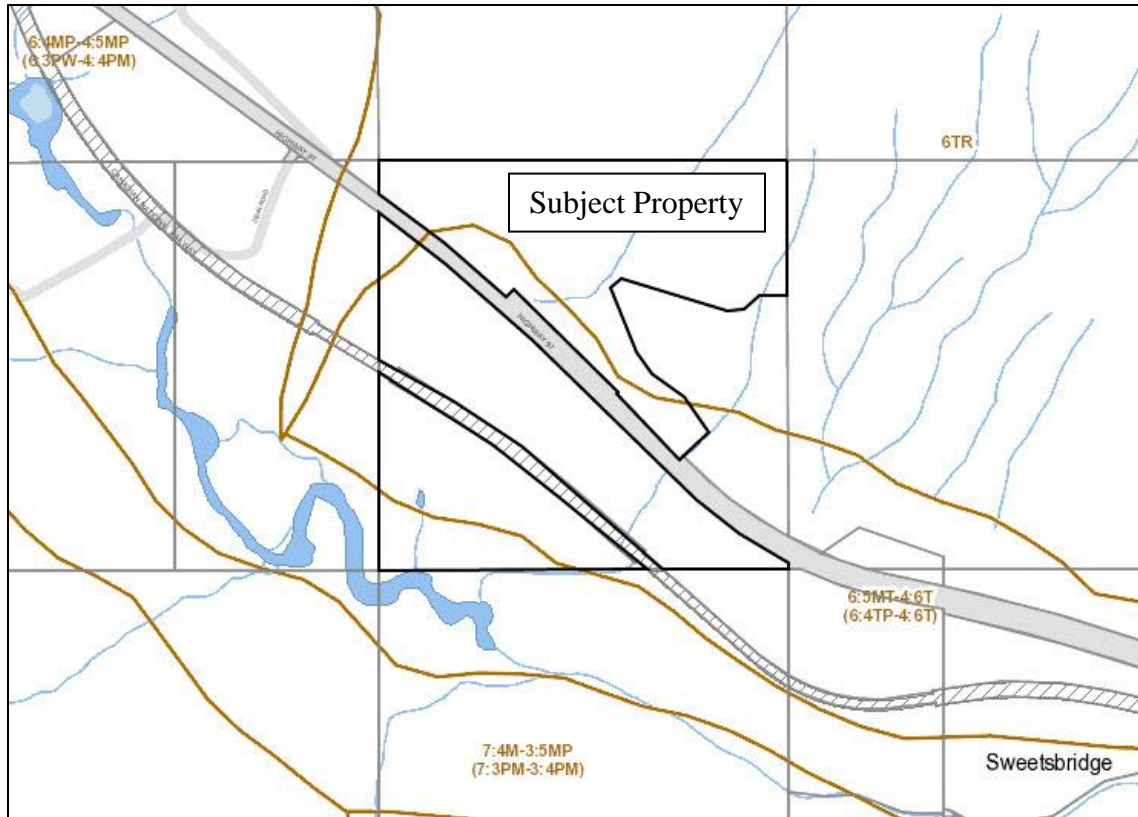


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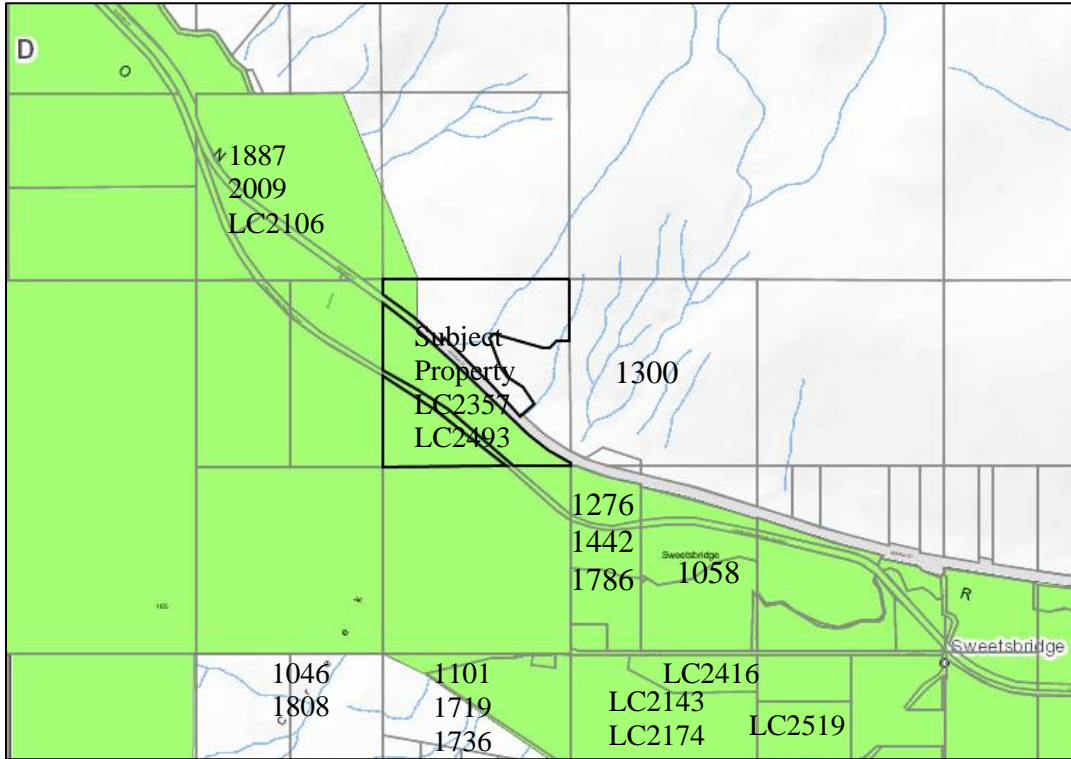
Site Plan



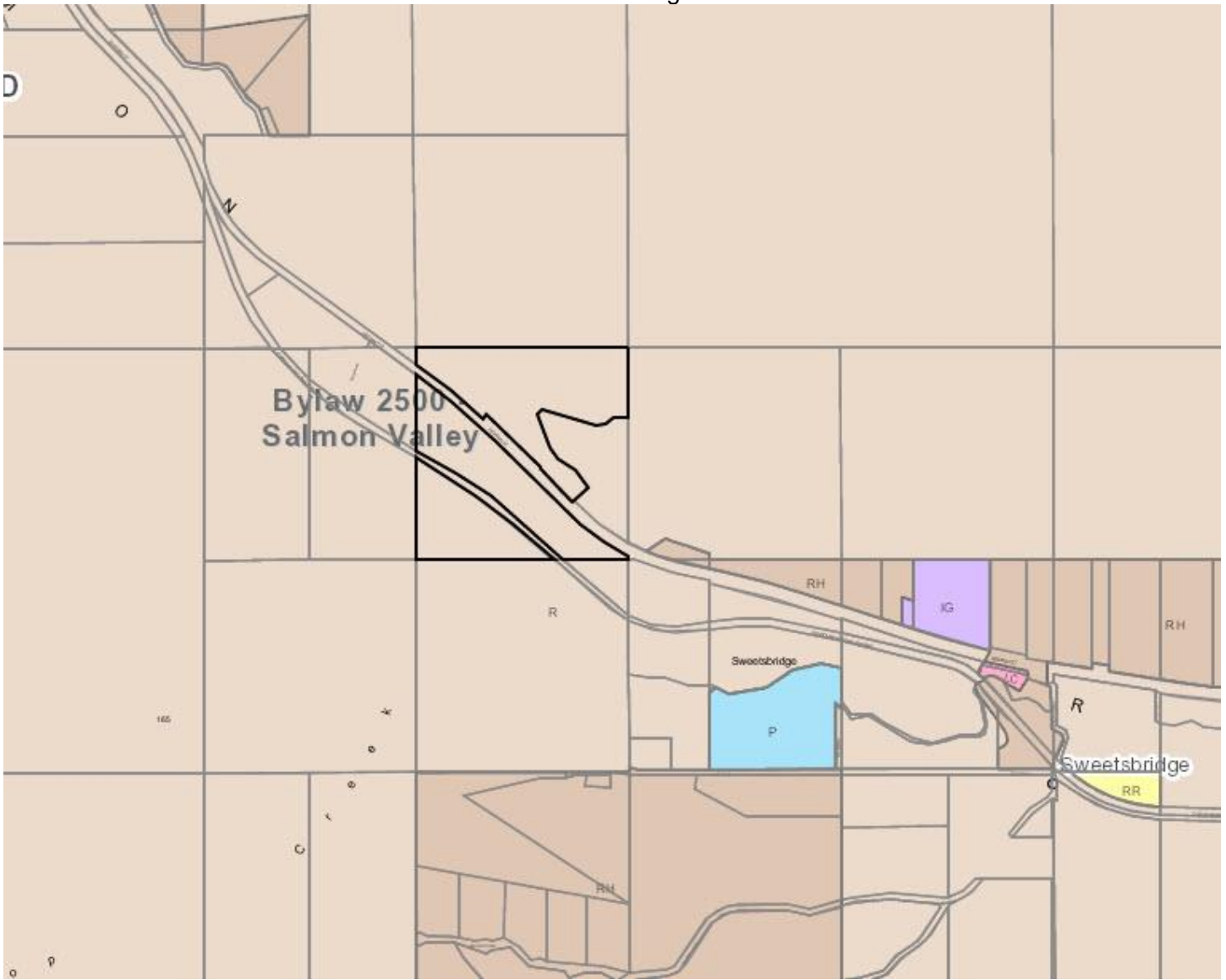
Soils



ALR/History



OCP/Zoning



Orthophotograph (Bing maps)



Photos (2014)



Facing southwest from Highway 97 at the "old" house and "new" house in the background



Facing northwest at the "old" single family dwelling



Facing north at the fifth wheel



Facing south at the foundation of the "new" single family dwelling



Facing north at the existing single family dwelling, Highway 97, and the CN Railway



Facing northeast at the "old" single family dwelling and farm buildings from the "new" single family dwelling

Photos (from listing)



Facing south at the "new" single family dwelling



Facing northwest at the "old" single family dwelling currently decommissioned



Agricultural buildings on the property