



BOARD REPORT

TO: Chair and Directors

File No: LC2550D
PL2018000003

SUBJECT: Electoral Area D: Agricultural Land Commission (ALC) Application Section 20(3) – Non-Farm Use LC2550D (Brownell)

DESCRIPTION: Report from Candice Benner, Development Services Assistant, dated March 8, 2018.
5347 Highway 97, Falkland

RECOMMENDATION: THAT: Application LC2550D, The North 80 Acres of the South West ¼ of Section 36, Township 17, Range 12, W6M KDYD, Except that Part Colored Pink on Plan A319 and Plan KAP55591, be forwarded to the Agricultural Land Commission recommending approval this 29th day of March, 2018.

SHORT SUMMARY:

The property is located in the Falkland Area of Electoral Area 'D'. The owners wish to build an accessory building on the property that includes a barn and a ground level dwelling unit. There is already an existing single family dwelling on the property and, therefore, this new dwelling unit will be a second dwelling and requires a non-farm use application. The owners intend to operate a "bed, bale, and breakfast" vacation rental from the new dwelling unit and may require a non-farm use application for this use as well.

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"/>
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BACKGROUND:

REGISTERED OWNER(S):
Patrick Brownell
Susan Brownell

APPLICANT:
Susan Brownell

ELECTORAL AREA:
D

CIVIC ADDRESS:
5347 Highway 97N, Falkland

LEGAL DESCRIPTION:

The North 80 Acres of the South West ¼ of Section 36, Township 17, Range 12, W6M KDYD, Except that Part Colored Pink on Plan A319 and Plan KAP55591

PID:

011-952-768

SIZE OF PROPERTY:

24.879 ha

OCP/Zone:

Salmon Valley Land Use Bylaw No. 2500, R-Rural

CURRENT USE:

Single family dwelling, 13 ha –forage, 16 cow/calf pairs, hay

PROPOSED USE:

Continue current uses, second dwelling, "bed, bale, barn" vacation rental of the second dwelling

AGRICULTURAL LAND RESERVE:

97%

FARM STATUS:

Yes

SURROUNDING LAND USE PATTERN:

North = Agriculture/Farm, pasture

South = Agriculture/Farm, sheep, hay

East = Highway 97N, CN Rail, Agriculture/Farm, hay

West = Agriculture/Farm, Crown land

ALC INFORMATION (provided by applicant):

2006- supply water and power to the cattle and barn and installed auto watered for the cattle. Built corrals for the horses.

2007-fenced the riparian area to keep the cattle out of the river.

2008- rebuilt the cattle pens

2009-fence and crossed fenced pasture for better pasture management.

2010- upgraded the irrigation system by installing a wheel line type system on the hay fields. We also undertook a riverbank restoration project in conjunction with the Salmon River Enhancement Society.

2011-completed the fence at the rear boundary of the property.

2012- installed cattle handling facilities, to better able to process the animals.

2016- replace irrigation pump

2017- cultivate and reseed 50% of our hay fields.

SOIL CAPABILITY:

See "Maps_Plans_LC2550D.pdf" attached.

The eastern portion of the property has Class 4 soils with moisture as limiting factors; these soils can be improved to 60% Class 3 and 40% Class 4 with stoniness and topography as limiting factors.

A portion of the parcel is 60% Class 4 and 40% Class 5 soils with moisture and stoniness as limiting factors; these soils can be improved to 60% Class 3 and 40% Class 4 with moisture and excess water as limiting factors.

A portion of the parcel has Class 5 soils with moisture as a limiting factor and can be improved to Class 4 soils with stoniness and topography as limiting factors.

The south west corner of the parcel has Class 6 soils with topography as a limiting factor and cannot be improved.

HISTORY:

See "Maps_Plans_LC2550D.pdf" attached.

Historical ALC files have only been researched and labelled for the subject property and adjacent parcels.

Subject Property:

There have been no ALR applications on the subject property.

Adjacent parcels:

LC2464D: 1.6 ha lot subdivision from remainder approved

POLICY:

Salmon Valley Land Use Bylaw No. 2500

Policies

1.8.2 The policies of the Regional Board are as follows:

.1 Agricultural activities shall be encouraged on land with moderate to excellent agricultural capability in the valley bottoms;

.2 Agricultural activities shall also be encouraged to locate away from streams. If agricultural activities were located adjacent to streams, a buffer should be provided between streams and agricultural activities.

Hazardous Area

1.12.1.2 To protect against loss of life and to minimize property damage associated with flooding events the Regional Board encourages agricultural, park, and open-space recreational uses of flood prone lands. Where flood prone lands are required for development, the construction and siting of buildings and mobile homes to be used for habitation, business or the storage of goods damageable by floodwaters shall be flood proofed to those standards specified in the Salmon Valley Floodplain Management Bylaw No. 2600.

Bylaw No. 2500 does not include any policies about vacation rentals.

R – Rural

Permitted Uses:

- agricultural;
- airfield, airstrip;
- equestrian centre;
- fish farm;
- forestry;
- golf course and clubhouse;
- guest ranch;
- gun club and archery range;
- kennel;
- portable sawmill;
- single family dwelling;
- trapping;
- accessory use.

Maximum number of single family dwellings:

On a parcel with less than 2 ha in area: 1 single family dwelling per parcel

On a parcel with 2 ha or more in area: 2 single family dwellings per parcel.

Agricultural Land Commission**Agricultural Land Commission Act**

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.

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.

Agricultural Land Reserve Use, Subdivision and Procedure Regulation

Permitted uses for land in an Agricultural Land Reserve

3(1)The following non-farm uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:

- (b) for a parcel located in Zone 1,
 - (i) one secondary suite in a single family dwelling, and
 - (ii) either
 - (A) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family, or
 - (B) accommodation that is constructed above an existing building on the farm and that has only a single level;

- (d) bed and breakfast use of not more than 4 bedrooms for short term tourist accommodation or such other number of bedrooms as specified in a local government bylaw, or treaty first nation government law, applicable to the area in which the parcel is located.

FINANCIAL:

No financial implications to the CSRD. Per the CSRD Bylaw Enforcement Policy A-69, should the use of the second dwelling be approved by the ALC and the use of the second dwelling no longer be used for farm help, the complainant will be directed to contact the ALC's Compliance and Enforcement Officers.

KEY ISSUES/CONCEPTS:

The owners wish to build a detached accessory building/barn on the property with a ground floor dwelling unit; this would be considered a second dwelling unit as there is an existing dwelling on the property already.

The owners intend to use the new dwelling unit to operate a "bed, bale, and breakfast" short term rental unit which would be considered a vacation rental and is currently not permitted in the Rural zone. Eventually the owners intend to move into the second dwelling unit when their children return to the farm and move into the main residence.

The ALC requires a non-farm use application for the ground floor second dwelling unit proposed use and may require approval for the proposed vacation rental use. The ALC does permit an upper level dwelling unit within an accessory building.

If the ALC approves the second dwelling unit; the owners will need to apply to the CSRD for a bylaw amendment or Temporary Use Permit (TUP) to permit the "bed, bale, and breakfast" vacation rental use on the property.

The Salmon River runs through the subject parcel and, therefore, the parcel is within the Salmon Valley Floodplain Management Bylaw No. 2600 area. If the ALC approves this application, the CSRD will require further information regarding development and location of the new accessory building/secondary dwelling unit as part of the bylaw amendment or TUP process.

SUMMARY:

The owners are applying for non-farm use for the construction of a second dwelling unit within an accessory building as well for vacation rental use of the second dwelling unit on the subject property.

Staff is recommending approval of this non-farm use in the ALR for the following reasons:

- Salmon Valley Land Use Bylaw No. 2500 permits two single family dwellings on parcels greater than 2 ha; which the subject parcel meets this requirement;
- The ALC permits an upper level dwelling unit within an accessory building; and
- The vacation rental use will require a CSRD application for rezoning or Temporary Use Permit that includes public consultation and review by the Board of Directors prior to being permitted on the subject parcel.

IMPLEMENTATION:

CSRD staff will forward the application, together with the resolution from the Board, and this staff report to the ALC for consideration. If the ALC approves the non-farm use, a rezoning or Temporary Use Permit to the Salmon Valley Land Use Bylaw No. 2500 for the vacation rental is required.

COMMUNICATIONS:

This application was not referred to APC D; this is no longer an active commission as they do not have sufficient membership to meet quorum requirements.

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.*

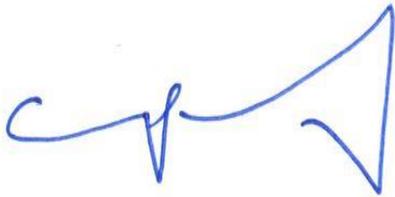
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

- Salmon Valley Land Use Bylaw No. 2500

Report Approval Details

Document Title:	2018-03-29_Board_DS_LC2550D_Brownell.docx
Attachments:	- Maps_Plans_LC2550D.pdf
Final Approval Date:	Mar 17, 2018

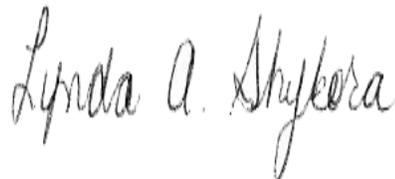
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Mar 14, 2018 - 9:05 AM



Gerald Christie - Mar 15, 2018 - 10:49 AM



Lynda Shykora - Mar 16, 2018 - 2:27 PM



Charles Hamilton - Mar 17, 2018 - 9:26 AM