

# BOARD REPORT

**TO:** Chair and Directors

**File No:** LC2534A

**SUBJECT:** Agricultural Land Commission (ALC) Application  
Section 20(3) Non-Farm Use in the ALR  
Lodestar Ventures

**DESCRIPTION:** Report from Christine LeFloch, Development Services Assistant, dated March 22, 2017. Application from Lodestar Ventures for a Non-Farm Use in the ALR (retreat centre)

**RECOMMENDATION #1:** THAT:  
Application No. LC2534A, Section 20(3) Non-Farm Use in the ALR, for The Southeast ¼ of Section 14, Township 24, Range 19, West of the 5th Meridian, Kootenay District be forwarded to the Provincial Agricultural Land Commission recommending approval this 20<sup>th</sup> day of April, 2017.

**APPROVED for Board Consideration:**

*Meeting Date: April 20, 2017*

*Charles Hamilton, CAO*

## SHORT SUMMARY:

The subject property is located in the Parson area of Electoral Area A. The owner has made application for a Non-Farm Use in the ALR in order to construct a retreat centre/guest lodge. This property is 100% within the ALR.

## VOTING:

Unweighted  
Corporate



LGA Part 14  
(Unweighted)



Weighted  
Corporate



Stakeholder  
(Weighted)



## BACKGROUND:

PROPERTY OWNER: Lodestar Ventures Ltd.

AGENT: Mark Dyck

ELECTORAL AREA: 'A' – Parson/Castledale

CIVIC ADDRESS: 4574 Graham Road

LEGAL DESCRIPTION: The SE ¼ of Section 14, Township 24, Range 19, West of the 5<sup>th</sup> Meridian,  
Kootenay District

SIZE OF PROPERTY: 64.75 ha (160 acres)

DESIGNATION: N/A

ZONING: N/A

CURRENT USE: pasture (cattle)

PROPOSED USE: Construction of a lodge and parking area to host groups of up to 45 guests for events such as family reunions, courses, meetings and retreats

**SURROUNDING LAND  
USE PATTERN:**

North: Wood lot  
 South: Agriculture (cattle grazing)  
 East: Wood lot  
 West: Agriculture (cattle ranch)

**SITE COMMENTS:**

A site visit was not done for this application. Information provided in this report is based on orthophoto interpretation and photos provided by the applicant.

The subject property is located at the end of Graham Road in the Castledale area south of Parson and is entirely within the ALR. Quinn Creek divides the property running from north to south. The creek is entrenched in a steep sided gully at the north end of the property; slopes are relatively gentle across the rest of the parcel.

The applicant also owns the adjacent parcel to the west which is used for cattle ranching. The owner cleared and reseeded 30 ha of the subject property with alfalfa/grass mix in 2016 for the purpose of creating additional pasture. Approximately 20 ha of this pasture has been fenced. The rest of the parcel (34.4 ha) is treed and approximately 12 ha of this was replanted in seedlings in May of 2016.

The application proposes construction of a hostel style guest lodge which could accommodate up to 45 guests in a group setting. It would be used for a variety of events including family reunions, weddings, short term courses, retreats etc. The proposal does not fit within the parameters of the agri-accommodation use or the policies of the ALC regarding gathering for events in the ALR, therefore a Non-Farm Use application is required.

**Land Interests in the Community:**

The applicant also owns Lot A, Section 14, Township 24, Range 19, W5M, Plan 15399, located at 4330 Spence Road. This 97 ha parcel is located immediately to the west of the subject property and is used for agriculture (cattle ranch). This is shown graphically on the orthophoto (attached).

**Soils Capability:**

Canada Land Inventory mapping indicates that the subject property is divided into five different soil capability ratings. These are described below.

} Soils on the east side of the property are 50% Class 4 with stoniness as a limiting factor and 50% Class 5 with stoniness and topography as limiting factors. Class 4 soils are low to fair in productivity for a fair range of crops but may be highly productive for a specially adapted crop. See below for Class 5 information.

$\begin{array}{c} P \\ 4 P - 5 T \\ \left( \begin{array}{c} 4 P \end{array} \right) \end{array}$	
$\begin{array}{c} P \\ 5 T \\ \left( \begin{array}{c} P \\ 5 T \end{array} \right) \end{array}$	} Soils in the majority of the eastern portion of the property are Class 5 with topography and stoniness as limiting factors. Class 5 soils have severe limitations but are capable of producing perennial forage crops. These soils are not improvable.
$\begin{array}{c} T \\ 6 P \\ \left( \begin{array}{c} T \\ 6 P \end{array} \right) \end{array}$	} Soils on either side of Quinn Creek and spreading out across the southern portion of the property are Class 6 with topography and stoniness as limiting factors. They are not improvable.
$\begin{array}{c} T \quad T \\ 7 C - 6 P \end{array}$	} Soils in the northwest corner of the property are Class 6-7. Class 7 soils have no capacity for arable culture or permanent pasture.
$\begin{array}{c} P \quad P \\ 5 T - 4 M \\ \left( \begin{array}{c} P \\ 5 T - 3 P \end{array} \right) \end{array}$	} Soils in the northeast and southeast corners of the property are 80% Class 5 and 20% Class 4. The Class 4 soils are improvable to Class 3. Stoniness, topography and soil moisture deficiency are noted as limitations.

**History:** There have been a few ALC applications made in the immediate area and a few non-farm use applications over a slightly broader area which have been included here. See ALR/History Map. In the general area to the northwest there have been a number of subdivision applications as well, however they have not all been included in this list.

- #1083 (1975) ALC approved subdivision of a 22 acre lot to be used for climbing, hiking and a small log cabin.
- #1401 (1978) ALC refused a subdivision for 4 lots because the Commission felt that the property and surrounding area has potential for grazing uses and must be maintained in large parcels if their agricultural potential is to be reached.
- #1511 (1978) ALC refused exclusion of the property because it is surrounded by ALR lands. Allowed a subdivision for a 27 ac parcel and remainder. (1978) reconfirmed refusal of exclusion, but allowed a 6 lot subdivision of no less than 20 ac each. (1980) approved a revised subdivision plan for 3 lots. (1982) approved a revised subdivision plan for 4 lots.
- #1803 (1982) Approved application to use approximately 0.8 ha of the property as a building site for log homes.
- #2076 (1990) ALC refused a 3 lot subdivision, however approved an inclusion proposal (1991) allowed a revised subdivision of 3 lots subject to the inclusion (1994) Owners withdrew application to include lands into the ALR thereby stopping the subdivision process. (1999) ALC

approved a reconfiguration of the subdivision previously approved and allowed a subdivision of two lots north of Hwy 95 and the remainder.

**POLICY:**

**OCP and Zoning:**

Electoral Area A does not have an Official Community Plan and the subject parcel is without zoning regulation.

**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.

**Agricultural Land Reserve Use, Subdivision, and Procedure Regulation**

Application must be filed with local government or treaty first nation government:

Part 10 – Applications for Non-Farm Use or Subdivision of Agricultural Land

Section 29(1) an owner of agricultural land who wishes to use that land for non-farm use or who wishes to subdivide that land may apply for permission under section 20 or 21 of the Act.

**FINANCIAL:**

There are no financial implications to the CSRD with respect to this application.

**KEY ISSUES/CONCEPTS:**

The subject property is part of a larger working ranch owned by the same company. The property contains a variety of soil classification areas ranging from Class 4 (improvable to Class 3) to Class 7. The owners have recently done significant work to create pasture areas on the more productive areas of the parcel which are intended to be used for cattle grazing. The guest lodge is proposed to be located on one of the areas rated as Class 5. The owner has noted that this location was chosen due to the outstanding views of the surrounding area.

The applicant notes that the lodge and parking would utilize approximately 2 acres of the 160 acre parcel. The parcel does not currently have any dwellings or other farm buildings located on it and as noted, is in the process of being developed for ranching use. Access to the parcel is via Graham Road which is a dedicated road off of Highway 95, becoming a Section 42 road ending at the southern boundary of the subject property.

The applicant has noted that the proposal supports agriculture in that it will provide a secondary source of income to an existing ranch that will help to improve the long term viability of the ranching operation.

Electoral Area A of the CSRD does not have an Official Community Plan and the subject parcel is not subject to a zoning bylaw. As such there are no local government policies or regulations applicable to the proposed use of the parcel.

### **SUMMARY:**

Development Services staff is recommending approval of application LC2534A for Non-Farm Use in the ALR for the following reasons:

- The proposed Non-Farm Use would use only a very small area of the overall farm operation;
- The proposed Non-Farm Use would have very little impact on adjacent properties or the current agricultural use of the subject parcel; and
- Currently, there are no land use policies or regulations for this area that would restrict the proposed non-farm use.

### **IMPLEMENTATION:**

If the ALC allows the proposed non-farm use, the owners will be able to construct the proposed guest lodge on the property.

### **DESIRED OUTCOMES:**

That the Board endorse the staff recommendation.

### **BOARD'S OPTIONS:**

1. *Endorse the staff Recommendation. Application LC2534A will be sent to the ALC with a recommendation of approval.*
2. *Forward a recommendation of refusal to the ALC.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

### **COMMUNICATIONS:**

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

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

1. Maps: Location, Site Plan, Property Ownership/Orthophoto, Slopes, Agricultural Capability, ALR History, Farm Designation
2. Photos
3. Construction drawings of lodge
4. Application (Available from staff)

**Report Approval Details**

Document Title:	2017-04-20_Board_DS_LC2534A_LodestarVentures.docx
Attachments:	- LC2534A Lodestar Ventures - Maps.docx - LC2534A Lodestar Ventures - Photos.docx - LC2534A Lodestar Ventures - architectural drawings.docx
Final Approval Date:	Apr 10, 2017

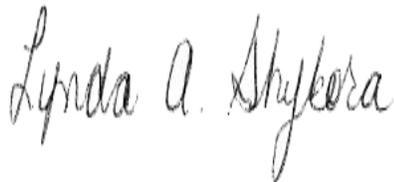
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Apr 7, 2017 - 2:08 PM**



**Gerald Christie - Apr 7, 2017 - 4:04 PM**



**Lynda Shykora - Apr 10, 2017 - 11:54 AM**



**Charles Hamilton - Apr 10, 2017 - 1:19 PM**