

BOARD REPORT

TO: Chair and Directors

File No: LC2544A
PL20170000203

SUBJECT: Electoral Area A: Agricultural Land Commission (ALC) Application
Section 20(3) – Non-Farm Use LC2544A

DESCRIPTION: Report from Candice Benner, Development Services Assistant, dated
May 25, 2018.
2625 Highway 95, Nicholson

RECOMMENDATION: THAT: Application No. LC2544A, Section 20(3) Non-farm use in the ALR,
for Parcel A (see W3242) of the south 1/2 of the southwest 1/4 of Section
16, Township 25, Range 20, W5M, Kootenay District, Except Part
included in Plan 17383 be forwarded to the Provincial Agricultural Land
Commission recommending approval, on this 21st day of June, 2018.

SHORT SUMMARY:

The subject parcel is located in Nicholson in Electoral Area A. This is a non-farm use within the ALR application. The ALC contacted the subject property owners indicating that some of the existing uses, including business support to "Columbia Wetlands Outpost" for the parcel to the north (LC2543A Teasdale) and business operation of "Columbia Wetland Adventures" for passive recreation activities and three single family dwellings on the subject parcel, are not permitted within the ALR and require a non-farm use application.

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

REGISTERED OWNER(S):
Christopher Teasdale
Maureen Teasdale

APPLICANT:
Mark Teasdale

ELECTORAL AREA:
A

LEGAL DESCRIPTION:
Parcel A (see W3242) of the south 1/2 of the southwest 1/4 of Section 16, Township 25, Range 20, W5M, Kootenay District, Except Part included in Plan 17383

PID:
006-389-376

SURROUNDING LAND USE PATTERN:

North = LC2543A Teasdale (Columbia Wetlands Outpost business, tourist accommodation, tours, special events, agriculture)

South = Agriculture, residential

East = Agriculture, treed, vacant

West = Columbia Wetlands

PARCEL SIZE:

20.8 ha

CURRENT USE:

1. Business support for Columbia Wetlands Outpost
2. Commercial business and operation of Columbia Wetland Adventures
3. 3 single family dwellings (Farm House, Farm-help, Manufactured Home)
4. Hay production and livestock pasture
5. Aquaculture
6. Silviculture

PROPOSED USE:

1. Business support for Columbia Wetlands Outpost
2. Commercial business and operation of Columbia Wetland Adventures
3. 3 single family dwellings (Farm House, Farm-help, Manufactured Home)
4. Hay production and livestock pasture
5. Aquaculture
6. Silviculture

DESIGNATION:

N/A

ZONE:

N/A

AGRICULTURAL LAND RESERVE:

98%

See "Maps_Plans_Photos_LC2544A.pdf" attached.

SOIL CAPABILITY:

See "Maps_Plans_Photos_LC2544A.pdf" attached.

According to the Canada Land Inventory mapping, approximately 10% of the property is 60% Class 6 and 7 soils with excess water by inundation with streams and lakes as limiting factors; soils not improvable.

Approximately 5% of the property is classified as excess wetland.

65% of the property is Class 4 soils with topography and fertility as limiting factors; soils not improvable.

25% of the property is 80% Class 6 soils with topography and stoniness as limiting factors and 20% Class 7 with stoniness as a limiting factor; soils not improvable.

HISTORY:

There is another ALC file (LC2543A) currently being processed for the property to the north and which is also on the June 21, 2018 Board agenda. There have been no other ALR applications on or adjacent to the subject property.

SITE COMMENTS:

The subject parcel is located along Highway 95 in Nicholson. It is separated into three areas divided by both Highway 95 and CP railway. Approximately 98% of the parcel is in the ALR; portions of this is within the Columbia Wetlands and other areas are densely treed, with the rest within the ALR being used for hay field, livestock pasture and aquaculture. The area within the ALR also has three single family dwellings, with a portion of one of the dwellings being used as business and office space.

The southwest portion of the parcel located within the Columbia Wetland (and within the ALR) is being used for boat mooring, parking, and an interpretive walking trail and boardwalk has been constructed.

Surrounding properties include residential and agricultural uses; most surrounding properties are either entirely or partially within the ALR.

POLICY:

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

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

The subject parcel is being used for commercial operation of Columbia Wetland Adventures business and office support for Columbia Wetlands Outpost business (property to the north, LC2543A), in conjunction with agricultural use. The Agricultural Land Commission contacted the owners in July 2017 indicating that the non-farm uses on the property are not permitted in the ALR and the owners were directed to make a non-farm use within the ALR application.

The agricultural uses on the property include hay fields, livestock pasture, and aquaculture for stocking trout.

The non-agricultural commercial uses include:

1. Commercial operation of Columbia Wetland Adventures –includes seasonal passive recreation opportunities for the public, educational tours and fieldtrips of the Columbia Wetland;
2. Business support/office space for Columbia Wetlands Outpost business, which is operated on the property to the north –this office space is located within the existing farm house; the applicant has indicated that this space is 93 m²; the ALC permits 100 m² of home occupation space within its regulation. The remainder of the dwelling is occupied by the owner.

A significant portion of the subject parcel is located within the Columbia Wetland or with Class 6 and 7 soils. The portion of the parcel with Class 4 soils is currently being used for agricultural hay fields,

aquaculture, and pasture. The owners have indicated they have invested in irrigation and farm equipment with intentions of improving the agriculture capability and operation of the parcel in future.

The applicant has provided a detailed letter and sketch regarding the current operation, see "Applicant_letter_LC2544A.pdf" and "Maps_Plans_Photos_LC2544A.pdf" attached. The applicant also submitted 2 letters of support with the application; these letters are from College of the Rockies and Tourism Golden; see "Letters_Support_LC2544A.pdf" attached.

There are currently 3 single family dwellings on the subject parcel; including a farm house (2012), farm-help accommodation (1960's), and a manufactured home (2006). The farm house is currently being used as a single family dwelling for the owners and for business use, the farm-help accommodation is being used by current farm help and seasonal workers, and the manufactured home is being used by immediate family. The ALC normally requires a non-farm use application for any additional dwellings beyond one single family dwelling and therefore, the 2 additional dwellings are included for review in this non-farm use application.

CSRD staff requested servicing information regarding the dwellings as well as further information regarding servicing facilities for guests of their Columbia Wetland Adventures operation. Staff have received a Record of Sewerage for the farm house and the applicant has indicated that the subject property has a domestic surface water license. The applicant also indicated that guests of the Columbia Wetlands Adventures have access to the facilities in the farm house.

The ALC may consider sending a referral to Interior Health Authority for their comments and guidance regarding servicing for the single family dwellings located on the subject property.

CSRD staff recommended that the applicant contact Ministry of Transportation and Infrastructure regarding the potential requirement for a commercial access permit and that they should contact CP Rail regarding the railway crossing that is used by staff and guests to access the Columbia Wetland area of the property.

SUMMARY:

Development Services staff is recommending that the Board send a recommendation of approval for the commercial non-farm uses on the subject parcel to the ALC for the following reasons:

- The commercial Columbia Wetlands Adventures non-farm use business (pathways, boardwalk, tours, etc.) is operated on that portion of the subject property that is within a wetland and is not available for agriculture;
- The parking area for guests is open space and the applicant has indicated that no improvements for parking is intended and could be returned or used for agricultural practice;
- The office support space for Columbia Wetland Adventures and Columbia Wetlands Outpost is located within the existing farm house and the applicant has indicated that its area is 93m² which is within the 100m² home occupation size limit permitted by the ALC within its regulation.
- The additional dwellings appear to be used by family and farm-help, with the farm house being used for owner occupation and the onsite business. It is unclear to staff with the information provided by the applicant if they are is enough farm activity to justify the need for the farm help accommodation, however, the ALC will review and make its own determination.

IMPLEMENTATION:

If the ALC approves this application, the owners will continue with their current uses and operation.

COMMUNICATIONS:

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

DESIRED OUTCOMES:

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. Agricultural Land Commission Application Package

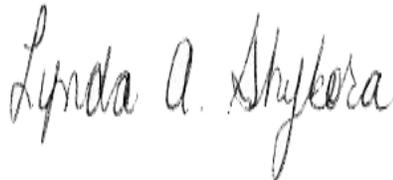
Report Approval Details

Document Title:	2018-06-21_Board_DS_LC2544A_Teasdale.docx
Attachments:	- Applicant_letter_2017-09-18_LC2544A.pdf - Letters_support_LC2544A.pdf - Maps_Plans_Photos_LC2544A.pdf
Final Approval Date:	Jun 11, 2018

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



Gerald Christie - Jun 11, 2018 - 7:38 AM



Lynda Shykora - Jun 11, 2018 - 9:20 AM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Jun 11, 2018 - 3:41 PM