



# BOARD REPORT

**TO:**

Chair and Directors

<b>File No:</b> LC2543A PL20170000201
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**SUBJECT:**

Electoral Area A: Agricultural Land Commission (ALC) Application  
Section 20(3) – Non-Farm Use LC2543A

**DESCRIPTION:**

Report from Candice Benner, Development Services Assistant, dated  
May 24, 2018.  
2581 Highway 95, Nicholson

**RECOMMENDATION:**

THAT: Application No. LC2543A, Section 20(3) Non-farm use in the ALR,  
for the north half of the southwest quarter, Section 16, Township 25,  
Range 20, W5M, Kootenay District, Except (1) Part outlined pink on RW  
Plan 1155 and (2) Part included in Plan 6772 be forwarded to the  
Provincial Agricultural Land Commission recommending approval, on this  
21<sup>st</sup> day of June, 2018.

**SHORT SUMMARY:**

The subject parcel is located in Nicholson in Electoral Area A. This is a non-farm use in the ALR application. The ALC contacted the subject property owner indicating that some of the existing uses, including a commercial operation called "Columbia Wetlands Outpost" that operates tourist accommodation and up to 20 special non-farm use events on the property, are not permitted within the ALR and require a non-farm use application.

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**VOTING:**

Unweighted  
Corporate



LGA Part 14  
(Unweighted)



Weighted  
Corporate



Stakeholder  
(Weighted)

**BACKGROUND:****REGISTERED OWNER(S):**

Wobbly Dock Holdings Ltd., INC. No. BC0863893

**APPLICANT:**

Mark Teasdale

**ELECTORAL AREA:**

A

**LEGAL DESCRIPTION:**

The north half of the southwest quarter, Section 16, Township 25, Range 20, W5M, Kootenay District, Except (1) Part outlined pink on RW Plan 1155 and (2) Part included in Plan 6772

**PID:**

016-526-538

**SURROUNDING LAND USE PATTERN:**

North = Densely treed, single family dwelling

South = Teasdale LC2544A (Columbia Wetlands Outpost, aquaculture, wetland tour business, residential, agriculture)

East = Densely treed, residential

West = Columbia Wetlands

**PARCEL SIZE:**

28.98 ha

**CURRENT USE:**

1. Tourist accommodation in single family dwelling (old farm house)
2. Retail office in single family dwelling (old farm house)
3. Seasonal rental of teepees
4. Event facility in renovated barn
5. Seasonal farm tours
6. Hay, hop, fruit tree production
7. Bee hives
8. silviculture

**PROPOSED USE: (same as current use)**

1. Tourist accommodation in single family dwelling (old farm house)
2. Retail office in single family dwelling (old farm house)
3. Seasonal rental of teepees
4. Event facility in renovated barn
5. Seasonal farm tours
6. Hay, hop, fruit tree production
7. Bee hives
8. silviculture

**DESIGNATION:**

N/A

**ZONE:**

N/A

**AGRICULTURAL LAND RESERVE:**

65%

See "Maps\_Plans\_Photos\_LC2543A.pdf" attached.

**SOIL CAPABILITY:**

See "Maps\_Plans\_Photos\_LC2543A.pdf" attached.

According to the Canada Land Inventory mapping, 5% 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.

65% of the property is Class 4 soils with topography and fertility as limiting factors; soils not improvable. 30% 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 (LC2544A) 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 65% 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 hayfields, hops and orchard. The area within the ALR also has a single family dwelling/old farm house (being used for guest accommodation and a retail office) and a barn (being used for agricultural storage and an event facility). 5 Teepees have been constructed for tourist accommodation and storage and are located in a treed area along the ALR/non-ALR boundary of the property.

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 tourist accommodation and special events, in conjunction with agricultural use. The Agricultural Land Commission contacted the owners in July 2017 indicating that the tourism 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. Staff understand that the owner was recently approved for farm status on the subject property.

The applicant has indicated that agricultural uses on the property include hay fields, hop production, and fruit orchard.

The non-agricultural uses include:

1. Temporary tourist accommodation -6 sleeping units within existing single family dwelling and 4 teepee sleeping units (4 being used for sleeping within the ALR, 1 used for storage currently located outside of the ALR).
2. Event facility in barn –seems to meet the event criteria within the ALR regulation of 150 guest limit, operating less than 24 hours per event, but requests maximum 20 events per year which exceeds current regulation which permits 10 events per year.
3. Seasonal farm tours –no permanent structures dedicated with this use.

The uses on this parcel appear to mostly be within the ALR regulation permitted uses of agri-tourism and special events.

A significant portion of the subject parcel is in Class 6 and 7 soils, with a portion within the ALR being within a wetland. The portion of the property with Class 4 soils is being used for agricultural purposes including hay, hop and fruit production.

The applicant has indicated that no additional structures have been constructed for the non-farm uses on the property; instead the existing single family dwelling (old farm house) and barn have been utilized for the agri-tourism operation.

The applicant has provided a detailed letter and site plan regarding the current operation, see "Applicant\_letter\_LC2543A.pdf" and "Maps\_Plans\_Photos\_LC2543A.pdf" attached. The applicant submitted 4 letters of support with his application; these letters are from neighbours, Tourism Golden, Golden Agricultural Society, and College of the Rockies; see "Letters-Support\_LC2543A.pdf" attached.

CSRD staff requested servicing information for the property including servicing capability for special events, servicing and location for the teepee accommodation, and water servicing and water quality information. At the time this report was submitted for the agenda, staff had not received this information from the applicant. The ALC may consider sending a referral to Interior Health Authority for their comments and guidance.

CSRD staff also recommended that the applicant contact Ministry of Transportation and Infrastructure regarding the potential requirement for a commercial access permit to Highway 95.

#### **SUMMARY:**

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

- The existing non-farm uses fit within the ALC regulation requirements for permitted non-farm uses and agri-tourism except for the maximum allowable events permitted each year;
- The uses as located and described by the applicant do not appear to negatively impact the agricultural potential of the parcel and may promote agricultural knowledge to the community through agri-tourism;
- The agricultural capability of the property is somewhat limited due to soil and wetland conditions; the portion of the property that has good agricultural capability is being used for agricultural purposes; and,
- The existing buildings are being utilized within the ALR portion of the property and no new buildings are proposed in the ALR for non-farm use activities.

Staff also recommends that the Board may consider including a recommendation to the ALC to require further information and documentation for water (quantity and quality) and septic servicing to ensure the existing and proposed activities on the subject property meet health standards for the existing public use and events being conducted on the subject parcel.

#### **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 and include a recommendation to the ALC to consider requiring additional water (quantity and quality) and septic servicing documentation to ensure that the servicing can meet the pressures and health standards for public use and events on the parcel.*
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

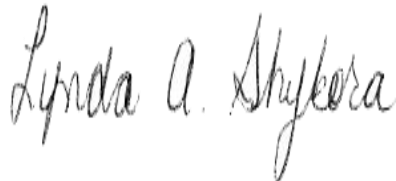
**Report Approval Details**

Document Title:	2018-06-21_Board_DS_LC2543A_Teasdale.docx
Attachments:	- Applicant_letter_2017-09-18_LC2543A.pdf - Letters_Support_LC2543A.pdf - Maps_Plans_Photos_LC2543A.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 - 7:37 AM**



**Lynda Shykora - Jun 11, 2018 - 9:16 AM**

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

**Charles Hamilton - Jun 11, 2018 - 9:55 AM**