



## Agricultural Land Commission Staff Report

**DATE:** September 8, 2009  
**TO:** Vice Chair and Commissioners - Kootenay Panel  
**FROM:** Martin Collins

**RE:** Application # 50401  
**PROPOSAL:** To use the property for non - farm uses - a three unit informal campground in addition to a principle residence.

### PROPOSAL INFORMATION

**Background:** The Commission created the subject property in 2003 along with three adjoining  
**Received Date:** 2 ha parcels fronting onto Waldo Rd.  
**Applicant:** August 14, 2009  
**Agent:** Wayne & Cynthia Jones  
**Local Government:** N/A  
Regional District of East Kootenay

### DESCRIPTION OF LAND

**PID:** 025-493-604  
**Legal Description:** Lot 2 District Lot 132 Kootenay District Plan NEP71940  
**Civic Address:** Waldo Road, Baynes Lake Area  
**Area:** 2 ha  
**ALR Area:** 2 ha  
**Purchase Date:** August 17, 2004  
**Owner:** Wayne & Cynthia Jones

**Total Land Area:** 2 ha  
**Total ALR Area:** 2 ha  
**Current Land Use:** Tree Farm / Pump House / 3 Campers w/ trailers

### PROPOSAL DETAILS

#### Non Farm Use

Area	Agricultural Capability	Agricultural Capability Source
2.0	Mixed Prime and Secondary	CLI

**Surrounding Land Uses:**

North 2 ha ALR parcel with a single family dwelling  
East Undeveloped 2 ha lots in the ALR  
South 2 ha lot with a single family dwelling.  
West Camp Ground on a large ALR parcel

**Official Community Plan**

**Bylaw Name:** No OCP exists for this area

**Designation:**

**OCP Compliance:**

**Zoning**

**Zoning Bylaw Name:** No Zoning bylaw exists in this area

**Zoning Designation:**

**Minimum Lot Size:** ha

**Zoning Compliance:**

**PREVIOUS APPLICATIONS**

**Application #:** 20473

**Applicant:** Friends of Lake Kooacanusa Society

**Proposal:** Day use public recreation area. Will include picnic areas, beach access, & boat launch.

**Decisions:**

Resolution Number	Decision Date	Decision Description
615	November 14, 2002	Allowed as proposed.

**Application #:** 14605

**Applicant:** Lloyd Sharpe

**Proposal:** To subdivide seven 2 ha lots from the 38 ha subject property. The applicant indicates that the land in question has marginal agricultural capability (i.e. could support less than a cow for seven months).

**Decisions:**

Resolution Number	Decision Date	Decision Description
740	November 24, 1999	The Commission refused the subdivision request because of concerns about precedent and increasing rural residential density in the area.

**Note:** Upon reconsideration the application was approved. One of the four approved lots is the subject property.

**Application #:** 12110

**Applicant:** Lloyd Sharpe

**Proposal:** Propose to use the farm maintenance shop as a home base for an artisan welding business. Proposed to use 1/2 of the 1500 sq ft shop that Sharpe Ranch is building.

**Decisions:**

Resolution Number	Decision Date	Decision Description
-------------------	---------------	----------------------

752

October 19, 1998

Allowed.

## RELEVANT APPLICATIONS

**Application #:** 44966

**Applicant:** Dave and Diane Wall

**Proposal:** To subdivide the 2.0 ha subject property in half to create two (2) 1.0 ha lots.

**Decisions:**  
**Resolution**

<b>Number</b>	<b>Decision Date</b>	<b>Decision Description</b>
702	September 30, 2008	Refused.

### Committee Recommendations

<b>Type</b>	<b>Recommendation</b>	<b>Description</b>
Board/Council	Refuse	The Regional District of East Kootenay Board of Directors does not support the non farm use proposal because a planning process for the Baynes Lake area is pending, and the proposed use may impact the rural residential character of the area.
Agricultural Advisory Committee	Approve	No impact on agriculture
Advisory Planning Committee	Refuse	Does not support the application because the OCP is not in place.
Electoral Area Director	Refuse	Driector Heath Slee does not support the application at this time due to the on-goin OCP review.

## STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) The 2 ha lot has very limited agricultural capability due to its small size, and varied (mixed) soils.
- 2) The proposed camping use does not appear to be for commercial purposes. The application information indicates that campsites are for the landowner's friends. However, picnic shelters have been constructed for each of the three trailer sites.
- 3) The application is not supported by the Regional Director, the local APC and the Regional Board because the arrea is undergoing an Official Community Plan review. No information is provided about the status of the OCP (i.e. its current status).

## ATTACHMENTS

50401 sketch map.pdf  
50401\_ContextMap10k.pdf  
50401\_AirphotoMap.pdf

**END OF REPORT**

**Signature**

---

**Date**

---