



**Reconsideration
Application # L – 36540
Applicant: Ritchie & Heather Braund
Agent: Focus**

DATE PREPARED: March 5, 2008

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

ORIGINAL PROPOSAL: To develop a private, not for profit, 18 hole golf course facility on the marginal portion of the two subject properties.

ORIGINAL DECISION: Refused, on the grounds that the property is a working ranch and has proven agricultural capability and that the proposal would impact agriculture.

NEW INFORMATION:

The proposal has been adjusted to mitigate the impact on the arable portion of the property by reconfiguring the golf course. Further the applicant proposes to import 60-70,000 cubic meters of topsoil to improve the soil conditions on the property. The applicant has made several improvements to the ranch property to increase its agricultural capacity and has offered to fund the development of an agriculture area plan through the RDEK.

BACKGROUND:

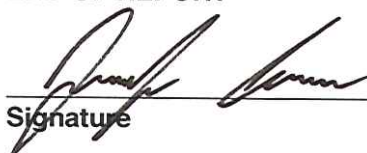
In a November 19, 2007 letter the Commission wrote the RDEK a letter requesting comment on the new information provided by the applicant. In particular, the Commission was interested in receiving comment on the compatibility of the proposal with the new OCP process for the Windermere area and the views of the regional district with regard to the offer to fund an agricultural area plan.

ATTACHMENTS:

- Letter from RDEK (January 14, 2008)
- Staff Report (October 16, 2007)

In the light of the information provided in the reconsideration request, during the site inspection and the comments from the RDEK, the Commission will need decide whether it has enough information to make a decision.

END OF REPORT



Signature

March 5, 2008

Date



REGIONAL DISTRICT OF EAST KOOTENAY

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File: P 706 506

January 14, 2008

Erik Karlsen, Chair
Agricultural Land Commission
133 - 4940 Canada Way
Burnaby BC V5G 4K6

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LAND COMMISSION

Dear Mr. Karlsen:

Re: Revised ALR Non-farm Use Application – Windermere / Braund

The RDEK Board reviewed the revised non-farm use application at its meeting on January 11, 2008. After consideration, the Board adopted Resolution 39391 in support of the revised application to create a private not-for-profit golf course facility at 1211 Windermere Loop Road in the Windermere area.

A copy of the staff report submitted to the Board is attached for your information.

This recommendation does not imply Board approval for any future development proposals.

In addition, the Board adopted a resolution to:

- encourage the developer to participate in the OCP process;
- confirm support for the offer of a restrictive covenant to prohibit future residential or commercial use or subdivision of the lands; and
- suggest that the offer to fund an agricultural plan be redirected to another form of contribution to agricultural enhancement in the area.

If you have any questions or concerns, please contact Karen MacLeod, Planner, at 250 489-0313.

Sincerely,

Andrew McLeod, Manager
Planning & Development Services

AM/bjm

Enclosures

pc: Ritchie & Heather Braund

Resolution 39391/39392

MUNICIPALITIES

CITIES: Cranbrook, Fernie, Kimberley; DISTRICTS: Elkford, Invermere, Sparwood; VILLAGES: Canal Flats, Radium Hot Springs

ELECTORAL AREAS

"A" Elkford Rural, Elk Valley, Fernie Rural, Flathead, Hosmer, Sparwood Rural, West Fernie; "B" Baynes Lake, Elko, Galloway, Grasmere, Jaffray, Newgate, Rosen Lake, Tie Lake; "C" Bull River, Cranbrook Rural, Fort Steele, Mayo, Monroe Lake, Moyie, Wardner, Wycliffe; "E" Kimberley Rural, Meadowbrook, St. Mary's Lake, Sheep Creek, Skookumchuk, Ta Ta Creek, Wasa; "F" Columere Park, Fairmont Hot Springs, Invermere Rural, Panorama, Windermere; "G" Brisco, Edgewater, Radium Rural, Spillimacheen, Wilmer



RECONSIDERATION ALR NON-FARM USE APPLICATION – Staff Report

File: P 706 506

Applicant: Ritchie & Heather Braund
Agent: Focus

Location: 1211 Windermere Loop Road, Windermere

Legal: - District Lot 1093 Kootenay District, Except (1) Part included in reference plan 102681I and (2) Parts included in Plan 6442, 7131 and 11986; and
- Lot 1, District Lots 2561 and 4596 Kootenay District Plan NEP76727.

PROPOSAL:

- The applicant has requested reconsideration by the ALC for their non-farm use application to create a private not-for-profit golf course facility, including a club house on marginal lands in the ALR.
- The two parcels are proposed to be consolidated to create a more viable agricultural unit. The applicant has reduced the amount of farmland utilized for the course from the original application. The area of disturbance is approximately 90 acres (originally 120 acres).
- The applicant proposes to import topsoil for the golf course, which would be a resource for agricultural use of the parcel.
- The applicant indicates that the previously proposed expansion of the productive hay fields with upgraded irrigation system piping and irrigation system equipment has been completed. The applicant also continues to propose the construction of a reservoir system and upgrades to the ditching system for the parcel. The upgrades will benefit the agricultural portions of the property and other licensed users along the existing irrigation ditch system.
- The applicant proposes to fund the development of an agriculture area plan through the Regional District for the valley to plan for and chart a sustainable course for agriculture.

STAFF COMMENTS:

- **Zoning:** A-2, Rural Residential (Country) Zone
- **Parcel size:** DL 1093 - 256 ac (103.6 ha); Lot 1, PL NEP76727 - 151.7 ac (61.4 ha)
- **Agricultural Capability:** Classes 4, 5 and 6 with limiting subclasses of low fertility, stoniness and topography. Portions improvable to classes 2 and 3 with limiting subclasses of a combination of soil and topography.

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▪ **Discussion:**

- Original application for non-farm use was supported by the Board in March 2006.
- The application was refused by the ALC in September 2006 due to concerns about the impact of the proposal on the existing or potential agricultural use of the property and the surrounding lands.
- The applicant submitted a request for reconsideration to the ALC in June 2007 with additional information on the redesigned golf course and the proposed improvements to the irrigation ditch system. The applicant also proposed to fund an agricultural area plan under the direction of the Regional District.
- The ALC requested comment from the Regional District in consideration of the new information. They also requested comment in relation to the compatibility of the proposal with the proposed Windermere Area OCP and the offer to fund an agricultural area plan.
 - The draft OCP does not generally support the creation of new commercial golf course development. However, the retention of large parcels, open space and the continuation of agricultural uses is encouraged on the east side of Highway 93/95.
 - The draft OCP contains policies that relate to agriculture in the Windermere area. Interest in agricultural planning for the area is recognized, however, it is a lower priority than other issues such as Lake Management. The development of an agricultural plan that is funded by an outside source would still require the allocation of staff time and resources.
- The portions of the property to be utilized for golf course would require a rezoning application. As per the original application, at the time of rezoning the applicant has volunteered to register a statutory covenant that would prohibit commercial or residential use of the parcel to ensure that the golf course is retained for private recreational purposes.

STAFF RECOMMENDATION:

That the revised application be supported, but that the offer to fund an Agricultural Plan be declined at this time due to other planning priorities in Area F and elsewhere in the region.

RDEK CONTACT:

Karen MacLeod, Planner
Phone: 250 489-0313
Email: kmacleod@rdek.bc.ca

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