



**Staff Report**  
**Application # L – 37551**  
**Applicant: Reginald Marcer, Alan and Sharon Vicker**  
**Agent: Abram Consulting Services Ltd.**

**DATE RECEIVED:** July 12, 2007

**DATE PREPARED:** October 16, 2007

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Terra Kaethler, Land Use Planner

**PROPOSAL:** Non-farm use to develop 320 sites for RV/Park Model trailers on approximately 42 ha portion of the property. The subject property is 129.5 ha in size.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The application is in the area of Lake Kookanus. The development will include 320 seasonal RV/Park Model sites, horse corals, and other common areas. A tree farm (approximately 10 ha) is proposed to be planted in the existing hay field.

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

1. PID: 011-646-331  
Sublot 4 (see 230791), District Lot 326, Kootenay District, Plan X26
2. PID: 016-333-951  
Parcel 5, District Lot 326, Explanatory Plan 114611, Kootenay District, Plan X26

**Purchase Date:**

1. July 1988
2. October 1994

**Location of Property:**

5464 and 5500 Green Road, Newgate Area

**Size of Properties:**

1. 65 ha (The entire property is in the ALR).
2. 65 ha (The entire property is in the ALR).

**Present use of the Property:**

1. Residence with a 3 bedroom modular home, 16 ha irrigated pasture, 27 head of cattle, barn, 2 hay sheds, workshop/garage.
2. Mobile Home, barn, 60 ha portion used as a pasture for two weeks for a herd of 12.

**Surrounding Land Uses:**

**WEST:** Crown Land  
**SOUTH:** United States Border  
**EAST:** Crown Land  
**NORTH:** Pasture

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82G/3

The majority of the properties are identified as having ratings improvable to 70% Class 4, 30% Class 3 with limitations of moisture deficiency and topography. Approximately 1/4 of the property is rated 70% Class 5 and 30 % Class 6.

**Official Community Plan and Designation:** N/A

**Zoning Bylaw and Designation:** N/A

**PREVIOUS APPLICATIONS:**

N/A

**RELEVANT APPLICATIONS:**

**Application #23187-0**

**Applicant:** Ministry of Environment Lands & Parks

**Decision Date:** May 04, 1989

**Proposal:** Establish a Provincial Recreation Area and develop a boat launch, parking and a 50 unit campground on 22 ha of the proposed park. Existing grazing rights were proposed to continue under the park use permit.

**Decision:** Allowed. Upon reconsideration request of April 1998, allowed expansion to 150 campsites. Upon reconsideration request of October 1998, allowed 2-story structure on a temporary foundation, to operate as the caretaker's accommodations, office, first aid/security station and a store.

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**Application #31699-0**

**Applicant:** Huisman, Harry & Elizabeth

**Decision Date:** December 10, 1997

**Proposal:** To develop the 36 ha property as a campground in two phases: 1) road construction, installation of water and sewer systems, development of 100 campsites and setup of boat launch and dock. 2) development of 100 - 200 more campsites

**Decision:** Refused based on impact on agricultural land uses in the vicinity and no perceived benefit for agriculture. Upon reconsideration request of February 3, 1999 a reduced area of campground (approx. 15 acres) on the hillside was allowed. Upon reconsideration request of February 3, 1999 a reduced area of campground (approx. 15 acres) on the hillside was allowed. Further

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**STAFF COMMENTS:**

- A presentation by R. Haddow, A.Ag; Ministry of Forests and Lands was submitted with the file titled, "Recreation Damage to Sensitive Ecosystems", which documents damage caused by ATV's in the area. The proposal states that the use of ATV's will be prohibited on the subject property, however, there is concern that the proposed development could lead to more ATV use of the surrounding lands.
- The applicant states that only minimal changes will be made to the property to construct roads, parking, RV pads and underground utilities. Nonetheless, introducing this development in a ranching area may negatively impact the surrounding agricultural uses and increase urban/rural conflicts.
- The maps stating "development area" appear different than the maps showing the conceptual plan for the proposal. The site visit can help to clarify the area for the proposal.
- The subject property generally has relatively good agricultural capability ratings and is located in an area that is being actively farmed.
- The preparation of a land use bylaw for the Lake Koochanusa area as proposed by the regional district would be helpful in determining the need for the proposed development in this location and the availability of other sites to accommodate the need.

**ATTACHMENTS:**

- ALC Map of Property
- ALC aerial photo
- Proposal by applicants
- Response by applicants to RDEK review (July 7, 2007)
- Development Area – Figure 1 and 2
- Conceptual Layout – Figure 3
- Conceptual Plan of RV area
- 6 Letters of Opposition, including petition
- Addendum from applicants regarding petition

**END OF REPORT**

  
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Signature

10/22/07  
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Date