



Agricultural Land Commission
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November 9, 2006

Reply to the attention of Gordon Bednard
ALC File: L-36540

Gordon Gamble
PO Box 608, 712D - 10th Street
Invermere, BC V1K 1K0

Dear Sir:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 560/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karsen, Chair

cc: Regional District of East Kootenay (#P706-506)
Ritchie & Heather Braund c/o Ste 2900-450-First Street, SW Calgary, AB T2P5H1

GB/lv/Encl.: Minutes
36540d1

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The majority of the property has prime agriculture capability ratings.

The Commission notes that the property is at present an operating ranch. The land has proven agricultural capability, and the Commission is concerned regarding the availability of water to the subject and surrounding properties should the project go ahead.

Assessment of Agricultural Suitability

The Commission next assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes the proposal would impact existing or potential agricultural use of the subject property and surrounding lands.

IT WAS

MOVED BY: Commissioner Monika Marshall

SECONDED BY: Commissioner Erik Karlsen

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Resolution #560/2006

THAT the application be refused.

CARRIED
Resolution # 560/2006



Staff Report
Application # L – 36540
Applicant: Ritchie & Heather Braund
Agent: Focus

DATE RECEIVED: March 13, 2006

DATE PREPARED: May 11, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To develop a private, not for profit, 18 hole golf course facility on the marginal portion of the two subject properties. Part of this development is to provide benefits and potential enhancements to the current agricultural productivity of the arable lands within the properties. These benefits would include the following:

- The proposed consolidation of the two subject properties Lot 1, Plan NEP76727 (60.7 ha) with District Lot 1093 (103.6 ha) resulting in the ranch being approximately 164 ha.
- The proposed development of a state of the art irrigation system and related storage reservoir will provide opportunities for significant enhanced and increased agricultural productivity on the property.
- The property will continue to be farmed pursuant to an agreement between the applicant and the previous owner of one of the subject properties (Wilfley Holdings Inc).

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

BACKGROUND INFORMATION:

There have been a few previous applications involving the subject properties, as noted below. However, none of these previous applications has a bearing on the current proposal.

Local Government:

Regional District of East Kootenay

Legal Description of Properties:

1. PID: 016-375-327
District Lot 1093, Kootenay District, EXCEPT 1) Part included in Reference Plan 1026811 and 2) Parts included in Plans 6442, 7131, and 11986
2. PID: 026-095-441
Lot 1, District Lot 2561 & 4596, Kootenay District, Plan NEP76727

Purchase Dates:

Remainder DL 1093: October 2005
Lot 1, Plan NEP76727: January 2006

Location of Property:

East of Windermere Lake

Size of Property:

164.3 ha (The entire property is in the ALR).

Present use of the Property:

The two subject properties have been under separate ownership until recently by the applicant. The easterly parcel (Lot 1, Plan NEP76727) was owned and operated as a farm by Wilfley Holdings Inc. for the past 15 years. The Wilfleys raised cattle, which were grazed on the property, and they conducted haying operations on approximately 8 ha. District Lot 1093 was formerly owned by Phillip DeLasalle, who rented the property to adjacent farmers. Approximately 16.5 ha of this property was hayed in the past.

Surrounding Land Uses:

WEST: Residential
SOUTH: Forested land and farm land
EAST: Rural residential
NORTH: Grazing and farm lands

Agricultural Capability:

Data Source: Agricultural Capability Map #82J/5
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

None

Zoning Bylaw and Designation:

Rural Residential (Country) Zone, 8 ha minimum lot size

PREVIOUS APPLICATIONS:

Application #30807-0

Applicant: Rogers Wireless Inc

Decision Date: August 07, 1996

Proposal: To lease a 0.11 ha area for a 200 ft high telecommunications tower and a 12 ft by 24 ft equipment shelter. The site straddles an existing road and is adjacent to a B.C. Telephone Co. communications tower site (0.2 ha) and a Shaw Telecommunications site.

Decision: The Commission allowed the proposal to lease a 0.11 ha telecommunications site.

Application #15622-0

Applicant: Delesalle, Phillippe

Decision Date: October 28, 1982

Proposal: This application proposes to split a 103.7 ha property into six 17 ha farm parcels.

Decision: The Commission refused the application on the basis that it would fragment an existing farm parcel.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board reviewed this application at its meeting on March 3, 2006. The Board adopted a resolution in support of the application for non-farm use to create a private, non-profit golf course facility.

Advisory Planning Commission

The APC for Areas F & G recommended approval of the application.

Local Government Staff

The Planning Staff indicated that a zoning amendment will be required to accommodate the golf course.

STAFF COMMENTS:

Staff has the following comments:

- The area of the property proposed for golf course development has agricultural capability ratings of Class 4, 5 and 6 with limiting subclasses of low fertility, stoniness and topography. Historically these portions of the property have not been used for agriculture.
- The proposed development of a state of the art irrigation system and related storage reservoir will be available to enhance and increase the agricultural productivity of the property.
- The applicant has an agreement with one the last owners of the property to continue the farm operation. However, over time it would be difficult to ensure that the property is continually used for agriculture.
- The applicant proposes to consolidate the two parcels into one ranching and golf course facility.

There appears to be many benefits to agriculture with this proposal. However, the proposal also demonstrates that with the necessary inputs, the subject properties could be fully utilized for agriculture. Given the complexity of this application an on-site inspection of the site is necessary.

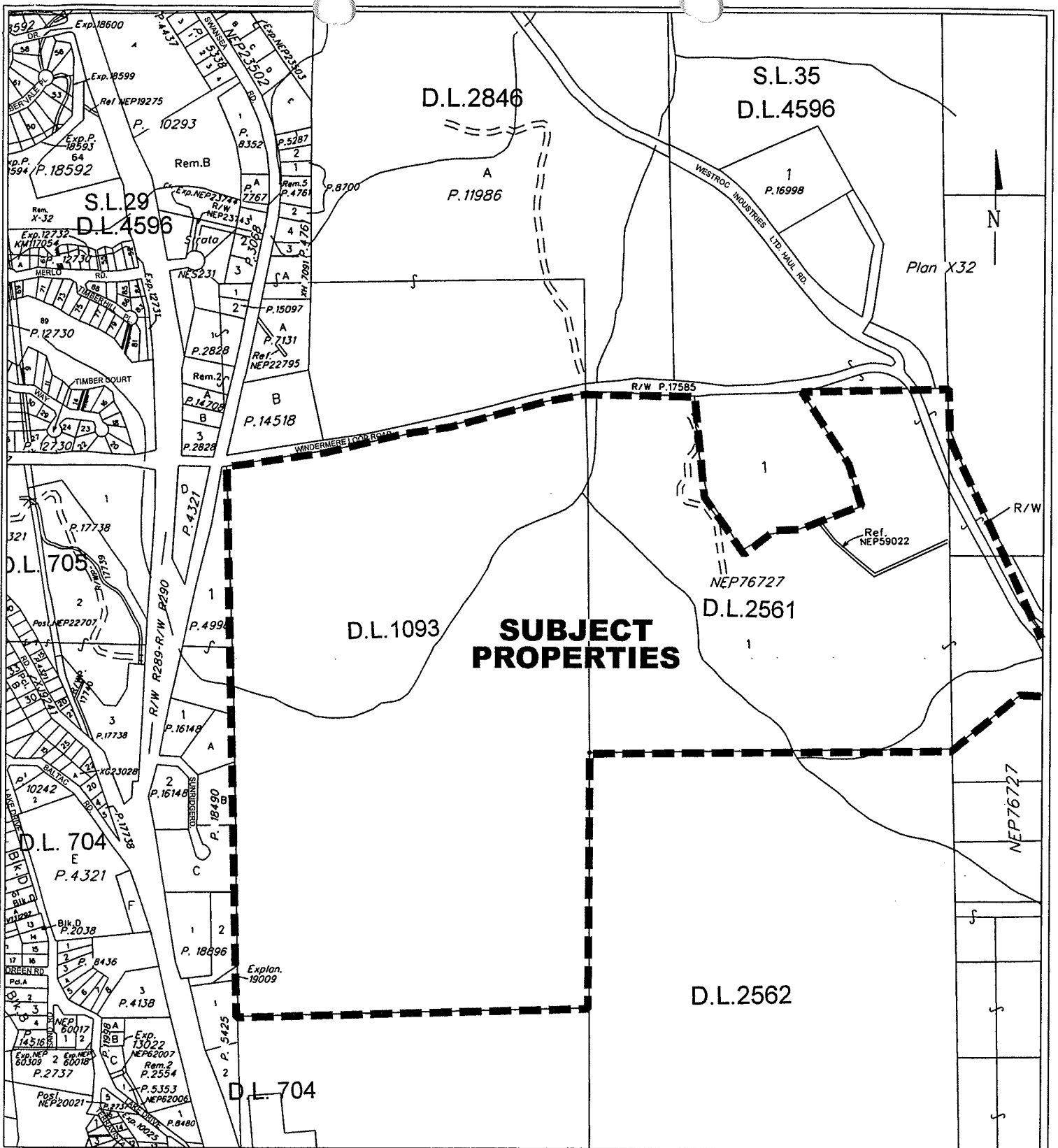
END OF REPORT

Signature



Date

19 May 2006



SUBJECT PROPERTIES

Regional District of East Kootenay
 Planning

