



Agricultural Land Commission Staff Report

DATE: June 2, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Jennifer Carson

RE: Application # 51742
PROPOSAL: Exclusion - Marcer Ranching Ltd / Lake Koocanusa

PROPOSAL INFORMATION

Background: x
Received Date: May 17, 2010
Applicant: Marcer Ranching Ltd
Agent: AECOM
Local Government: Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 024-656-976
Legal Description: Lot 1 District Lot 10348 Kootenay District Plan NEP65910
Civic Address: Kikomun-Newgate Road - Sweetwater Development on Lake Koocanusa
Area: 5.4 ha
ALR Area: 0 ha
Purchase Date: December 22, 1999
Owner: Province of British Columbia - Ministry of Crown Lands

PID: 011-799-277
Legal Description: Lot 3 District Lot 10348 Kootenay District Plan 8226
Civic Address: Kikomun-Newgate Road - Lake Koocanusa Sweetwater Development
Area: 34.6 ha
ALR Area: 0 ha
Purchase Date: August 25, 1973
Owner:

Total Land Area: 40 ha
Total ALR Area: 0 ha
Current Land Use: South Marina - existing marina operation - approx 120 slips
North Marina - Crown Land - no buildings and no uses identified
Land Tenure - Crown Land - no buildings and no uses identified

PROPOSAL DETAILS

Exclusion

Area	Agricultural Capability	Agricultural Capability Source
6.1	Secondary	CLI

Surrounding Land Uses:

North	Crown land and resort property
East	Lake Kooconusa
South	Crown land and Englishmen's Creek Campground
West	Crown land under grazing lease

Official Community Plan

Bylaw Name: There is no OCP for this area

Designation:

OCP Compliance:

Zoning

Zoning Bylaw Name: Sweetwater Zoning & Floodplain Management Bylaw

Zoning Designation:

Minimum Lot Size:

Zoning Compliance:

RELEVANT APPLICATIONS

Application #: 51622

Applicant: Craig McMorran

Proposal: Transportation, Utility Corridor Use - SweetWater Resort - Marcer Rd realignment, Terrace Road (new road), & EVA

Decisions:

Resolution

Number

Decision Date

Decision Description

Note: this is a concurrent application to allow access/emergency roads for the development.

Application #: 43663

Applicant: Marcer Ranching Ltd

Proposal: To exclude the subject property for future recreational and residential development and expansion of facilities relating to recreational use of Lake Kooconusa.

Decisions:

Resolution

Number

Decision Date

Decision Description

366

July 13, 2007

Approved subject to land use bylaw for property, a restrictive covenant to prohibit ATV's and a development plan to improve agriculture on the Newgate farm

Note: This application excluded the majority of the land for the proposed Sweetwater development.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	That the application be supported as the lands are already zoned for development.
Board/Council	Approve	Supports the application subject to treated effluent from the Sweetwater development being used to enhance local grazing opportunities on adjacent crown lands.
Agricultural Advisory Committee	Refuse	Does not support the application as presented as it will increase the size of the development footprint which will have a negative impact on agriculture and becomes precedent setting in the future.
Advisory Planning Committee	Approve	Supports the application.

STAFF COMMENTS

Staff suggests the Commission consider the following:

- The agricultural capability of the subject properties is improvable to Class 4 with the limitations of moisture deficiency and stoniness.
- In a previous application (#37121/43663) on the western adjacent property, the Commission allowed the exclusion of DL 10348 for the purpose of development. This exclusion application is required for the development to occur as planned.
- Staff requested further information from the applicants regarding a comment made by the Board requesting that the wastewater from the Sweetwater development be used for irrigating nearby grazing land. Upon receipt of this information, it will be made available to the Commissioners.

ATTACHMENTS

51742 lg report.pdf
51742 proposal.pdf
51742_AirphotoMap20k.pdf
51742_AgCapabilityMap.pdf
51742_ContextMap20k.pdf

END OF REPORT

Signature

Date