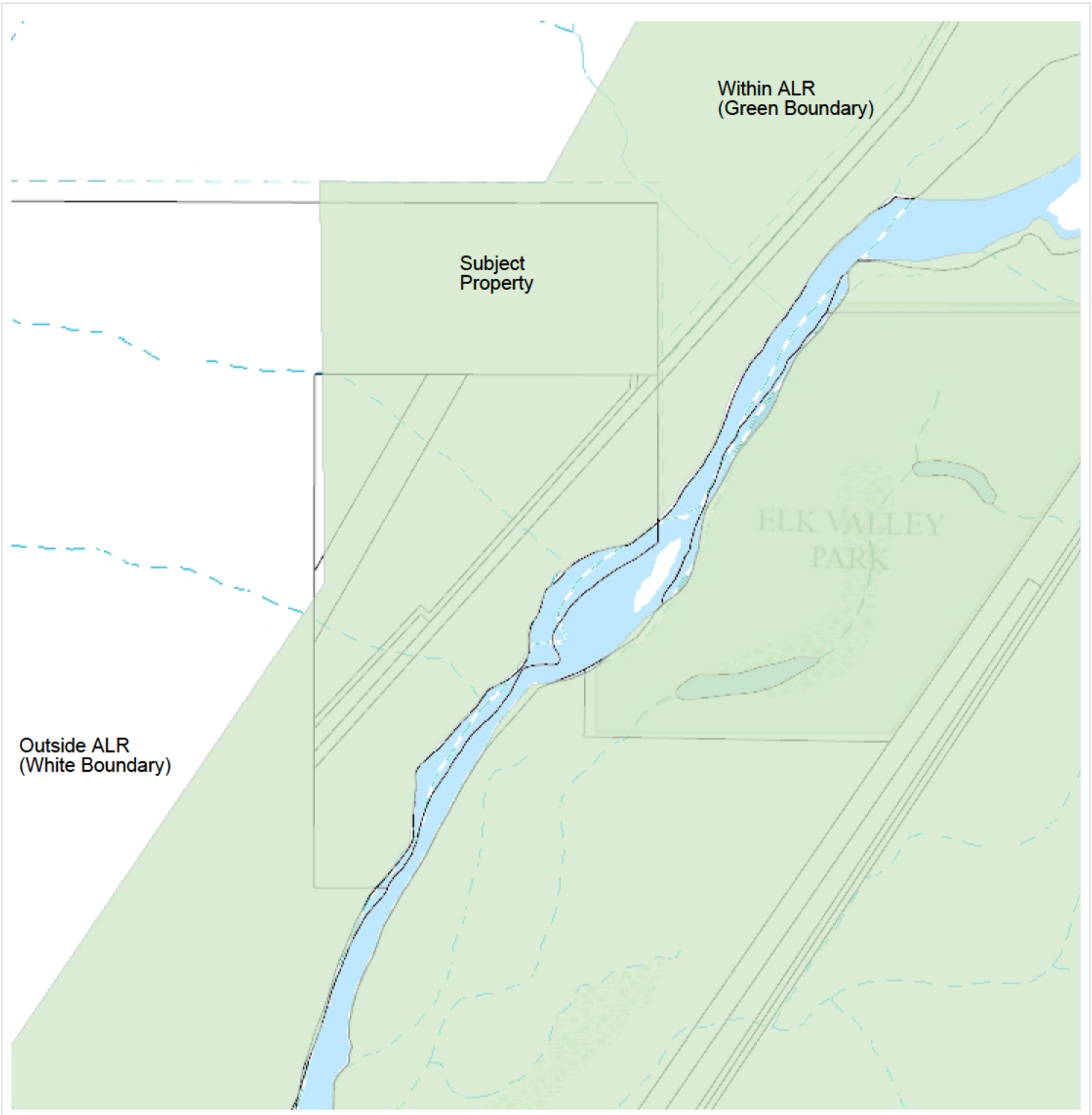
ALR Boundary Map



Notes:

500 0 250 500 Meters

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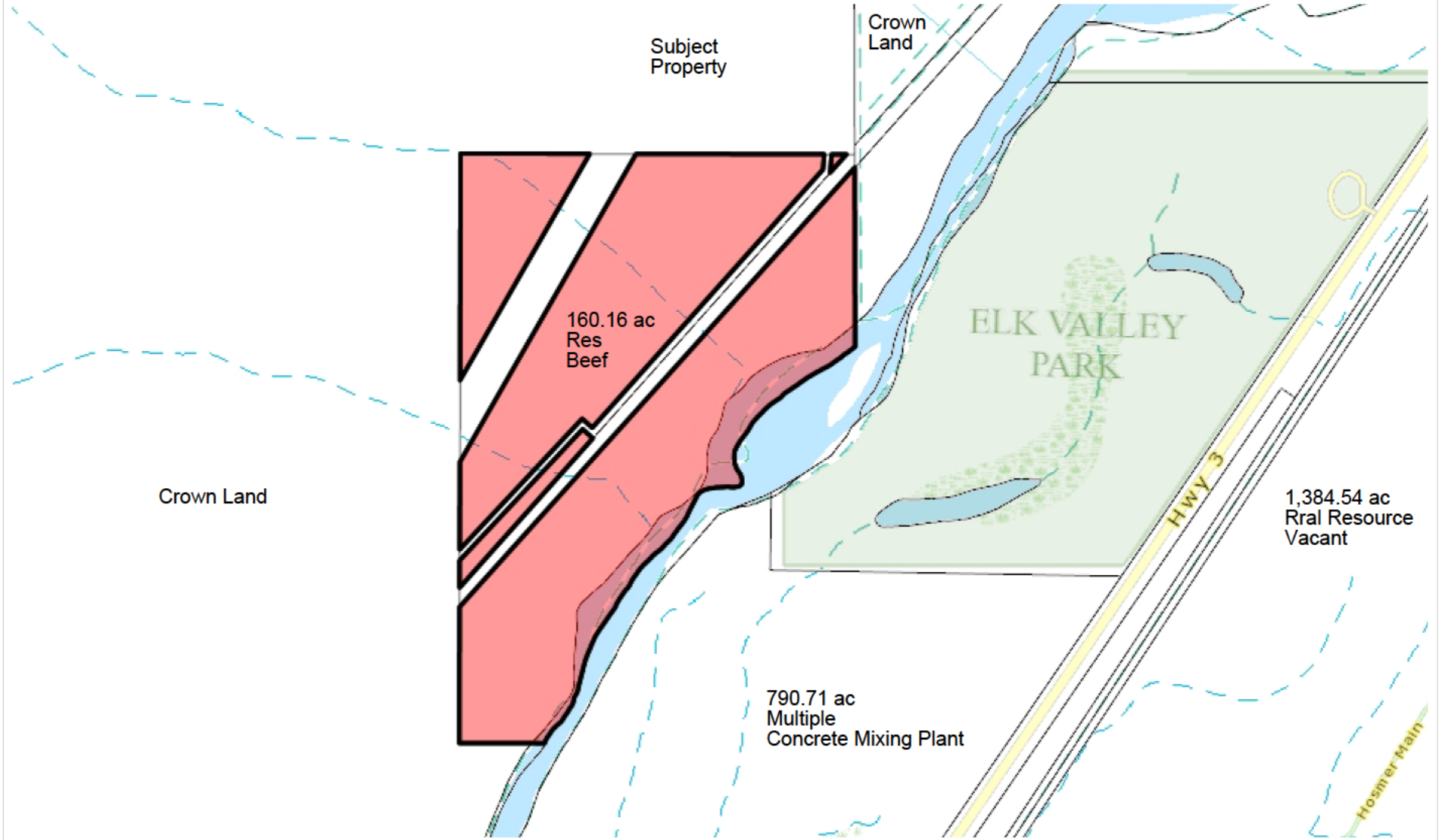
RDEK GeoViewer - 3-24-2025 5:00 PM

Scale = 1: 20,000

THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Location and Land Use Map



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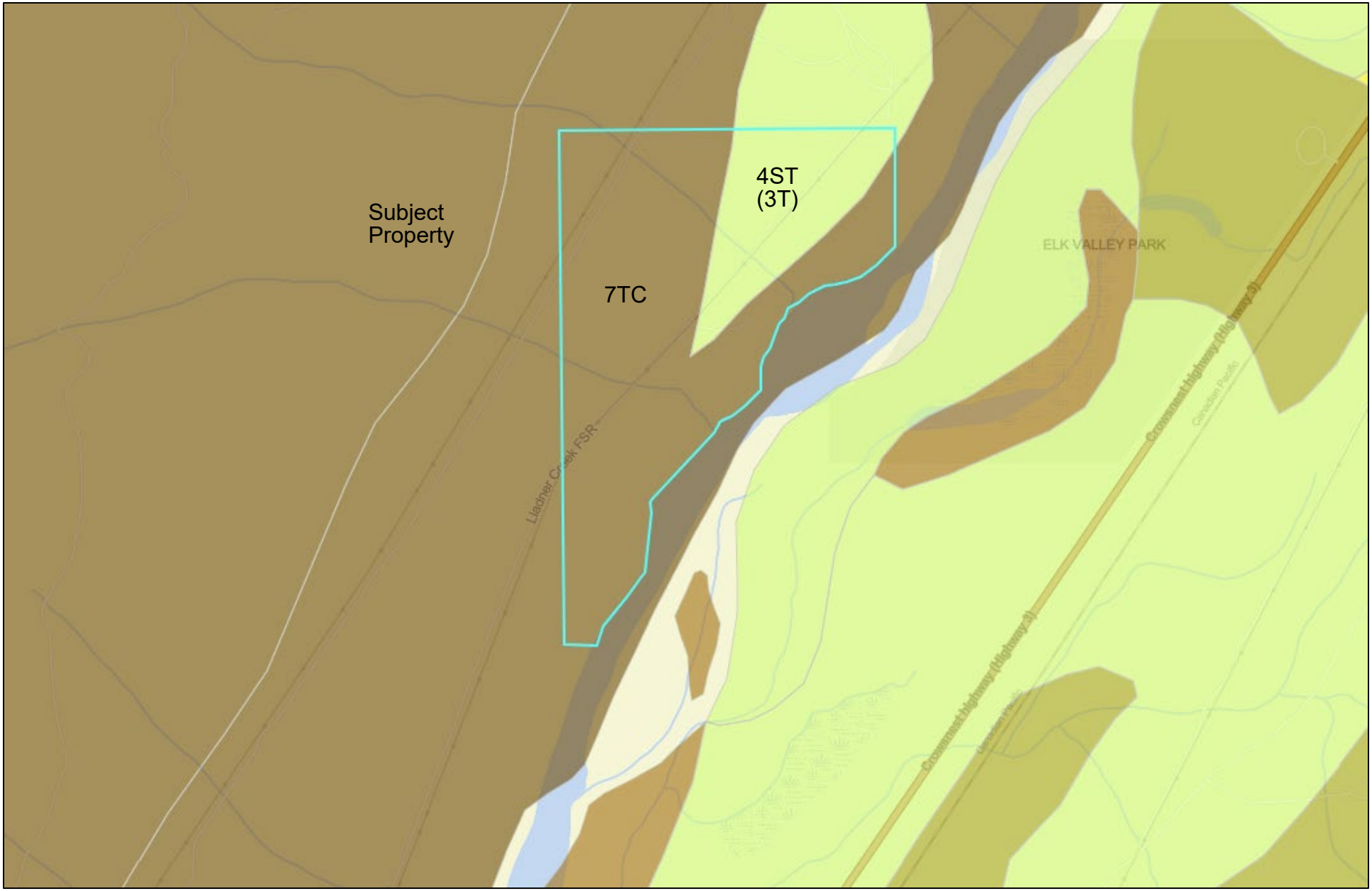
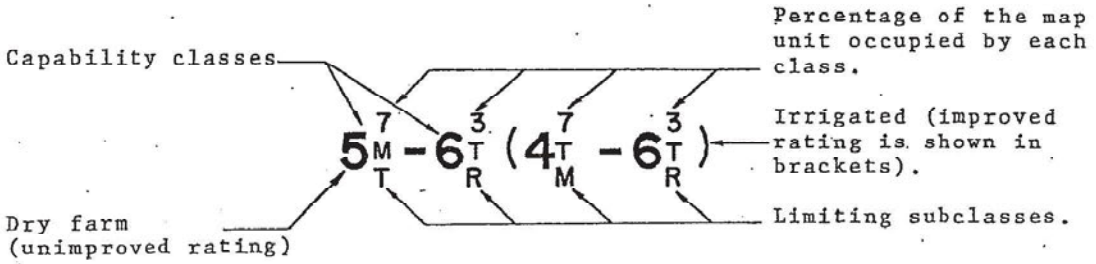
Agricultural Capability Map

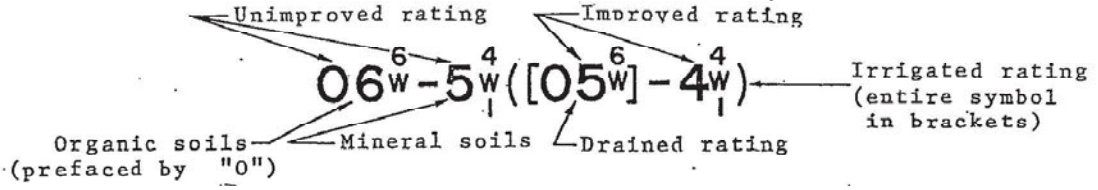


KEY FOR INTERPRETATION OF AGRICULTURE CAPABILITY MANUSCRIPT MAPS (B.C.)

There are 7 capability classes for agriculture with 1 representing the highest class and 7 representing the lowest. In some areas of the province, two ratings are shown: one for dry farming and a second for irrigated or drained (improved) conditions. The irrigated ratings are shown enclosed in round brackets while the drained ratings appear in square brackets. In all cases improved ratings have precedence over dry farm ratings.

Example Classifications





The agriculture capability classes are determined on the relative range of crops the land can produce.

a) Capability Classes

Class 1 - widest range of crops
Class 2, Class 3, Class 4 - reduced range of crops caused by a number of limiting factors (subclasses)
Class 5 - only permanent pasture or forage
Class 6 - natural grazing
Class 7 - no productivity

b) Limiting Subclasses

C - adverse climate
D - undesirable soil structure
E - erosion
F - low fertility
I - inundation (flooding)
M - moisture deficiency (droughtiness)
N - salts
P - stoniness
R - bedrock near the surface
T - topography (slope)
W - excess water
X - combination of soil factors
S - cumulative and minor adverse characteristics

Tree fruit and grape growing areas: these crops are tolerant of soil conditions that limit field crops. Steep and stonier soils in suited climates have been upgraded to accommodate the expanded range of crops. e.g. A class 5T soil dry farmed becomes a 3T irrigated in an area climatically suited to tree fruits.

Note: A more detailed 16 page manual entitled Soil Capability Classification for Agriculture is available from the Lands Directorate, Lands Forests and Wildlife Service, Department of the Environment, Ottawa, Ontario, K1A 0H3.

B.C. Land Inventory, Victoria May, 1973

Zoning Designation Map

Notes:

375 0 188 375 Meters

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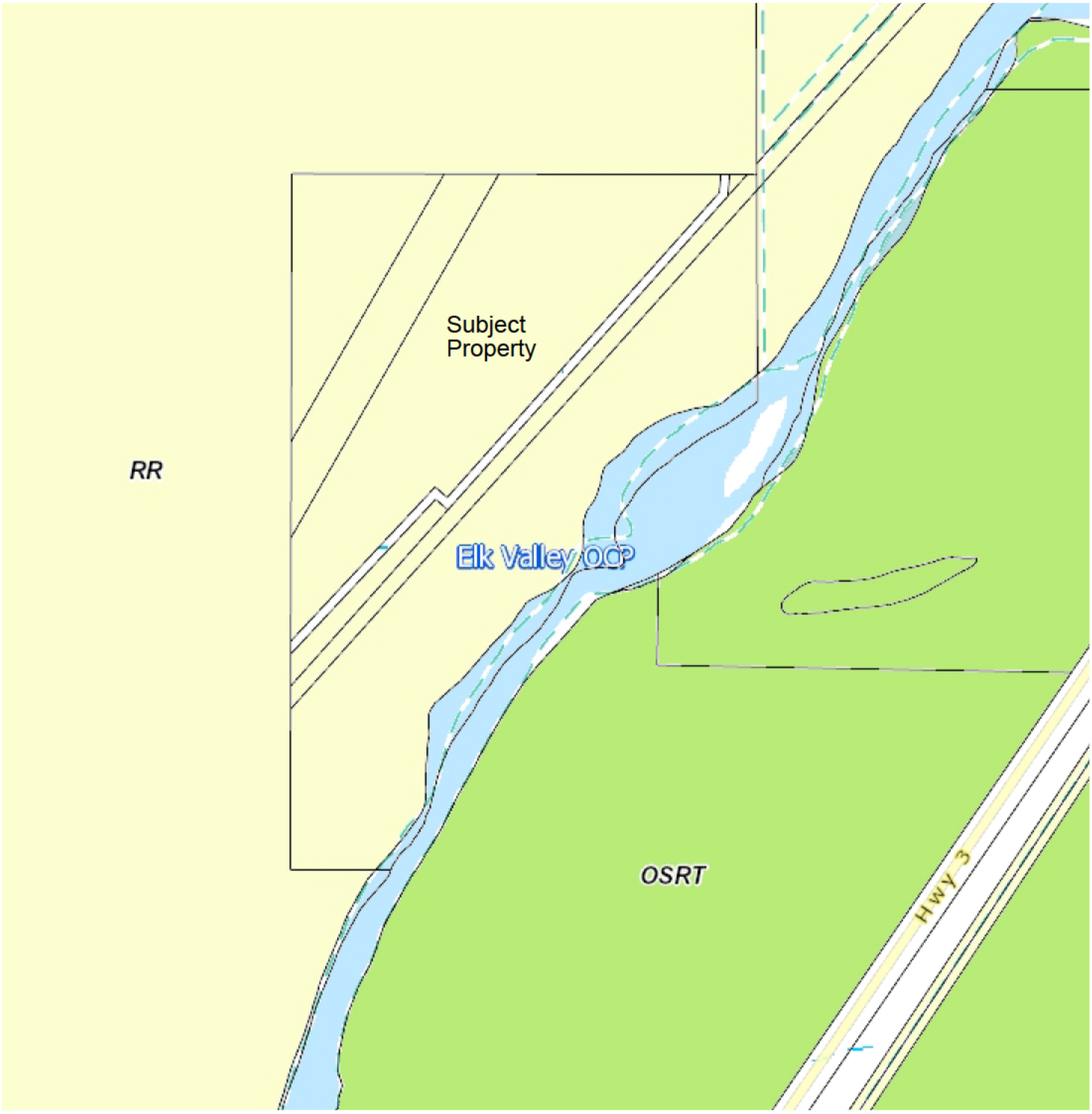
OCP Designation Map



Notes:

375 0 188 375 Meters

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Aerial Map

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250 0 125 250 Meters

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RDEK GeoViewer - 3-25-2025 9:49 AM

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Proposed Location Map

HAWORTH Development Consulting

Personal information has been withheld in accordance with section 22(1) of the *Freedom of Information and Protection of Privacy Act*.

24 February 2025

Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, BC V5G 4K6

Attn: Ron Wallace
Land Use Planner

Re: Application for Non-Farm Use **ALC File 103757**
Brooks Creek Ranch, Fernie

Dear Mr. Wallace,

Haworth Development Consulting, acting on behalf of our client, Mark Gambee., submit the following application pursuant to Section 20(2) of the ALC Act for Non-Farm Use for Brooks Creek Ranch in the rural Fernie area.

The property for which this application is submitted is:

Legal Description:	Lot 1, District Lot 363, Kootenay District Plan 4042 PID: 007-679-343
Registered Owner:	Anthony Mark Gambee [redacted]
Parcel Area:	56.3 ha (139.1 acres)
BC Assessment Roll:	22-701-02763.010
Land Use Authority:	Regional District of East Kootenay

This application for Non-Farm Use is submitted to request that the area previously permitted for Non-Farm Use be relocated to another area of the property.

The property owner previously obtained approval for construction of a retreat centre on a 0.61 ha portion of the property. This building was not constructed and the area approved for this Non-Farm Use remains generally undisturbed. However, the property owner has constructed a large farmhouse and ancillary farm buildings on another portion of the property. See Figure 1, Figure 2 and Figure 3, Existing Non-Farm Use Area.

This application is seeking to relocate the area permitted for Non-Farm Use to where the existing farmhouse is currently located. The owner is intending to convert the existing farmhouse to the permitted retreat centre and to construct a new smaller farmhouse.

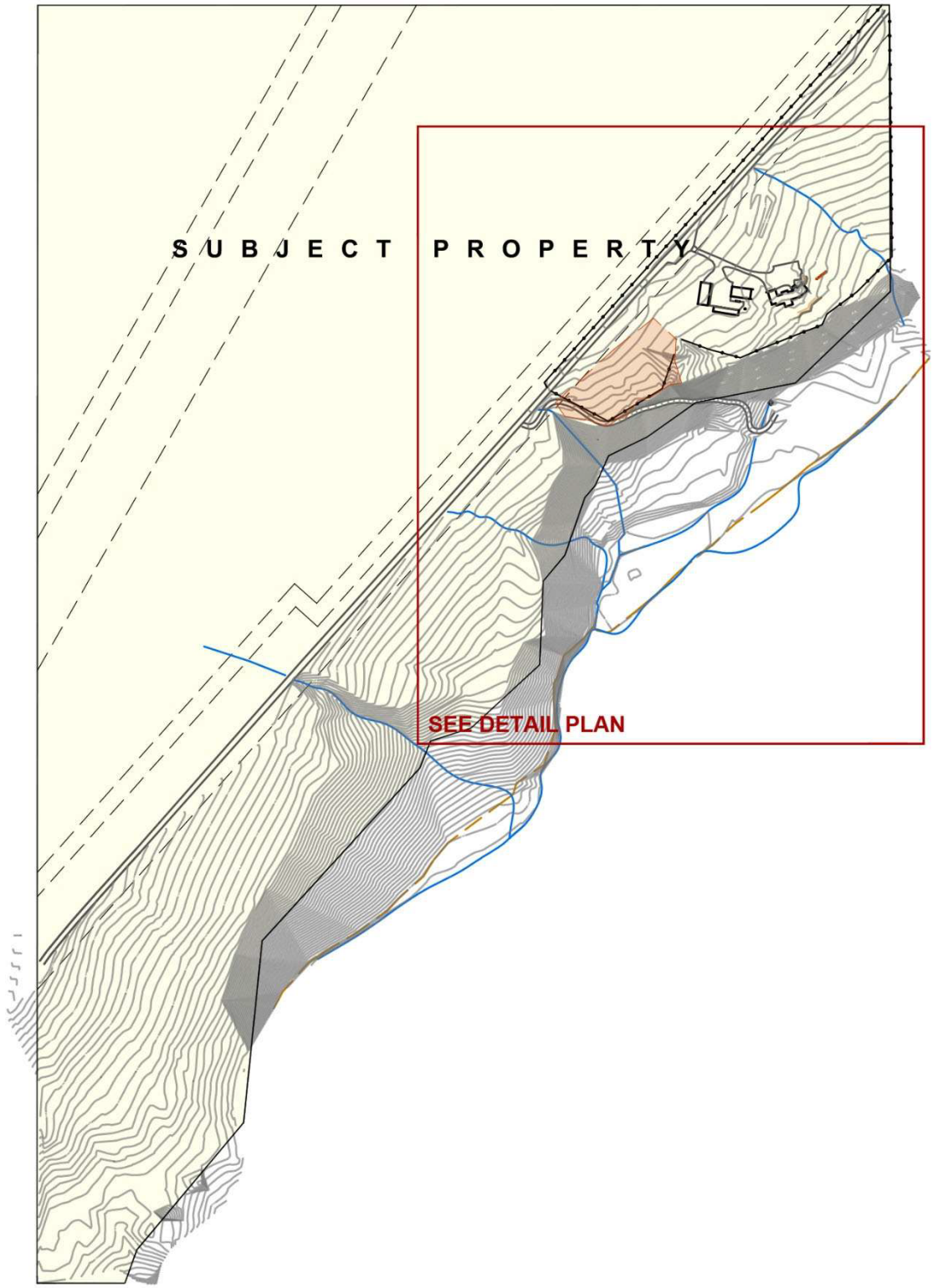


Figure 1 – Subject Property

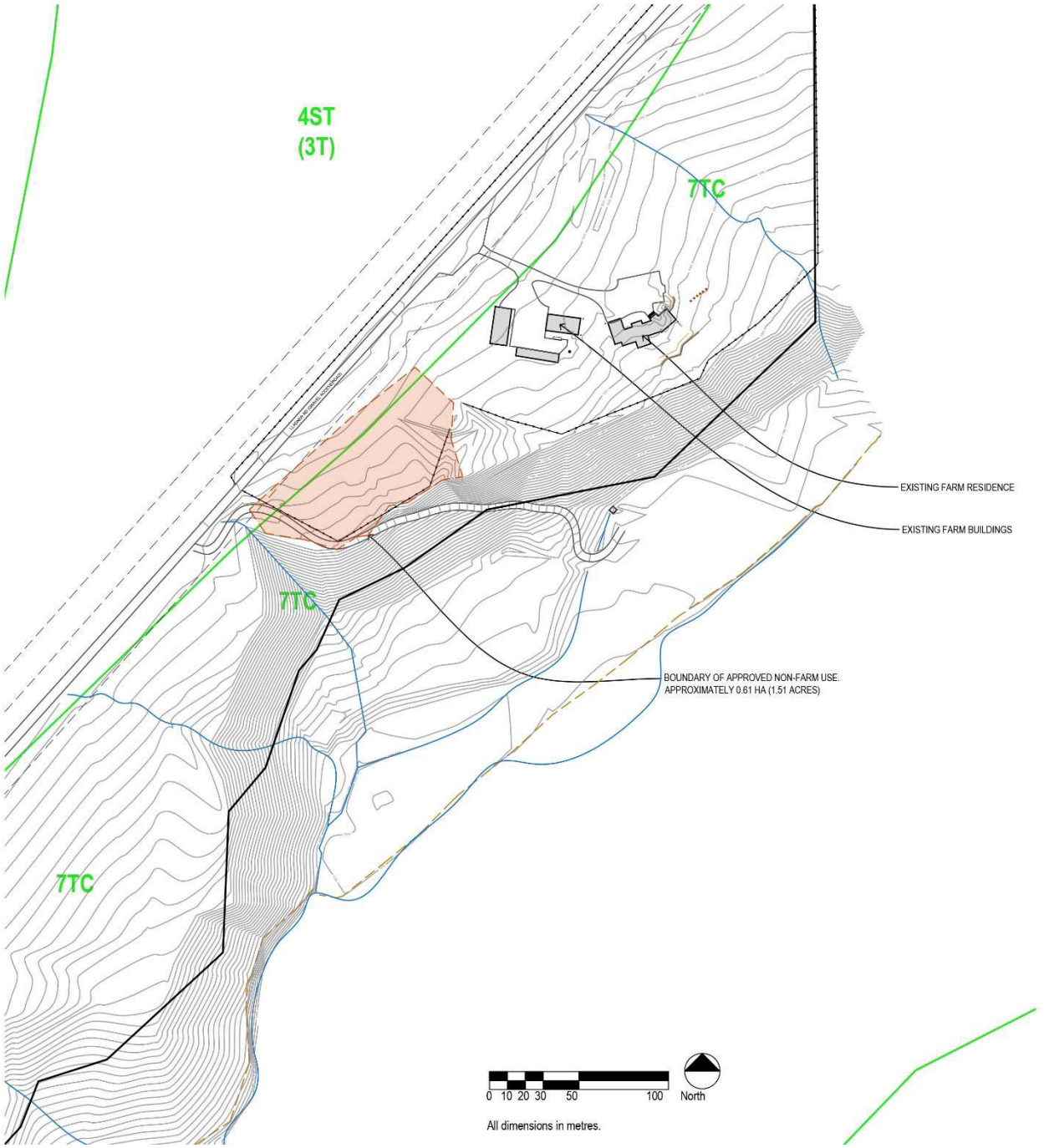


Figure 2 *– Detail of Existing Non-Farm Use Area and Existing Farm Buildings*

Orange tone illustrates area currently approved for Non-Farm Use

Figure 3 – *Detail of Existing Non-Farm Use Area and Existing Farm Buildings*

Previous Decisions of the ALC

The previous property owner applied to the ALC on August 19, 2014 to conduct a non-farm use on a portion of their 56.3 ha property located on Lladner Creek Forest Service Road in rural Fernie. The original application requested approval for the construction of a business retreat/guest ranch on the lands. The retreat/guest ranch was to be located in the south-east corner of the property on a site overlooking the Elk River. The RDEK supported this application for non-farm use. The ALC issued Resolution #460/2015 on December 15, 2015 refusing the application.

Subsequently, the previous property owner submitted a request for reconsideration to the ALC in April 2015. The ALC accepted the application for reconsideration and subsequently granted approval of the non-farm use by Resolution #361/2016 on October 31, 2016.

The previous property owner then applied to the ALC in 2017 to relocate the permitted Non-Farm Use from the far south corner of the property to the currently approved location. The ALC granted this approval in January 2018 as Resolution #26/2018, Fie 56739.

Historical and Current Use of Property

The subject property was purchased by Mark Gambee in March 2023 with the intent of developing a retreat/guest ranch on the property as per the approvals noted above.

The previous property owner constructed a residence on the property (photo right). The existing residence has a gross area of approximately 839 m^2 (9036 sq.ft.) plus decks and other exterior spaces. This residence has nine sleeping units (bedrooms). Note that this residence was constructed prior to the ALC limiting the size of a residence within the ALR.

An agrologist has reviewed the property for a previous application to the ALC. A summary of the agrologists' findings is attached as Appendix A.

Surrounding Lands

The property is surrounded on the west and north by Crown lands. The Elk River forms the south / south-east boundary of the property. Elk Valley Provincial Park is located east of the property (across the Elk River). A parcel of private property is located across the Elk River to the south and east of the subject property. Lands to the north and west are characterized as the lower slopes of Mt. Hosmer.

Permitted Non-Farm Use

Resolution #26/2018 issued by the ALC in January 2018 granted approval for development of Non-Farm Use as outlined in the ALC letter:

> The Panel approves the proposal to construct a retreat centre on 0.61 ha on 7TC lands. The retreat centre is intended to be two storeys tall with an approximate footprint of up to 1115 sq. metres. The retreat centre would also include space for communal dining, meetings, and other recreational activities. In addition, the Applicant intends to construct an access driveway and small parking lot. The Panel approves the Proposal subject to the following conditions:
>
> a. the non-farm use is confined to the 0.61 ha area per the Schedule A: Decision Map and Schedule B: Decision Map Full Property;
> b. any future expansion will require a new non-farm use application;
> c. the food preparation area be utilized only for guests staying at the retreat centre and not for the public in the form of a restaurant; and,
> d. photographic evidence of the fencing and a cattle guard proposed in the Applicant's August 11, 2016 letter to the Commission prior to the issuance of a building permit for construction of the retreat centre.

The property owner previously provided confirmation that the fencing and cattle guards have been installed. The property owner has also confirmed that all facilities are for the use of guests staying at the retreat centre and not for the general public.

Proposed Amendment to Permitted Non-Farm Use

As noted previously, the ALC approved Resolution #26/2018 which permitted construction of a two-storey retreat centre with a maximum footprint of 1115 m^2 on a 0.61 ha section of the property. See Figure 2 and Figure 3.

Since Resolution #26/2018 for the retreat centre was issued by the ALC, the property owner has had a series of health setbacks that have most recently resulted in greatly reduced mobility. These health setbacks have resulted in the property owner seeking to amend the current ALC approval so that the overall development can be scaled down to be compatible with his physical abilities.

The basis of our request is to switch the use of the existing farmhouse to become the retreat centre and for the owner to build a new smaller home where the larger retreat centre is currently approved.

The existing residence on the property has a gross area of approximately 839 m^2 (9036 sq.ft.) plus decks and other exterior spaces. This residence has nine sleeping units (bedrooms). The existing residence has sufficient area already paved for parking. No additional parking area would be required.

The owner is proposing to convert this existing residence to the retreat centre. No additional construction would be required to undertake this conversion. The house has a large kitchen, and the existing bedrooms would be utilized for guests. Because the home was originally designed with guest accommodation in mind, the conversion is quite simple. Once the existing residence is converted it would offer accommodation for one resident manager and eight sleeping units for the guest ranch.

The owner is then proposing to build a new home for himself that is much smaller than the existing farmhouse or the approved retreat centre. The proposed new home would be about 420m^2 (4500 sq.ft) and would serve solely as a single-family residence with no accommodation for guests of the guest ranch. This home would be built at the same location as the previously approved retreat centre.

The ancillary outbuildings constructed proximate to the existing farmhouse are utilized for farm operations and power generation (the entire property is off-grid). We are proposing that these uses remain outside of the proposed Non-Farm Use area. The Non-Farm Use area identified on Figure 4 and Figure 5 is just slightly smaller than the currently approved Non-Farm Use area. The new Non-Farm Use area is 0.60ha (1.48 acres)

Figure 4 and Figure 5 illustrate the proposed amendment to the location of the Non-Farm Use.

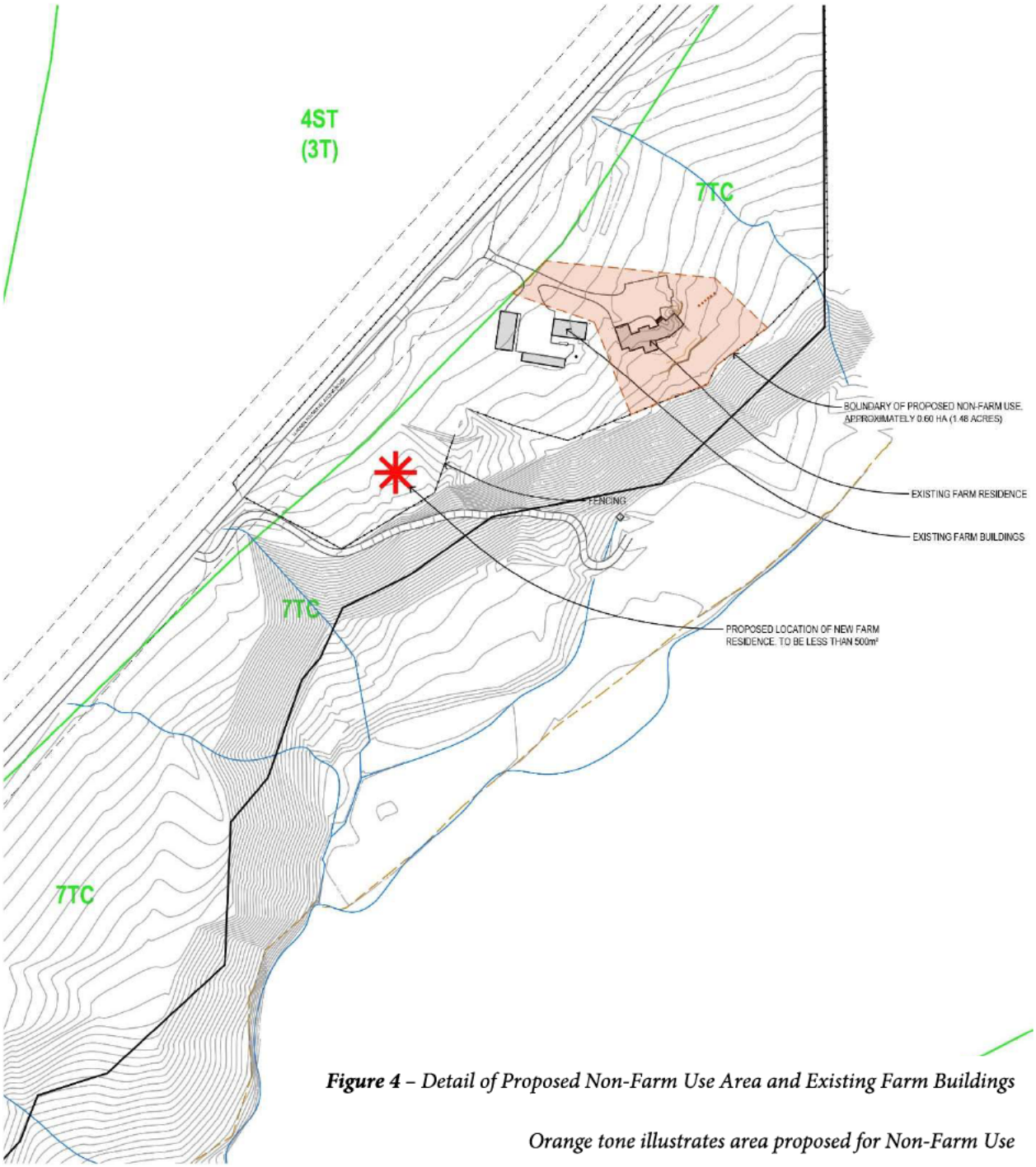


Figure 4 *– Detail of Proposed Non-Farm Use Area and Existing Farm Buildings*

Orange tone illustrates area proposed for Non-Farm Use

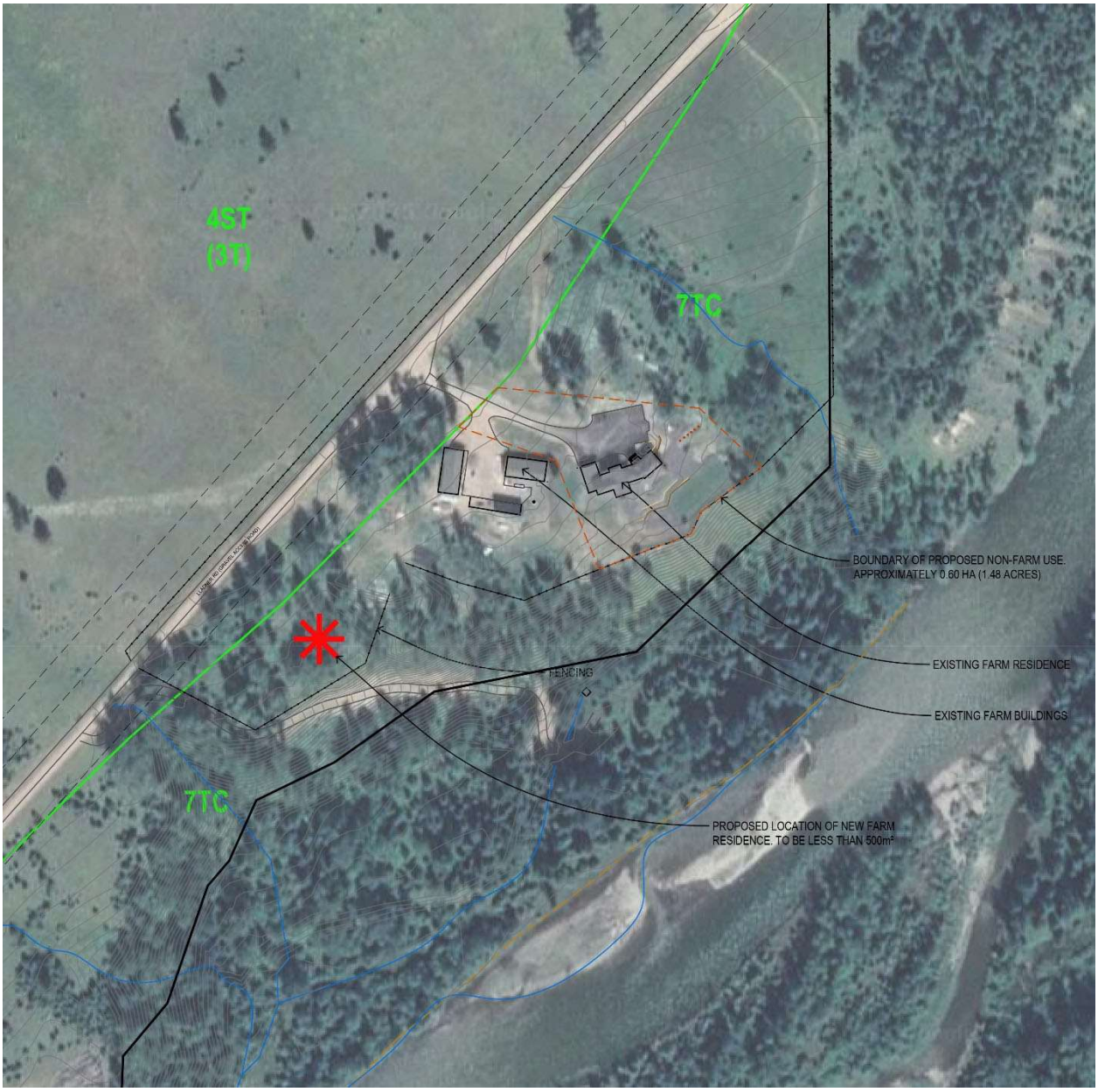


Figure 5 *– Detail of Proposed Non-Farm Use Area and Existing Farm Buildings*

HAWORTH Development Consulting

We believe that amendment of the area permitted for Non-Farm Use as proposed herein represents good planning practices and is more favourable to agricultural use of the lands than the location of the currently permitted Non-Farm Use.

We look forward to your positive confirmation of our application.

Sincerely,
Haworth Development Consulting Ltd.

Richard Haworth

encl.

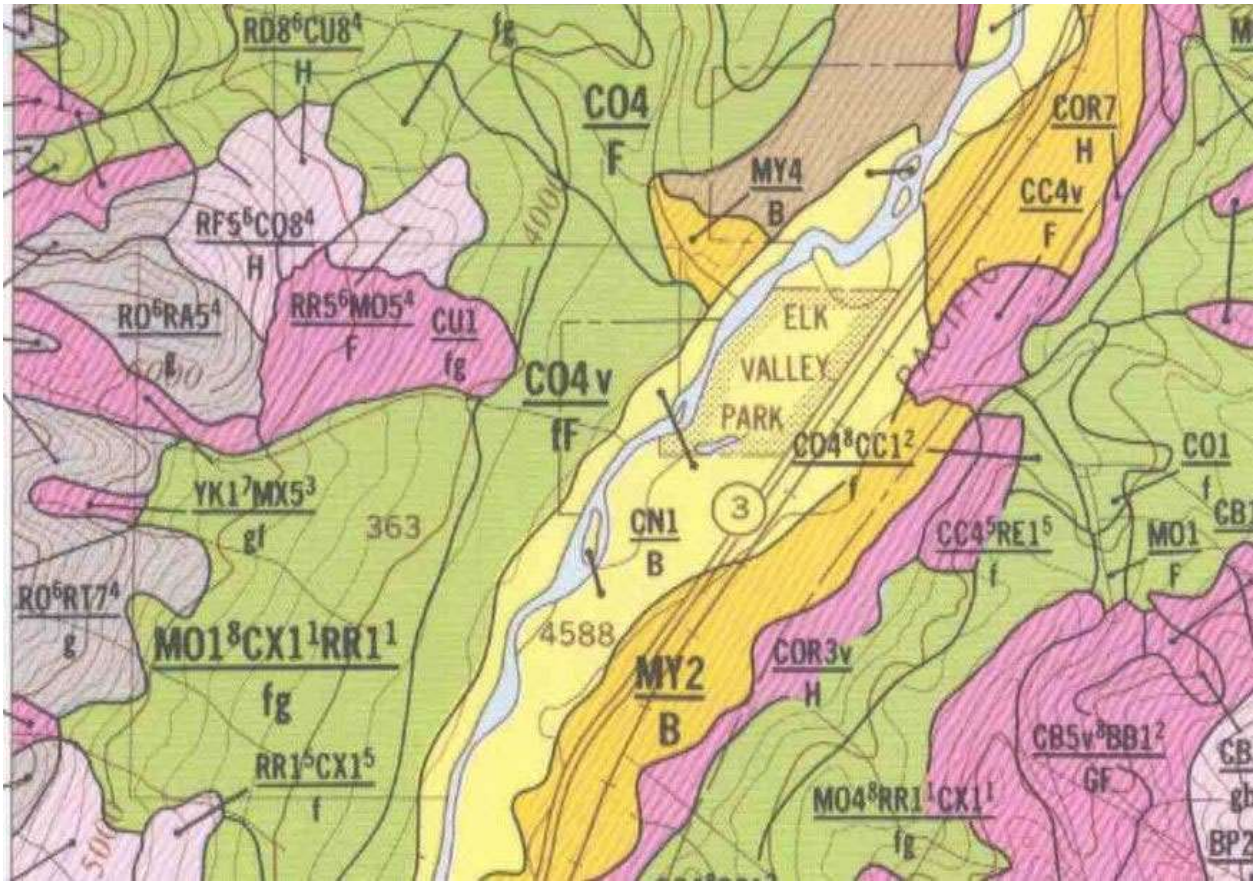
APPENDIX A
AGRICULTURAL CAPABILITY ASSESSMENT

The previous property owner engaged an agrologist (Dave Struthers, VAST Resource Solutions Inc.) to review the subject property. VAST Resource Solutions' report details the Soil Survey Classification:

> Soils in the Hosmer-Olson region of the Elk Valley were surveyed and mapped in 1990 as part of the BC Soil Survey program. According to the soil survey (Lacelle, 1990), the subject property is comprised of Cokato (CO4v/fF) soils in upland areas, and Crowsnest (CN1/B) soils on the Elk River floodplain (Figure 1). Cokato soils developed in rubbly fine textured morainal (glacial till) deposits on valley floors and lower valley walls. Slopes vary between 10% and 60%, ranging from strongly rolling (f) to steeply sloping (F). CO soils are mostly well drained and slowly to moderately pervious; seepage (v) is common in this soil polygon. Texture are typically silty clay loam. Coarse fragments consist of shaly gravels; typically less than 20% in surface horizons and up to 60% in the subsoil. The typical soil classification is Orthic Dystric Brunisol. The soil survey assigns Cokato soils a climatic capability of 3G due to insufficient heat units (G), and a soil capability of 4TD due to topography (T) and undesirable soil structure (D).
>
> Crowsnest soil developed in fluvial veneers overlying gravelly sandy floodplain deposits. Slopes are gentle (B), generally less than 2%. CN soils are mostly moderately well drained and moderately to rapidly pervious. Texture are typically fine sandy loam. Coarse fragments consist of rounded gravels; typically less than 20% in surface horizons and 40% to 70% in the subsoil. The typical soil classification is Cumulic Regosol. The soil survey assigns Crowsnest soils a climatic capability of 2G due to insufficient heat units (G), and a soil capability of 5FI due to low fertility (F) and seasonal inundation (I).

VAST Resource Solutions also reviewed the existing Canada Land Inventory Capability Information:

> According to Canada Land Inventory (CLI) agricultural capability mapping, the portion of the property proposed for non-farm use has an agricultural capability classification of 4ST (3T), while the remainder of the property is Class 7TC. The dual capability rating, 4ST (3T), indicates both the unimproved capability based on site conditions and limitations/hazards that existed at the time of the initial CLI survey, and the assumed (improved) capability after existing limitations have been adequately alleviated. The CLI system arbitrarily assumes that a range of possible improvements are available, and feasible within *"the present day economic possibility for the farmer"*.
>
> The unimproved CLI classification of 4ST indicates Class 4 land with subclass limitations for adverse soil conditions (S) and topography (T). The land capability classification system describes Class 4 lands as having limitations that require special management practices or severely restrict the range of crops, or both. The adverse soils characteristics (S) capability limitation is used to identify sites influenced by the combined effects of two or more of the following limitations: undesirable soil structure and/or permeability; limited or low fertility; moisture deficiency; and/or the presence of soluble salts. Topography (T) limits agricultural use by affecting the use and safe operation of farm machinery, decreasing the uniformity of growth and maturity of crops and increasing the potential for water erosion.



Soil survey map units for the subject property (Lacelle, 1990)

The improved CLI classification (3T) indicates that, while topography remains as a non-improvable limitation, it is considered "feasible" to improve the overall capability from Class 4 to Class 3 by addressing the adverse soils characteristics limitations through management practices such as fertilization, irrigation, or deep plowing to break-up compacted root-restricting soil layers.

VAST Resource Solutions reviewed the actual on-site capability and found as follows:

The purpose of the August 29, 2017 site inspection was to conduct a site-specific assessment of agricultural capability using the Canada Land Inventory (CLI) classification system, as modified for British Columbia and described in *Land Capability Classification for Agriculture in British Columbia (1983)*. This system provides an interpretive methodology for conducting a consistent assessment of any given parcel of land taking into account the type and extent of any soil, climatic and other biophysical factors that affect the range of crops that could be grown and/or the management inputs required. The BC land capability assessment guidelines were used to assess the impacts of the limitations identified by CLI mapping; specifically moisture deficiency, undesirable soil characteristics, and topography, as well as stoniness, which is a common limitation in the region. Climatic capability thermal limitations related to insufficient heat units were also considered.

Soil Moisture Deficiency (A) | This capability subclass limitation is used where crop growth is adversely affected by droughtiness either through insufficient growing season precipitation or low water holding capacity of the soil, or both. Soil moisture deficiency (SMD) ratings were calculated for soils identified on the

property using the average water storage capacity (AWSC) of the upper 50 cm of soil and the potential improvement in AWSC associated with the removal of cobbles and stones from the upper 25 cm.

Based on the site-specific soil moisture deficit (SMD) calculations for soils identified on the property, the unimproved land capability classification is 4A, indicating a soil moisture deficit limitation that requires special management practices or severely restricts the range of crops, or both. Soil moisture limitations can be addressed through the application of irrigation water, provided that a suitable source of water (quality, quantity and proximity) is available. There is a current water license for irrigation (#C038388, Brooks Creek) so the soil moisture deficit limitation is considered improvable to 3A.

Undesirable Soil Characteristics | The combination of adverse soil characteristics impacting capability for agriculture includes the dense compacted subsoil horizon below 30 cm that restricts root penetration, and the inferred low fertility (nutrient supply capacity) typically associated with forest soils in this area. Due to the relatively stone free condition of the upper soil layers in the area being considered for non-farm use, which makes deep plowing feasible, and the ability to apply fertilizers and amendments to enhance soil fertility, the improved rating for these limitations is considered to be Class 3.

Topography (T) | This capability subclass limitation applies to soils for which topography limits agricultural use by affecting the use of farm machinery, decreasing the uniformity of growth and maturity of crops and increasing the potential for water erosion. The portion of the subject property being proposed for non-farm use is characterized by variable simple slopes up to 15%. Improvement of topographic limitations is considered impractical so the unimproved and improved capability classifications are equivalent, 3T.

Stoniness (P) | This subclass limitation applies to soils with sufficient coarse fragments to hinder tillage, planting and/or harvesting operations. The guidelines for class designation are based on the proportion of coarse gravels, cobbles and stones in the upper 25 cm of mineral soil. In general, the upper 25 cm of soil on the property has relatively low coarse fragment, ranging from 5% to 15%, the majority of which are gravel sized and do not pose a serious handicap to cultivation, but are considered impractical to remove manually or by mechanical means.

Climate | Climatological parameters for any given area are influenced by physiographic and topographic characteristics including elevation, slope, aspect and landforms. The thermal climatic capability classification for the nearest weather station (Sparwood) is 2GF, where Class 2 indicates a freeze free period (FFP) of 75 to 89 days, G indicates insufficient heat units during the growing season, and F indicates that minimum temperature near freezing will adversely affect plant growth during the growing season. Based on the elevation and aspect of the property, its proximity and position relative to the Elk River, biogeoclimatic ecosystem classification (BEC) data, observations of the predominant vegetation communities, and comments provided by regional BC Ministry of Forests, Lands, Natural Resource Operations & Rural Development staff, the property is considered to have a climatic capability classification of 2GF.

Based on the detailed on-site assessment, the overall unimproved agricultural capability classification of the portion of the property proposed for non-farm use is 3AT with subclass limitations for soil moisture deficiency (A) and topography (T). Due to physiographic and topographic characteristics, the property is also considered to have climatic limitations related to insufficient heat units and minimum temperature near freezing during the growing season.

VAST Resource Solutions then summarized their findings as follows:

> The land capability classification system does not consider factors such as distance to markets, available transportation infrastructure (roads, etc.), location, farm size, type of ownership, cultural patterns, skills or resources of individual operators, or hazard of crop damage by storms (wind, hail, etc.). As a result, capability classifications do not provide an interpretation of the agricultural suitability of land for the production of specific crops, the potential productivity of those crops or the feasibility of improvements that may be required to achieve acceptable levels of production. An assessment of agricultural suitability considers the practical commercial options for agricultural use of the land considering the cumulative effects of multiple limitations and the feasibility of improvements.
>
> **Soil Bound Agricultural Uses** | Soil bound uses encompass those uses that rely on growing crops in soil on site to support a specific agricultural enterprise. The portion of the property being proposed for non-farm use has moderate suitability for soil bound cultivated agricultural uses; however, the size of the proposed area (approx. 0.7 ha), the thermal climatic limitations associated with insufficient heat units and freeze free period, and the impracticality of irrigation, limit commercially viable agricultural use of the site.
>
> [The property owner] has a lease arrangement with a local rancher that permits grazing of 12 to 15 adult beef cattle on the property during the summer months. Loss of future grazing access to the proposed non-farm use area (approx. 0.7 ha) would have no impact on the lease arrangement or the number of cattle allowed to graze the remainder of the property.
>
> **Non-Soil Bound Agricultural Uses** | Non-soil bound uses are those uses that do not rely on growing crops in soil on site to support a specific agricultural enterprise. Examples of non-soil bound uses include beef or horse feedlots, hog production, poultry (eggs and meat birds), veal production, production of fur bearing animals, mushroom barns, and greenhouses or potted nursery stock production.
>
> Intensive livestock operations such as feedlots or hog or poultry barns are not appropriate uses for the subject property due to proximity to watercourses (i.e. the Elk River). In addition, sufficient quantities of feed grain and straw needed for livestock rations and bedding are not produced locally and would need to be imported from other regions at considerable cost. Greenhouses, potted nursery stock and/or mushroom barns could be established on the property, although there are no inherent economic, logistical or market advantages associated with this property.
>
> The semi-remote nature of the property increases the operating costs associated with many potential non-soil bound uses: the nearest access to power is approximately 5.5 km; natural gas is not available so propane would need to be transported approximately 6 km to the site to support agricultural enterprises requiring heat; and, the property owner is responsible for the full cost of winter road maintenance.