



## Agricultural Land Commission Staff Report

**DATE:** October 29, 2009  
**TO:** Vice Chair and Commissioners - Kootenay Panel  
**FROM:** Martin Collins, Regional Planner

**RE:** Application # 50200  
**PROPOSAL:** To exclude 3.6 ha from the ALR in order to develop a gravel pit on the property.

### PROPOSAL INFORMATION

**Background:** No previous applications  
**Received Date:** July 7, 2009  
**Applicant:** Champion Lakes Estates Ltd.  
**Agent:** N/A  
**Local Government:** Regional District of Kootenay-Boundary

### DESCRIPTION OF LAND

**PID:** 011-021-225  
**Legal Description:** Lot A District Lot 7187 Kootenay District Plan 12166  
**Civic Address:** Electoral Area 'B'; Highway 22 near Genelle  
**Area:** 3.6 ha  
**ALR Area:** 3.6 ha  
**Purchase Date:** September 1, 2008  
**Owner:** Champion Lakes Estates Ltd.

**Total Land Area:** 3.6 ha  
**Total ALR Area:** 3.6 ha  
**Current Land Use:** Vacant forested land.

### PROPOSAL DETAILS

#### Exclusion

Area	Agricultural Capability	Agricultural Capability Source
3.6	Mixed Prime and Secondary	CLI

### Surrounding Land Uses:

North Non ALR land also owned by the applicant. North of this is a Ministry of Transportation gravel pit  
East Highway #22 and then CPR right of way  
South Highway 22 and across is non ALR private property  
West Hydro right of way, gravel pit

### Official Community Plan

**Bylaw Name:** Bylaw 1020, 2001  
**Designation:** Rural Resource  
**OCP Compliance:** Yes

### Zoning

**Zoning Bylaw Name:** bylaw 1175, 2001  
**Zoning Designation:** Rural Resource 1  
**Minimum Lot Size:** 10.0 ha  
**Zoning Compliance:** Yes

## RELEVANT APPLICATIONS

**Application #:** 39733

**Applicant:** Walter Vader

**Proposal:** To exclude the 9.8 ha portion of the property that is in the Agricultural Land Reserve. The reason for this application is for the following:  
The property is of poor soil quality, according to the Canadian Land Inventory, it is rated Class 5MT for agricultural capability with low moisture holding capacity and adverse topography  
The ALR portion of the property is dissected by an existing West Kootenay Power Electrical Transmission Right of Way and by an Inland Gas Right of Way.  
There is no legal access to the subject property and there are no services.

### Decisions:

#### Resolution

Number	Decision Date	Decision Description
334	June 26, 2003	Allow as requested.

**Note:** The land in this application is part of the similar soils unit that is under application for exclusion.

### Committee Recommendations

Type	Recommendation	Description
Board/Council	Refuse	The Regional District of Kootenay Boundary Board forwarded the application with a recommendation that it be refused.
Advisory Planning Committee	Refuse	The Electoral Area B APC does not support the application, noting that the property has one of the longest growing seasons in Area B. One agricultural option is silviculture.

## STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) The Regional Board and the APC do not support the exclusion. The APC suggests that the land could be used for silviculture and that the land has a long growing season.
- 2) Several letters have been received opposing the exclusion. The reasons for opposition are because of potential visual blight and groundwater contamination.
- 3) The Commission excluded nearby similar capability land from the same ALR soils unit 5TM (6:5T 4:3M) in 2003.
- 4) If the Commission wanted to retain the land's agricultural potential, it could refuse exclusion and allow gravel extraction subject to bonding to ensure reclamation. Recommended bonding is \$20,000.00.

**ATTACHMENTS**

50200\_ContextMap10k.pdf  
50200\_AirphotoMap.pdf

**END OF REPORT**

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Signature

\_\_\_\_\_  
Date