



## Agricultural Land Commission Staff Report

**DATE:** August 7, 2009  
**TO:** Vice Chair and Commissioners - Kootenay Panel  
**FROM:** Martin Collins

**RE:** Application # 50223

**PROPOSAL:** To extract 50,000 cubic meters of topsoil from an old glacial lake deposit (lacustrine) on the 32 ha property. The proposed extraction area is 0.8 ha and consists of a long narrow meadow. The soil deposit is 3 meters deep. The extraction would remove the top 2 meters and retain 1 meter for reclamation.

The sketch plan submitted with the application shows the extraction area to be approximately 1.2 ha.

### PROPOSAL INFORMATION

**Background:** The Commission refused a 2007 exclusion application for the property .  
**Received Date:** July 10, 2009  
**Applicant:** Henry and Ann Fercho  
**Agent:** N/A  
**Local Government:** Regional District of East Kootenay

### DESCRIPTION OF LAND

**PID:** 016-480-627  
**Legal Description:** The East 1/2, of District Lot 12242, Kootenay District  
**Civic Address:** 7750 Ha Ha Creek Forest Road, Mayook Area  
**Area:** 32 ha  
**ALR Area:** 32 ha  
**Purchase Date:** March 18, 2004  
**Owner:** Henry and Ann Fercho

**Total Land Area:** 32 ha  
**Total ALR Area:** 32 ha  
**Current Land Use:** Hobby farm with hay meadows and pasture, forested areas, residence and outbuildings

### PROPOSAL DETAILS

### Soil Change

| Area | Agricultural Capability | Agricultural Capability Source |
|------|-------------------------|--------------------------------|
| 0.8  | Secondary               | CLI                            |

| Activity | Volume (m3) | Depth (m) | Material Description |
|----------|-------------|-----------|----------------------|
|----------|-------------|-----------|----------------------|

|  |  |  |   |
|--|--|--|---|
| <b>On- site processing:</b>                                  |  |  | Yes   |
| <b>Description of Equipment to be used:</b>                  |  |  | Backhoe, loader, on-site processing and bagging, trucks to haul finished product. |
| <b>Reclamation plan prepared by Professional Agrologist:</b> |  |  | Yes   |
| <b>Reclamation Measures:</b>                                 |  |  | Re-slope, re-seed, fertilize  |
| <b>Project End Date:</b>                                     |  |  | January 14, 2012  |

### Surrounding Land Uses:

|       |   |
|-------|---|
| North | Leased woodlot - crown land                                   |
| East  | Private property - 64 ha property largely cleared for pasture |
| South | Crown Land and private property                               |
| West  | Crown Land - forested   |

### Official Community Plan

**Bylaw Name:** No OCP exists in this area

**Designation:**

**OCP Compliance:**

### Zoning

**Zoning Bylaw Name:** No zoning bylaw exists in this area

**Zoning Designation:**

**Minimum Lot Size:** ha

**Zoning Compliance:**

## PREVIOUS APPLICATIONS

**Application #:** 44315

**Applicant:** Henry and Ann Fercho

**Proposal:** To exclude the 32.4 ha subject property for a possible future subdivision on the grounds that the land has poor agricultural capability.

**Decisions:**

**Resolution**

**Number**

**Decision Date**

**Decision Description**

673

November 1, 2007

Refused as proposed due to impact.

## Committee Recommendations

| Type                            | Recommendation | Description  |
|---------------------------------|----------------|--|
| Planning Staff                  | Approve        | Planning staff supported the proposal subject to compliance with the May 26th, 2009 Topsoil Removal and Reclamation Plan.  |
| Board/Council                   | Approve        | The Regional District of East Kootenay Board forwarded the application with a recommendation of support, subject to the recommendations provided in the May 26th, 2009 Site Inspection and Topsoil Removal/Reclamation Plan. |
| Agricultural Advisory Committee | Approve        | The Agricultural Advisory Committee believed the proposal would not affect agriculture.  |
| Advisory Planning Committee     | Approve        | The APC for Area C recommended approval  |

## STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The 0.8 ha area proposed for extraction has good agricultural capability and represents a substantial portion of the high capability soils on the property.
- 2) The Professional Agrologist (David Struthers) who authored the May 26th, 2009 Site Inspection and Topsoil Removal/Reclamation Plan concludes that "provided topsoil extraction and reclamation are conducted in accordance with best management principles, the proposed development will result in a post-development agricultural capability and suitability that is equivalent or superior to pre-disturbance conditions."
- 3) Should the Commission favourably consider the application it is recommended that a financial security be required to ensure reclamation to an agricultural standard.

## ATTACHMENTS

50223sketch.pdf  
50223 - AirPhotoMap20k.pdf  
50223 - ContextMap20k.pdf

## END OF REPORT

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Signature

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Date