



Agricultural Land Commission
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June 14, 2011

Reply to the attention of Ron Wallace
ALC File: 52263

Ted Osborn
Coldstream Ranch (2002) Ltd
P.O. Box 28070
Coldstream, BC V1B 3L9

Dear Mr. Osborn:

Re: Application to Remove soil and Place Fill in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 201/2011 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.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes

cc: District of Coldstream (11-003-ALR)
BC Assessment, Vernon

RW/52263_letter



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 26, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Roger Mayer	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Eamonn Watson	Land Use Planner
Colin Fry	Executive Director

APPLICATION ID: #52263

PROPOSAL: To expand the existing Rosebush Gravel Pit northward involving two phases as shown on proposed Map 2: Land Application for Gravel Extraction within Remainder of Lot 203 and Portions of Lots 202, 205 and Vimy Road (2011). Topsoil from Lots 202 and 205 will be placed on the balance of lots 206 and west, to the access road, on Lot 207. The aggregate will then be removed from phase 1 area and then re-contoured. Phase 2 will involve the removal of the topsoil from this area and placed on the phase 1 area which has been contoured to receive topsoil for final reclamation of the site. The aggregate material will then be extracted from phase 2 area of Lot 203.
(Application submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

PROPERTY 1

Owner:	Coldstream Ranch (2002) Ltd.
Date of Acquisition:	December 7, 2004
Parcel ID:	011-728-779
Title No.	KW173300
Legal Description:	Lot 202, section 16, 20, 21, Township 6, Osoyoos Division Yale District Plan 1216
Civic Address:	10249 Vimy Road
Size:	4.8 ha

Area in ALR: 4.8 ha
Current Land Use: Vacant field
Farm Classification: Yes No
(BC Assessment)

PROPERTY 2

Owner: Coldstream Ranch (2002) Ltd.
Date of Acquisition: December 7, 2004
Parcel ID: 011-728-795
Title No. KW173311
Legal Description: Lot 203, Sections 16, 20 and 21 township 6 Osoyoos Division Yale District Plan 1216
Civic Address: Rosebush Gravel Pit (bounded by Murphy Road to the east, Buchanan Road to the north)
Size: 5.2 ha
Area in ALR: 5.2 ha
Current Land Use: Vacant field
Farm Classification: Yes No
(BC Assessment)

PROPERTY 3

Owner: Coldstream Ranch (2002) Ltd.
Date of Acquisition: December 7, 2004
Parcel ID: 011-728-825
Title No. KW173301
Legal Description: Lot 205, Sections 16, 20 and 21 township 6 Osoyoos Division Yale District Plan 1216
Civic Address: Vimy Road
Size: 4.5 ha
Area in ALR: 4.5 ha
Current Land Use: Vacant field
Farm Classification: Yes No
(BC Assessment)

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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.

Agricultural Capability

Based on the information contained in Map 82L.025 (Scale 1:20,000) of the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings are identified as being:

Unimproved Rating: 6:3AD 4:3A Improved Rating: (4:2D 4:1 2:2D)

Note: These ratings cover most of Phase 1 for properties 1 and 3.

Unimproved Rating: 6TA Improved Rating: (6T)

Note: These ratings cover most of Phase 2 for property 2.

Class and Subclass Descriptions

Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

A soil moisture deficiency
D undesirable soil structure
T topography

Site Specific Report regarding Agricultural Capability

Report Prepared By: Summit Environmental Consultants Inc.

Author: Rob Kupchanko, P.Ag.

Date Prepared: December 2010

Summit's field inspections determined that Lot 203 (property 2) ¹⁵ ~~are~~ comprised mostly of Nahun Series soils and have relatively thin A and B horizon thickness (<50-60 cm). The remaining portion of Lot 3 and Lots 202 and 205 (properties 1 and 3 respectively) are Spallumcheen Series soils with A and B horizons of about 50-80 cm thick.

The BCLI agricultural capability ratings are reasonably accurate for the general site area. However, due to soil nutrient limitations (i.e. low or deficient), the unimproved rating for the application area have dropped by one class. The Spallumcheen soils (Lots 202 and 205) are Class 4 with >50% Subclass 4F (fertility limitations) and 25% Subclass 3A (soil moisture deficiency). Nuhan Soils (Lot 203) are dominantly Subclass 5F (soil fertility deficiencies).

The extraction and reclamation plan outlined in Summit's report emphasizes how re-contouring and final reclamation of the proposed extraction areas will be beneficial to improving the land for agricultural use. With fertilization, soil amendments and irrigation, the improved ratings for these areas can be improved to Class 2 and Class 3 or possibly better in both areas.

Agricultural Suitability

The Commission assessed whether 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 Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land.

The proposed extraction areas total 3.75 ha and are situated immediately north of presently mined and reclaimed areas within the Rosebush Pit, which is within the ALR. The present unimproved agricultural capability (as noted above) is Subclass 3A(D) for the Spallumcheen Soils and unimproved Subclass 6TA (generally) for the Nuhan Soils. The results of the agricultural capability assessment conducted by Summit are reasonably consistent with this rating for the general area; however, detailed soil fertility analysis found that fertility limitations reduce agricultural capability by one class.

The goal of the proposed extraction and reclamation plan is to improve the net agricultural capability of the Rosebush Pit site after reclamation is complete, as compared to the pre-development condition. This will be accomplished by removing the steep "escarpment" slopes (via gravel extraction) and with fertilization, organic matter amendments, and irrigation, improve the overall soil fertility and water holding capacity of the development site.

While the Commission generally believed that the proposed works would benefit agriculture in that it would create a more level field for hay/grain, it was previously concerned that extraction had significantly outpaced rehabilitation. However, over the past year or so progress has been made to increase the percentage of reclaimed areas with the requirement to conduct quarterly inspections by a Professional Agrologist, accompanied by a District of Coldstream staff member to inspect, survey, and prepare quarterly "Land Use Balance" reports.

Other Factors

Local Council passed a resolution that the application be forwarded to the ALC for adjudication with recommendations as outlined in their submission.

An updated Land Use Balance report was prepared based on a field inspection completed by Rob Kupchanko, P.Ag. of Summit on April 6, 2011. The latest report updates the reclamation and extraction activities at the Rosebush Gravel Pit since the date of the last report, dated November 19, 2010. The report calculated newly reclaimed (100% and 90-100%) areas and newly mined areas, and compared those areas to the November 2010 Land Use Balance spreadsheet. In summary, about 2.13 acres (0.86 ha) has been 90% reclaimed, and 0.06 acres (0.02 ha) 100% reclaimed since last inspected in November 2010. Lots that have had recent reclamation works include Lots 210, 212, 215 and 216.

CONCLUSIONS:

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposed extraction and rehabilitation plan for the proposed 3.75 ha extraction areas will improve the agricultural capability of the site.

IT WAS

MOVED BY: Commissioner Roger Mayer
SECONDED BY: Commissioner Jerry Thibeault

THAT the application to expand the existing Rosebush Gravel Pit northward involving two phases be approved as proposed.

AND THAT the approval is subject to:

- The extraction and reclamation plan be in substantial compliance with the report prepared by Summit Environmental Consultants Inc. submitted with the application.
- The continued submission of quarterly "Land Use Balance" reports throughout the duration of the gravel extraction plan.
- A member of the District of Coldstream staff (i.e. building/bylaw inspector) is to accompany the surveyor when the data is gathered for each "Land Use Balance" report.
- A final report must be submitted when rehabilitation is complete, which includes photographs showing the complete rehabilitation of the subject properties.
- Sale of topsoil from the property is prohibited.
- Construction waste on the property is prohibited.
- Use of the site to mix asphalt or concrete is prohibited. Existing concrete and asphalt waste must be removed from the site and moved to a non-ALR location that meets District of Coldstream zoning requirements.
- The District of Coldstream must be copied on each "Land Use Balance" report.

Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 201/2011