



Provincial Agricultural Land Commission - Staff Report

Application: 52337

Applicant: District of Sparwood

Local Government: District of Sparwood

Proposal: EXCLUSION - Exclusion of an 89.8 ha parcel from the ALR, in order to facilitate industrial use of the property.

BACKGROUND INFORMATION

The subject parcel is the result of a four lot subdivision that was approved by the Commission in November 2009 (ALC Application #38856). The subdivision approval followed refusal of the District's original request to exclude the entire 173.1 ha parent parcel. The Commission tabled any further consideration of the exclusion request pending receipt of additional information from the applicants relating to the availability, rate of uptake, and anticipated future demand for industrial land in the District.

PROPERTY INFORMATION

PID: 028-082-001

Legal Description: Lot 1 District Lot 4589 Kootenay District Plan EP4105

Property Area: 89.7 ha

ALR Area: 88.5 ha

Purchase Date: November 23, 2009

Location: 1072 Highway 3, Sparwood

Owner: District of Sparwood

Total ALR Area:

LAND USE

Current Land Use:

Undeveloped, with the exception of a road (old Highway 3) and some BC Hydro lines.

Surrounding Land Uses:

North: Industrial/Golf Course

East: Managed Forest

South: Transfer Station/Hydro Substation/Managed Forest

West: Industrial/Highway

PROPOSAL DETAILS

Exclusion Area: 89.8 ha

Agricultural Capability:

The majority of the area under application is rated as: Prime Dominant

Source: CLI

Mapsheet: 82G/10

PREVIOUS APPLICATIONS

Application ID: 45808

Legacy #: 38856

Applicant: District of Sparwood

Proposal: Block Application - To exclude the 173.1 ha property to facilitate subdivision into four lots. Lot 1 will be developed into light industrial use by the District of Sparwood. Lot 2 will be the Tembec office site. Lot 3 will continue to be a managed forest and eventually sold as light industrial. Lot 4 will be sold for light industrial use.

Decisions:

Resolution #	Decision Date	Decision Description
1308/2009	November 3, 2009	Reconfirm refusal for exclusion but permit subdivision into 4 lots (97 ha, 4.5 ha, 70.9 ha, 2 ha) and the use of the 4.5 ha lot for office uses.
150/2009	April 30, 2009	Refuse exclusion as proposed but allow subdivision

Application ID: 14669

Legacy #: 32949

Applicant: Sparwood

Proposal: The proposal is to exclude 2 separate areas within the District of Sparwood. 1) a 1.06 ha area be developed for a walking trail. This is proposed to be fenced and the owner plans to donate it to the District.
2) a 2.9 ha area for future light industrial

Decision:

Resolution #	Decision Date	Decision Description
728/1999	November 23, 1999	Allow exclusion.

Application ID: 1978

Legacy #: 28690

Applicant: ELKVIEW COAL CORP (SHELL CANADA LTD)

Note: Refusal of request to exclude a 24 ha area of the subject property that had been used as a landfill, on the basis that the property lies within a contiguous block of ALR land and could be used for farm purposes in the future. The Commission did, however, allow subdivision of the 24 ha parcel from the parent parcel.

Application ID: 1604

Legacy #: 28300

Applicant: ELKVIEW COAL CORP (SHELL CANADA LTD)

Proposal: To exclude the 200 ha ALR portion of the property for future expansion of Sparwood commercial and recreational uses.

Decision:

Resolution #	Decision Date	Decision Description
510/1994	May 17, 1994	The Commission refused the proposal because the land has good agricultural potential and could be used for agricultural purposes.

Note: The Commission subsequently allowed subdivision of the 200 ha ALR portion from the parent 6,000 ha parcel. The Commission also allowed subdivision of a 2.9 ha lot from the new 200 ha parcel for future light industrial use, subject to submission of an exclusion application for the 2.9 ha lot (see Application #32949-0 below).

RELEVANT APPLICATIONS

Application ID: 52121

Applicant: Regional District of East Kootenay

Proposal: ELK VALLEY BLOCK EXCLUSION - It includes 36 properties with a total area of 6515.7 ha of which 517.1 ha is located within the ALR.

Decision:

Resolution #	Decision Date	Decision Description
281/2011	June 29, 2011	32 properties excluded totalling 282.5 ha. Decision on other areas (234.6 ha) tabled pending site inspection. Final entry of entire excluded areas to be made when a decision is reached for all properties under application following the site inspections of the properties in September 2011.

Note: An approximately 67.6 ha strip of land immediately east of the subject property was excluded under this decision.

Application ID: 6117

Legacy #: 13595

Applicant: B.C. Coal Ltd.

Proposal: To exclude 5 ha to develop as an industrial park.

Decision:

Resolution #	Decision Date	Decision Description
2033/1981	October 30, 1981	Allow as requested.

Note: This property is located immediately west of the property currently under review.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: District of Sparwood OCP Bylaw #869

Designation: Industrial

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: District of Sparwood Zoning Bylaw #264

Zoning Designation: Agricultural (A1)

Minimum Lot Size: 2.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

Board/Council

On April 4, 2011, the Council for the District of Sparwood adopted Resolution #11-108 in support of the application.

Planning Staff

In a report dated March 3, 2011, District of Sparwood Planning Staff recommended initiation of an exclusion application for the site and scheduling of a Public Hearing on the matter.

ALC STAFF COMMENTS

-- The agricultural capability of the subject property is primarily 4MT improvable to 3T, although an approximately 10 ha strip of land in the northeastern portion of the site extends into steeper terrain that is rated 6:6TR 4:7TC.

-- Surrounding land uses are mainly light industrial (to the west along Highway 3) and managed forest to the east and south. A golf course is located to the north of the site.

-- The District has indicated that large companies have expressed interest in relocating to Sparwood, but no industrial properties of sufficient size are currently available. The District considers the subject property to be the most suitable site for light industrial use in terms of size and neighbouring land use.

-- The District notes that clearing of the subject property for agriculture could increase avalanche potential. Any industrial development of the property would avoid hazard areas.

END OF REPORT

Prepared by: Lily Ford, September 7, 2011