



 **Agricultural Land Commission**
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March 27, 2006

Reply to the attention of Ron Wallace

Mainroad East Kootenay Contracting Ltd.
258 Industrial Road, F
Cranbrook, BC V1C 6N8

Dear Sir/Madam:

Re: **Application # L-36354**
Lot 9, District Lot 6393, Kootenay District, Plan 1411, EXCEPT Parts included in Plans 5826, 7444, 7617, 8737

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to establish a municipal solid waste transfer facility on the above noted property. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank Eric Sharpe, Solid Waste Superintendent for the Regional District of East Kootenay for taking the time to meet with its representatives on 3 March 2006.

The Commission writes to advise that it approved your application subject to:

- the use being consistent with the attached plan.
- compliance 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.

The decision noted above is recorded as Resolution #132/2006.

Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay – P705-107

RW/lv/Encl.
36354d1.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 21 March 2006 via telephone conference.

PRESENT: Monika Marshall Chair
 Cheryle Huscroft Commissioner
 Carmen Purdy Commissioner

STAFF: Ron Wallace, Regional Research Officer

For Consideration

Ron Wallace presented the staff report dated 8 February 2006 regarding application #L-36354, Mainroad East Kootenay Contracting Ltd. The application is to establish a non-farm use for a municipal solid waste transfer facility on the Mainroad Contracting site located along Highway 3, just east of the City of Fernie. This operation will utilize some of the existing structures on site and require the addition of several others.

Site Inspection

A site inspection was conducted on 3 March 2006. Those in attendance were:

- Commissioners Marshall, Huscroft & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer
- Agent Eric Sharpe, Solid Waste Superintendent, RDEK

The site inspection lasted from 12:15 p.m. to 12:45 p.m.

Commission Discussion

After the Commission's on-site on 3 March 2006, Commissioner Carmen Purdy visited two other similar facilities, one near Cranbrook and the other near Kimberly. Commissioner Purdy reported to the rest of the Panel that the other two facilities are well run and have minimal impact on the surrounding properties. In reviewing this application the Commission recognized the community need for this facility and in light of the parcel being used as a highway maintenance yard, had no objections to the proposed use.

IT WAS

MOVED BY: Commissioner C. Purdy
SECONDED BY: Commissioner C. Huscroft

THAT the staff report be received and the application be approved as proposed.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # L – 36354
Applicant: Mainroad East Kootenay Contracting Ltd
Agent: East Kootenay

DATE PREPARED: February 8, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To establish a non-farm use for a municipal solid waste transfer facility on the Mainroad Contracting site located along Highway 3, just east of the City of Fernie. This operation will utilize some of the existing structures on site and require the addition of several others. The details of the proposed operation are outlined in the attached site plan.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission has received two letters from local residents who have expressed objection to the proposed non-farm use application. One of the letters is from a single resident who has indicated that the subject property is bordered to the east and west by agricultural operations, to the north by a fish bearing stream and to the south by the highway and a large nursery and landscaping industry. The second letter was signed by 27 local residents who have expressed concern that the proposed development would have a negative effect on their farming activities. In addition they expressed concern about the impact this proposal could have on their potable water supply, the impact of traffic and undue noise on their livestock, the increased risk of West Nile disease to their horses, the influx of predatory animals into the neighborhood and the risk of litter getting into their hay fields.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

1. PID: 013-163-612
Lot 9, District Lot 6393, Kootenay District, Plan 1411, EXCEPT Parts included in Plans 5826, 7444, 7617, 8737

Purchase Date (m/d/y):

12/12/2003

Location of Property:

Along Highway 3, just east of the City of Fernie.

Size of Property:

16.9 ha (The entire property is in the ALR).

Present use of the Property:

The subject parcel is being used as a highway maintenance yard. Much of the site is cleared and level, there are some trees along the fence line of the property. There are no current agricultural uses on the subject parcel.

Surrounding Land Uses:

WEST: Residential
SOUTH: Residential, farm
EAST: Residential, farm
NORTH: Residential, farm

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/11
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

None

Zoning Bylaw and Designation:

Utility and Public Works Zone (PG-3)

RELEVANT APPLICATIONS:

Application #36235-0

Applicant: Ayars, Daniel
Decision Date: October 12, 2005
Proposal: To dedicate a road right-of-way to provide access to 2 parcels
Decision: Allow proposal to dedicate 0.41 ha to provide access to two non-ALR parcels.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board authorized the application to proceed to the Commission for the purpose of establishing a transfer station for the City of Fernie and Electoral Area A

Local Government Staff

Zoning text amendment is occurring concurrent with non-farm use application. Land is class 3 and 4 soils with some moisture deficiency and stoniness.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- The subject property is currently being used as a highway maintenance yard. The proposed operation will utilize some of the existing structures on site and require the addition of several others.
 - The subject property is located adjacent to agricultural uses to the north and east, residential uses to the northwest and west, and business and other uses to the south.
 - An on-site inspection will benefit the Commission in determining the impacts of the proposed development on the agricultural community.
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END OF REPORT

Signature 

Date Feb 20 / 06