



**Staff Report**  
**Application # T – 38998**  
**Applicant: Coldstream Ranch (2002) Ltd**  
**Agent: Ted Osborn**  
**Location: Coldstream**

**DATE RECEIVED:** May 6, 2009

**DATE PREPARED:** June 10, 2009

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To extend the boundaries of the Rosebush Gravel Pit over a 73.7 ha area, for a total of 157.6 ha, to take out the gravel sub soils that decrease the water retention capability of the soils and to take out the steep slopes that prevent the efficient cropping of part of these areas.

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

**BACKGROUND INFORMATION:**

The applicant indicates that the project will improve the agricultural capability of the area by increasing the water retention capability of the soils, contouring the area to allow more efficient cropping, and increase the irrigated area by 10-20 acres by eliminating steep slopes.

In February 2007, the Commission indicated that the expansion of the site had exceeded well beyond the limits of its approval and requested clarification as to the expansion of the pit. Of particular concern was the expansion of the gravel pit into Class 1 and 2 soils. Subsequently a stop work order was placed on the Rosebush Gravel Pit and the applicants were instructed to submit a new application for any proposed works and for work that had already been completed without approval.

**Local Government:**

The District of Coldstream

**Legal Description of Properties (all of Osoyoos Division Yale District):**

1. PID: 011-728-795  
Lot 203, Section 16, 20 and 21, Township 6, Plan 1216
2. PID: 011-728-809  
Lot 204, Section 16, 20 and 21, Township 6, Plan 1216
3. PID: 011-728-868  
Lot 206, Section 16, 20 and 21, Township 6, Plan 1216
4. PID: 011-728-876  
Lot 207, Section 16, 20 and 21, Township 9, Plan 1216

5. PID: 011-728-884  
Lot 207A, Section 16, 20 and 21, Township 6, Plan 1216
6. PID: 011-728-892  
Lot 208, Section 16, 20 and 21, Plan 1216
7. PID: 011-728-906  
Lot 209, Section 16, 20 and 21, Township 6, Plan 1216
8. PID: 011-728-914  
Lot 210, Section 16, 20 and 21, Township 6, Plan 1216
9. PID: 011-728-922  
Lot 211, Section 16, 20 and 21, Plan 1216
10. PID: 011-728-931  
Lot 212, Section 16, 20 and 21, Township 6, Plan 1216
11. PID: 011-729-961  
Lot 215, Section 16, 20 and 21, Township 6, Plan 1216
12. PID: 011-729-988  
Lot 216, Section 16, 20 and 21, Township 6, Plan 1216

**Location of Properties:**

8025 Highway 6, Coldstream - Rosebush Gravel Pit (bounded by Murphy Road to the east, Buchanan Road to the north, CN railway to the south and agricultural fields to the east and north).

**Size of Properties:**

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

**Present use of the Properties:**

Gravel pit

**Surrounding Land Uses:**

**WEST:** Forage crops and beef cattle grazing  
**SOUTH:** Beef cattle grazing  
**EAST:** Forage crops  
**NORTH:** Hobby farms and cattle grazing

**Agricultural Capability:**

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

**Official Community Plan and Designation:**

Coldstream Official Community Plan Bylaw No. 1445 (2005)  
Designation: Agricultural

**Zoning Bylaw and Designation:**

Coldstream Zoning Bylaw No. 1382 (2002)  
Designation: Rural Two (RU.2)  
Minimum lot size: 2 ha

**PREVIOUS APPLICATIONS:**

**Application #00031-0**

**Applicant:** MacMillan Bloedel Ltd.

**Decision Date:** June 28, 1974  
**Proposal:** To extract gravel from Lots 213 and 214, Sections 16, 20 and 21, Township 6, ODYD, Plan 1216 and when completed to rehabilitate the land by replacing topsoil.  
**Decision:** By Resolution #307/74 the application was allowed subject to compliance with all terms and conditions as specified in the permit authorizing surface work for sand and gravel pits, pursuant to Section 11 of the Mines and Regulation Act.

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**Application #29101-0**

**Applicant:** Coldstream Ranch Ltd  
**Decision Date:** June 30, 1994  
**Proposal:** To extract 2,000,000 - 3,000,000 m<sup>3</sup> of sand and gravel to a depth of 10 metres from 35.1 ha total area of ten (10) properties.  
**Decision:** Tabled until a detailed excavation and reclamation plan is submitted for review. In addition, the excavation and all topsoil sales must immediately cease until the Commission has had the opportunity to review the required plan (to be submitted within 60 days of the Commission's decision letter of July 13, 1994).

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**Application #29101-1**

**Applicant:** Coldstream Ranch Ltd  
**Decision Date:** October 6, 1994  
**Proposal:** To extract 2,000,000 - 3,000,000 m<sup>3</sup> of sand and gravel from 35.1 ha total area of ten (10) properties.  
**Decision:** Required the submission of an extraction/reclamation report prepared by an independent firm with a Land Reclamation Specialist, having the appropriate academic credentials, or a Reclamation Agrologist. The report is to be submitted within 90 days of the Commission's decision letter of May 17, 1995. No substantial new areas are to be opened up for extraction and the topsoil mixing and sales activity being conducted is to cease.

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**Application #29101-2**

**Applicant:** Coldstream Ranch Ltd  
**Decision Date:** January 11, 1996  
**Proposal:** To extract approximately 3,400,000 m<sup>3</sup> of sand and gravel from the 36.4 ha total area of nine (9) subject properties. Lots 207A, 215 and 216 were omitted from the revised proposal and Lots 203 and 204 were added. An extraction/reclamation plan prepared by Summit Environmental Consultants Ltd. was submitted (August 1995)  
**Decision:** Approved in principle on the grounds that the removal of sand and gravel would enhance the agricultural potential of the properties. This approval was subject to conditions related to reclamation schedule, bonding, extraction area, extraction and reclamation, the consultant, topsoil operation and general conditions (see Commission's January 29, 1996 decision letter for complete details).

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**District of Coldstream (Coldstream) Council:** Forward with seven recommendations (see attached letter of April 30, 2009) and an amendment to the main motion adding the following: that the ALC not allow extraction from the new proposed mining area if there is no net benefit to the agricultural potential of the area proposed to be mined.

**Coldstream Advisory Planning Commission (APC):** Concerns included the ratio of exposed area to reclaimed area (minutes of February 25, 2009 meeting attached).

**OTHER COMMENTS:**

Local residents have listed the following concerns:

- The already immense size of the excavation (34 ha already apparently exceeding existing permit).
- The slow pace of reclamation back to agricultural use relative to development of new areas.
- Expansion of mining area before current pits are reclaimed.
- The proposed use of the site to mix asphalt or concrete (opposed).
- Hauling materials from the pit via Buchanan Road (opposed).
- The proposed extension area has been used for cattle grazing and alfalfa production.
- In Summit's Final Report dated 23 December 2008, it is indicated that the Spallumcheen and Kalamalka Fan soil affected by the pit is unlikely to be improved by reclamation.
- Sale of topsoil from the property.
- Dumping of construction waste on the property from properties developed in Vernon.

#### **STAFF COMMENTS:**

- Application was first made to the Commission after extraction had begun. In its discussion at that time, it was indicated that if the Commission had been consulted before extraction took place, it would not have allowed active gravel extraction to involve approximately 7 ha at one time. Generally, the Commission would have restricted extraction to 2 ha at any one time so extraction did not get too far ahead of reclamation.
- The Commission allowed a certain amount of gravel extraction under the understanding that the property would be improved for agriculture when the extraction was complete.
- Although annual reports were required, it has been very difficult for the Commission to monitor what goes on onsite as the project area is so large. It may provide more useful to require that all rehabilitation work be completed before any new work is started.
- This project has gone on for 15 years with new areas being started without other areas being closed and rehabilitated.
- The Commission is currently holding a \$100,000 letter of credit under application #29101. If the Commission considers allowing the extraction to continue/expand, staff suggests requiring a larger bond (i.e. minimum \$500,000) that could be released as areas are reclaimed.

#### **ATTACHMENTS:**

- Coldstream Council motion (April 30, 2009)
- Coldstream follow up report (March 31, 2009)
- Coldstream APC minutes (February 25, 2009)
- February 27, 2007 ALC letter to applicants
- Presentation to Council March 23, 2009
- Residents' presentation to Council (March 23, 2009)
- Ted Osborn e-mail of March 24, 2009

**END OF REPORT**

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**Signature**

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**Date**