



Agricultural Land Commission Staff Report

DATE: June 2, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Jennifer Carson

RE: Application # 51730
PROPOSAL: To exclude the three subject properties (5.0 ha, 7.6 ha and 3.6 ha) from the ALR.

PROPOSAL INFORMATION

Background: Three properties are considered industrial and are used for both log storage and for legal registered dump for log and lumber debris. The purpose of this application is to have the land removed from the ALR and to continue to use these properties for log storage.
Received Date: May 10, 2010
Applicant: J.H. Huscroft Ltd.
Agent: N/A
Local Government: Regional District of Central Kootenay

DESCRIPTION OF LAND

PID: 013-346-211
Legal Description: Lot 4 District Lot 9954 Kootenay District Plan 1500
Civic Address: 32 Avenue South and Spruce Road, Erickson
Area: 3.9 ha
ALR Area: 3.9 ha
Purchase Date: January 23, 1985
Owner: J. H. Huscroft

PID: 015-756-688
Legal Description: Lot 2, District Lot 9954, Kootenay District, Plan 1500
Civic Address: 32 Ave South and Spruce Road, Erickson
Area: 4.8 ha
ALR Area: 4.8 ha
Purchase Date: March 7, 1990
Owner:

PID: 015-756-696
Legal Description: Lot 3 District Lot 9954 Kootenay District Plan 1500
Civic Address: 32 Avenue South and Spruce Road, Erickson

Area: 7.8 ha
ALR Area: 7.8 ha
Purchase Date: March 7, 1990
Owner: J.H. Huscroft Ltd.

Total Land Area: 16.5 ha
Total ALR Area: 16.5 ha
Current Land Use: Log storage on a portion of the lands and vacant steep land for the remainder with trees. No buildings on site

PROPOSAL DETAILS

Exclusion

Area	Agricultural Capability	Agricultural Capability Source
16.5	Secondary	CLI

Surrounding Land Uses:

North	M3 zoned lots used as log storage or equipment/supplies storage such as culverts
East	Residence on acreage
South	Steep cliffs above Goat River
West	Railway right of way, road and residences on large lots

Official Community Plan

Bylaw Name: RDCK Creston Valley OCP 1575, 2002
Designation: Agriculture (AG)
OCP Compliance: No

Zoning

Zoning Bylaw Name: RDCK Zoning Bylaw 1675, 2004
Zoning Designation: Agriculture 2 (AG2)
Minimum Lot Size: 8.0 ha
Zoning Compliance: No

PREVIOUS APPLICATIONS

Application #: 14732

Applicant: J.H. Huscroft Ltd.

Proposal: To store logs on the 12.6 ha subject property, adjacent to sawmill lying outside the ALR. The area used for log storage was included into the ALR in 1978.

Decisions:

Resolution

Number	Decision Date	Decision Description
477	April 23, 1987	Allow subject to bonding and an annual site inspection. Monitoring and reclamation of the wood waste dump

was also required as a condition of approval.

Application #: 14731

Applicant: J.H. Hushcroft

Proposal: To subdivide the 9 ha property into twenty-three(23) 0.4 ha lots.

Decisions:

Resolution

Number

Decision Date

Decision Description

9168

July 11, 1978

Refuse as proposed on the grounds of impact on adjacent orchards.

Application #: 7875

Applicant: R.D. of Central Kootenay

Proposal: Block Application - To review and refine the ALR boundaries through public information meetings.

Decisions:

Resolution

Number

Decision Date

Decision Description

10392

August 24, 1978

After review in the field and a Public Hearing meeting held, the 3,554.7 ha area requested for exclusion from the ALR was approved. Exclusion allowed by Cabinet. This resolution number is used to enter statistical information relating to the area under application and subsequent decision by Cabinet.

Note: this was a planning file that included the northern portion of the subject properties.

Committee Recommendations

Type

Recommendation

Description

Planning Staff

See Report

See Local Government Report

Board/Council

No Comment

It is this Board's policy to forward all exclusion application's to the Commission (Resolution No.s 410/05 & 456/98).

STAFF COMMENTS

Staff suggests the Commission consider the following:

- The agricultural capability of the subject property is Class 4, 5 and 7 with the limitations of topography, moisture deficiency, inundation and excess water.
- The applicants have owned Lots 2 and 3 since 1971, and lot 4 since 1985.
- The northern part of the properties was included into the ALR through Order in Council #2234 in 1978.
- A previous application on the subject property requested subdivision into 23, 0.4 ha parcels and was refused on the grounds that the proposed subdivision "would impose a serious impact problem on adjacent orchards to the east and west of the subject properties" (#5061). From the aerial photograph it appears that the aforementioned western orchards are still in operation.
- The second previous application (#20922) requested permission to continue use of the property as a log storage facility. Allowed subject to limiting the storage of logs to the area presently used and any expansion must occur on lands outside the ALR. No topsoil is to be removed and the permission is granted on a year to year basis subject to the posting of a \$5,000 bond, and a yearly inspection by our

staff Agrologist. Reclamation of lots 3 and 4 under the Waste Permit PR-2636 must be to the standard type conditions under the Soil Conservation Act. The backhauling of good quality agricultural soil to the properties where the soil is disturbed by the log movement is required. The applicant has submitted information regarding the current status of the property as follows "No topsoil has been removed. We regularly fill in the dump with soil on top and it is regularly inspected (or was - I haven't personally talked to the inspector for some time) by the Minister of Environment. There has been some topsoil spread on the ground but in actual practice storing the logs has not hurt the top soil other than it has to be levelled out from time to time - there has been no removal of topsoil. "

- The Regional District received six letters of opposition regarding this application. These letters are available as attachments to this staff report. The agricultural rationale of the opposition consists of concerns for the long term plans of the property without ALC control, diminishing the potential for agrotourism in the area, and that the subject property is south facing and thus could grow a variety of crops.

ATTACHMENTS

51730 submitted photos.pdf
51730 submitted photos 2.pdf
51730 letters of opposition.pdf
51730_ContextMap20k.pdf
51730_AgCapabilityMap.pdf
51730_AirphotoMap10k.pdf
51730 lg report.pdf

END OF REPORT

Signature

Date