



Provincial Agricultural Land Commission - Staff Report

Application: 51819

Applicant: New Growth Capital Corporation
Agent: R G (Bob) Holtby
Local Government: Regional District of Kootenay-Boundary

Proposal: The applicant seeks to exclude the two northern parcels and the northwestern quarter (roughly) of the southern lot from the ALR. The effect of this would be to exclude 149 ha from the ALR and retaining 69 ha in the ALR (from the southern lot). The applicant has stated that if the exclusion application is approved, they would like to develop the area into 20 - 30 lots, each 1.2 - 2.0 ha.

BACKGROUND INFORMATION

An Agrologist Report was prepared by R.G. (Bob) Holtby, Regency Consultants Ltd., was submitted in support of the application. The report concludes that the proposal would retain the arable land within the ALR, and allow the remainder (non-arable) to be released for other uses. The report suggests allowing the land to be used for mixed use benefits agriculture, such as by preventing the infestation of invasive plant species. The RDKB received six comments, all objecting to the proposed exclusion. The concerns focused on the large amount of land proposed for exclusion, concerns that if approved, with the lack of zoning in the area, that the land may be subdivided into small parcels, and suggested that the land in question is suitable for agriculture. The applicant subsequently provided the RDKB with 16 letters of support for the application.

PROPERTY INFORMATION

PID: 014-702-029
Legal Description: District Lot 777S Similkameen Division Yale District

Property Area: 66.4 ha
ALR Area: 66.4 ha
Purchase Date: June 19, 2006
Location: near Sidney Mountain
Owner: New Growth Capital Corporation

PID: 014-702-011
Legal Description: District Lot 488S Similkameen Division Yale District

Property Area: 84.9 ha
ALR Area: 84.9 ha
Purchase Date: June 19, 2006
Location: North of Highway 3, near Sidney Mountain
Owner:

PID: 014-702-037
Legal Description: District Lot 1037s Similkameen Division Yale District

Property Area: 64.5 ha
ALR Area: 64.5 ha
Purchase Date: June 19, 2006
Location: North of Highway 3, near Sidney Mountain
Owner: New Growth Capital Corporation

Total Land Area: 215.8 ha
Total ALR Area: 215.8 ha

LAND USE

Current Land Use:

The area proposed for exclusion is raw treed land. The portion of the southern property not proposed for exclusion from the ALR is farmed.

Surrounding Land Uses:

North: Forested land
East: Forested, logged and farmed land
South: Farmed land
West: Raw Forest land

PROPOSAL DETAILS

Exclusion Area: 149.0 ha

Agricultural Capability:

The majority of the area under application is rated as: Mixed Prime and Secondary

Source: CLI

Mapsheet: 82E/3

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: N/A
Designation: N/A

Zoning:

Zoning Bylaw Name: N/A
Zoning Designation: N/A

Comments and Recommendations:

Advisory Planning Committee

Comments of March 31, 2010, exclusion application supported, as land not suitable for agriculture. Not necessarily supportive of possible other uses of land.

Comments of May 31, 2010. Exclusion application supported, as land not suitable for agriculture. Subdivision proposals for land to be addressed when submitted.

Board/Council

That the RDEK Board of Directors forward the application submitted by Regency Consultants Ltd., as agent for New Growth Capital Corporation, to exclude the lands described as DL 488s, DL 777s, DL 1037s, SDYD from the ALR to the ALC without a recommendation.

Planning Staff

Comments of April 13, 2010. Concur with APC, plus noting lack of zoning and water availability issues, suggest application be forwarded with recommendation to deny.

Comments of June 10, 2010. Agree with points raised prior staff report, as well as original and updated APC comments. Note additional information generated in review process. Considering all information, and noting lack of any formal local government land use policies affecting land, recommend application be forwarded to the ALC without a recommendation.

ALC STAFF COMMENTS

The RDKB Planning and Development Committee Report is attached and provides a general overview of the application and the local issues related to this proposal.

The report prepared by R.G. (Bob) Holtby, MSc, PAg. of Regency Consultants Ltd. for the applicant concludes in his review of the agricultural capability of the subject site that "while the application preserves agricultural land where it is found, it is almost impossible to encourage farming on the land proposed for exclusion." The assessment of the

ALC STAFF COMMENTS

physical restrictions of rock outcroppings and topography as well as the absence of irrigation water prevent that land from being farmed with any kind of soil based agriculture.

The subject area is without an OCP and zoning bylaw and as a result this application could have significant implications for future development of this land and for future land use and impacts in the general area.

ATTACHMENTS

51819_ContextMap50k.pdf
51819_AgCapabilityMap.pdf
51819_AirphotoMap50k.pdf
51819govrep.pdf
51819Agrorep.pdf
51819letters.pdf

END OF REPORT

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