



Provincial Agricultural Land Commission - Staff Report

Application: 52059

Applicant: William & Barbara Truscott
Local Government: Regional District of Central Kootenay

Proposal: SUBDIVISION - Boundary Adjustments reconfiguring 4 subject properties with a total area of 12.5 ha.

BACKGROUND INFORMATION

The applicants propose to consolidate three rectilinear parcels and a small commercial property adjacent to Highway 3 that is at present used as a glass repair shop to create two approx. 5.3 ha agricultural parcels and two 1 ha rural residential parcels on lower capability soils at the northern extremity of the properties. The reconfiguration will result in the location of motel units used for seasonal farm worker accommodation on the same property as the packing and agricultural operations rather than on two parcels as at present. The two rural residential parcels will help protect the agricultural areas from wild life damage, in particular from elk, a major problem in the area by providing a residential buffer with fencing. The rural residential parcels will have some potential for animal husbandry or tree fruit production.

PROPERTY INFORMATION

PID: 009-938-206
Legal Description: Lot 1 District Lot 812 Kootenay District Plan 5370
Property Area: 0.1 ha
ALR Area: 0.1 ha
Purchase Date: April 30, 2010
Location: 3020 Highway # 3, Creston
Owner: William & Barbara Truscott

PID: 011-732-644
Legal Description: Lot B District Lot 812 Kootenay District Plan 2109 Except that Part in Plan 11409
Property Area: 4.4 ha
ALR Area: 4.4 ha
Purchase Date: June 16, 1995
Location: 3102 Highway # 3 , Creston
Owner: William & Barbara Truscott

PID: 009-897-089
Legal Description: Lot A District Lot 812 Kootenay District Plan 994, Except Part Included in Plans 5370 and 11409
Property Area: 6.3 ha
ALR Area: 6.3 ha
Purchase Date: April 23, 2010
Location: 3016 Highway 3, Creston
Owner: William & Barbara Truscott

PID: 010-366-008
Legal Description: Lot A District Lot 812 Kootenay District Plan 2109, Except Part Included in Plans 5465 and 11409
Property Area: 1.7 ha
ALR Area: 1.7 ha
Purchase Date: July 15, 2009
Location: 3108 Highway # 3, Creston
Owner: William & Barbara Truscott

PROPERTY INFORMATION

Total Land Area: 12.5 ha
Total ALR Area: 12.5 ha

LAND USE

Current Land Use:

Property #1 - 3016 Highway 3 Creston - 6.4 ha -Fruit stand, residence, small outbuilding
Property # 2 - 3020 Highway 3 Creston - 0.1 ha Glass repair shop
Property # 3 - 3102 Highway 3 Creston - 4.4 ha - Cherry farm and cherry packing facility
Property # 4 - 3108 Highway 3 Creston - 1.8 ha - cultivated field for annual crops within ALR; southern portion is commercial and motel rental unit. Portion of the property used by the packing facility.

Surrounding Land Uses:

North: Forest - Residential
East: Agricultural - ground crops
South: Agricultural - Residential
West: Agricultural - Tree Fruits

PROPOSAL DETAILS

Subdivision - ALR Area: 12.5 ha

| Number of Lots | ALR Area of Lot (ha) |
|----------------|----------------------|
| 2 | 1.0 |
| 1 | 5.2 |
| 1 | 5.3 |

Agricultural Capability:

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

Source: CLI

Mapsheet: 82F/1

PREVIOUS APPLICATIONS

Application ID: 39520

Legacy #: 21963

Applicant: Charles & Eileen TRUSCOTT

Proposal: The subdivision of the property to create three additional lots along the northern boundary of the property.

Decisions:

| Resolution # | Decision Date | Decision Description |
|--------------|-------------------|--|
| 215/1989 | February 28, 1989 | Refused - would set a precedent and be detrimental to the larger agricultural community |
| 606/1988 | June 18, 1988 | Refused on grounds would set a precedent and would result in increased residential density |

Application ID: 25310

Legacy #: 13648

Applicant: Charles & Eileen Truscott

Proposal: To construct a water slide to attract visitors to a fruit stand on the property

Decision:

| Resolution # | Decision Date | Decision Description |
|--------------|-------------------|----------------------|
| 2085/1981 | November 17, 1981 | Allowed |

Note: The water slide was never built

PREVIOUS APPLICATIONS

Application ID: 24811

Legacy #: 13138

Applicant: A.R. & E.J. Merk

Proposal: Proposed subdivision to provide 6 mobile home spaces on 0.8 ha of the subject property

Decision:

| Resolution # | Decision Date | Decision Description |
|--------------|-----------------|---|
| 1455/1981 | August 26, 1981 | Refused on grounds that the property has high agricultural capability |

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Creston Valley OCP 1575, 2002

Designation: Agriculture 1

Zoning:

Zoning Bylaw Name: RDCK Zoning Bylaw 1675, 2004

Zoning Designation: Agriculture 1

Minimum Lot Size: 4.0 ha

Zoning Compliance: No

Comments and Recommendations:

Board/Council

The Regional Board made no comment

ALC STAFF COMMENTS

It is recommended that the Commission consider the following:

- The reconfiguration would appear to provide benefits for agriculture by enabling the packing plant facilities, farming operations and seasonal worker accommodation to be located on one property.
- The consolidation of the small 0.1 ha parcel used for a glass repair shop with the adjoining parcel would appear to have limited benefit for agriculture.
- The creation of two rural residential plots would heighten landowner expectations in the surrounding area that similar requests would be routinely permitted. Experience has shown that the cumulative effect of residential development is to increase impacts on agriculture to the detriment of the industry. Moreover smaller agricultural parcels provide fewer agricultural options and they are correlated with less rather than more agricultural activity.
- The Commission has previously refused a proposal to create three 0.5 ha lots on one of the subject properties. This decision was confirmed after reconsideration.
- It is not clear how effective the rural residential properties will be in preventing elk and deer from accessing the agricultural portions of the subject properties. The minutes of the earlier decisions of the Commission suggest that effective fencing and buffering is difficult to achieve. The views of the Resource Stewardship Agrologist may be helpful in this regard.
- A site visit and meeting with the applicant will help to clarify some of the issues, determine whether or not this proposal will have an impact on agriculture and if so whether any alternative options may be available.

ATTACHMENTS

52059 ag cap.pdf
52059 existing subs.pdf
52059 proposed subs.pdf
52059 context map.pdf
52059 orthophoto.pdf
52059m1.pdf

END OF REPORT

Prepared by: Roger Cheetham, Regional Planner