



Provincial Agricultural Land Commission - Staff Report

Application: 52248

Applicant: C.J. Logging Ltd
Agent: Pennco Engineering Ltd
Local Government: Central Kootenay

Proposal: EXCLUSION - Exclusion of 14.9 ha of land from the ALR.

BACKGROUND INFORMATION

The subject property is an approximately 26.5 ha parcel, of which approximately 11.4 ha is located in the ALR. The parcel is located west of the Duncan River, and just north of Hamill Creek, in a largely undeveloped area of Cooper Creek. It is divided in a north-south direction by the Duncan River Forest Service Road, which runs along the base of more mountainous terrain to the east.

On June 16, 1983, the Commission partially allowed a proposal to exclude approximately 14 ha of land from the ALR on the subject property (Resolution #915/1983). The Commission allowed exclusion of the land lying east of the main road (Duncan River Forest Service Road), which it considered of marginal agricultural value, and refused exclusion of the remaining lands, which it considered to have good agricultural capability. However, the Certificate of Order was never issued, and the entire area still remains in the ALR.

On September 13, 1983, the Commission allowed exclusion of an approximately 100 ha area located approximately 0.5 km west of the subject site (and west of the Duncan River), as part of a 199 ha block exclusion in the Meadow Creek/Cooper Creek area. The exclusion was finalized by a decision of Cabinet on May 16, 1984 (Resolution #1764/1984). In making its decision, the Commission noted that the excluded lands had either poor agricultural capability ratings, contained long-standing non-agricultural uses, or were already parcelized. The subject property was not included in the block exclusion application.

In addition, the Commission has approved a number of subdivisions on land south of the subject site.

PROPERTY INFORMATION

PID: 016-370-155
Legal Description: Block District Lot 10708 Kootenay District
Property Area: 26.5 ha
ALR Area: 11.4 ha
Purchase Date: November 18, 2005
Location: Duncan Forest Service Road north of Argenta Road
Owner: C.J. Logging Ltd

Total ALR Area:

LAND USE

Current Land Use:

Equipment storage / Undeveloped

Surrounding Land Uses:

North: Crown Land/Agricultural
East: Crown Land
South: Hamill Creek
West: Agricultural

PROPOSAL DETAILS

Exclusion Area: 14.9 ha

Agricultural Capability:

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

Source: CLI

Mapsheet: 82K/2

PREVIOUS APPLICATIONS

Application ID: 23296

Legacy #: 16091

Applicant: Kenneth J. Surina

Note: Resolution #915/1983. June 16, 1983. Partial approval of proposal to exclude approximately 14 ha of land from the ALR. The Commission allowed exclusion of the land east of Duncan River Forest Service Road (FSR), on the basis of marginal agricultural potential. The Commission refused exclusion of the remaining lands located west of the Duncan River FSR. However, the Certificate of Order was never issued, and the entire area remains within the ALR.

RELEVANT APPLICATIONS

Application ID: 44677 **Legacy #:** 37879

Applicant: Yvonne Boyd

Proposal: To subdivide the 25.5 ha subject property to create parcels of 1.6 ha, 5.9 ha and 18 ha.

Decision:

Resolution #	Decision Date	Decision Description
254/2008	May 8, 2008	Allowed as proposed.

Note: The subject site is located southeast of the property currently under review.

Application ID: 24674 **Legacy #:** 15652

Applicant: Roy & Jane Lake

Note: Resolution #2832/1982. December 16, 1982. Refusal of proposal to subdivide a 60 ha parcel into a 45 ha parcel and a 15 ha remainder, on the basis of agricultural capability and present agricultural use. The Commission also noted that the applicant had been granted subdivisions twice previously. The subject property is located south of the property currently under review.

Application ID: 24672 **Legacy #:** 07979

Applicant: Roy & Jane Lake

Note: Resolution #11034/1979. April 5, 1979. Approval of proposal to subdivide a 5.7 ha parcel from a 70 ha parcel. The subject property is located south of the property currently under review.

Application ID: 23459 **Legacy #:** 10681

Applicant: Ruth boyd

Note: Resolution #1922/1980. October 15, 1980. Refusal of proposal to subdivide a 40 ha property into a 4 ha parcel and a 36 ha remainder, on the basis of protecting the agricultural potential of the property. The subject property is located southeast of the property currently under review.

Application ID: 19944 **Legacy #:** 16326

Applicant: LRC/RD-Cooper/Meadow Creek

Proposal: Block Application - Requested exclusion of 199.5 ha.

Decision:

Resolution #	Decision Date	Decision Description
1764/1984	May 16, 1984	Exclusion allowed by Cabinet (199.5 ha). This resolution number is used to enter statistical information relating to the area under application and subsequent decision by Cabinet.

Note: Approximately 100 ha of the excluded area is located approximately 0.5 ha west of the property currently under review.

Application ID: 13597 **Legacy #:** 75-0346

Applicant: R Lake

Decision:

Resolution #	Decision Date	Decision Description
1714/1975	June 19, 1975	Not in ATS

Note: Approval of proposal to subdivide a 5.4 ha parcel from a 70 ha parcel. The subject property is located south of the property currently under review.

Application ID: 3793 **Legacy #:** 21540-1

Applicant: Larry and Joan MacNICOL

Proposal: To subdivide the 5 ha lot into two lots of 2.5 ha

Decision:

Resolution #	Decision Date	Decision Description
498/1995	June 21, 1995	The Commission noted that the applicant qualified for consideration under Homesite Severance Policy. As such it was prepared to allow the subdivision as proposed but would consider the subdivision as fulfilling the spirit of the policy.

Note: The subject property is located south of the property currently under review.

RELEVANT APPLICATIONS

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Electoral Area "D" OCP

Designation: Light Industrial (M1)

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: N/A

Zoning Designation: N/A

Comments and Recommendations:

Advisory Planning Committee

On April 19, 2011, the Advisory Planning Commission (APC) for Electoral Area "D" recommended approval of the proposal. The APC noted that the northwest portion of the property has agricultural potential, however, as a practical decision, recommended that the area be excluded from the ALR.

Board/Council

On May 5, 2011, the Board of the Regional District of Central Kootenay adopted Resolution 337/11 in support of the application.

ALC STAFF COMMENTS

-- The agricultural capability of the subject property is 6:2C - 4:5WI.

-- On the basis of agricultural capability, the Commission previously refused exclusion of the area west of Duncan River Forest Service Road (FSR), and approved exclusion of the area east of the road.

-- The subject site is located on the eastern boundary of the ALR in the Meadow Creek area.

-- Four letters of opposition to the proposal have been submitted in response to the public Notice of Exclusion of ALR Lands. The letters express concern regarding the diminishing agricultural land base in the valley, and note that non-farm uses such as gravel mining and equipment storage are already occurring on the property. The letters also express concern regarding impacts on fish and wildlife habitat.

END OF REPORT

Prepared by: Lily Ford, September 9, 2011