



Provincial Agricultural Land Commission - Staff Report

Application: 52639

Applicant: Ponderosa Estates Ltd
Agent: Marga Ventures Ltd
Local Government: Kootenay-Boundary EA

Proposal: SUBDIVISION / NON-FARM USE - Proposal to establish an eco-village development consisting of twenty (20) 0.6 ha to 1 ha residential parcels, a 16-unit residential strata development and associated sewage treatment plant, and a range of commercial, recreational, and agricultural uses, including a retirement home, an approximately 1 ha campground, a wellness centre, a cafe/bakery, an automotive shop, a woodworking shop, parkland, and a variety of agricultural uses, including greenhouses, gardens, orchards, chickens, and an apiary. The subject parcel is 40.2 ha in size, 38.7 ha of which is in the ALR.

BACKGROUND INFORMATION

The property has been the subject of several previous applications. In 1977, the Commission allowed four parcels totalling 950 acres (384 ha) to be subdivided into 40 two (2) ha lots with consolidation of those portions of the remaining land considered to possess good agricultural capability. The subject property was part of a 121 ha remainder lot.

In 1986, the Commission allowed subdivision of this 121 ha parcel into three lots, including the 40.2 ha subject parcel.

In 1993, the Commission refused an application to subdivide the 40.2 ha subject parcel into several 2 ha - 12 ha rural residential parcels, on the basis that the land had good agricultural capability.

In 1997, the Commission refused an application for subdivision of the subject property into four 10 ha lots on the basis that the land has good agricultural potential that would be reduced by subdivision.

In 1999, the Commission approved a proposal to use the property for a post and rail production plant. This application, and the subsequent rezoning of the property, was allowed on the basis of community need, after extensive review and consultation with the Regional District of Kootenay Boundary (RDKB) regarding availability of industrial land. In the intervening years, however, no industrial use has occurred on the site. A recent proposal by Aquilini Renewable Energy to construct a waste-to-energy plant was withdrawn in April 2010 in response to community opposition.

The current proposal includes both subdivision and a wide range of agricultural and non-agricultural uses, including residential, commercial, and recreational uses. RDKB Planning staff note that a new zone designation (e.g., Comprehensive Development zone) would be required should the application be approved.

The proposed uses would be developed in phases. Phase 1 would involve construction of a campground on the property. Creation and sale of the single family residential lots would follow. Sale of these lots would generate cash flow for construction of the sewage treatment plant and other site development. Phase 2 would include development of the agricultural uses and the cafe/bakery. Phase 3 would involve construction of the cluster housing development and the sewage treatment plant to service it. Cluster housing lot sales would generate funds to construct the cluster housing units. Support from private investors would also be pursued.

The agent, Marga Ventures Ltd., is the project developer. Marga Ventures intends to purchase the property from the current applicant once all approvals, including rezoning, have been obtained.

PROPERTY INFORMATION

PID: 004-128-923
Legal Description: Lot 35 District Lots 312 and 348 Similkameen Division Yale District Plan 29935 Except Plan 39263
Property Area: 40.2 ha
ALR Area: 38.7 ha
Purchase Date: May 9, 1979
Location: Ponderosa Drive, Christina Lake
Owner: Ponderosa Estates Ltd

Total ALR Area:

LAND USE

Current Land Use:

Gravel/sand pit ; electrical transmission line; otherwise undeveloped.

Surrounding Land Uses:

North: ALR: Undeveloped
East: Non-ALR: Railway / Industrial
South: Part ALR: Rural residential
West: ALR: Rural residential / Undeveloped

PROPOSAL DETAILS

Subdivision - ALR Area: 38.7 ha

Number of Lots	ALR Area of Lot (ha)
2	0.6
1	16.0
16	1.0
1	2.0
1	3.2
1	1.6

Agricultural Capability:

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

Source: CLI

Mapsheet: 82E/1

PREVIOUS APPLICATIONS

Application ID: 14481

Legacy #: 32868

Applicant: Ponderosa Estates Ltd.

Proposal: Paxton Forest Products Inc. are seeking permission to develop a post and rail production plant on the subject property. The entire property would be required for this purpose.

Decision:

Resolution #	Decision Date	Decision Description
551/1999	August 12, 1999	Allow non-farm use.

Application ID: 9314

Legacy #: 27952-2

Applicant: Ponderosa Pines RV Park Ltd

Proposal: Subdivide the subject parcel into four 10 ha lots.

Decision:

Resolution #	Decision Date	Decision Description
820/1997	November 18, 1997	Reconfirm original decision to refuse subdivision of the property into four 10 ha lots.

Application ID: 8455

Legacy #: 27952-1

Applicant: Ponderosa Pines RV Park Ltd

Proposal: Subdivision of subject 40 ha parcel into 4 ten (10) ha lots.

Decision:

Resolution #	Decision Date	Decision Description
508/1997	September 23, 1997	Refuse proposal for subdivision as requested.

Application ID: 4680

Legacy #: 18880

Applicant: Ponderosa Estates Ltd.

Proposal: Subdivide 121.5 ha into three lots of 35 ha, 56.5 ha and 30 ha. 89 ha is within the ALR

Decision:

Resolution #	Decision Date	Decision Description
167/1985	March 12, 1985	Refuse, will allow 2 lot s'd as one lot almost totally out of ALR

Note: The subject property was the parent parcel of the property currently under application.

Application ID: 4668

Legacy #: 20275

Applicant: Ponderosa Pines RV Park Ltd

Proposal: Exclude 42 ha for use as a railway loading facility and subdivide this portion from remainder of 121 ha property.

Decision:

Resolution #	Decision Date	Decision Description
936/1986	August 12, 1986	Refuse exclusion, allow subdivision of entire parcel into 3 lots (one mainly out ALR) and utilize area east of tracks for railcar loading subject to no permanent structures.

Note: The approved subdivision created the property currently under application.

Application ID: 4142

Legacy #: 03270

Applicant: Sandner Bros

Proposal: Subdivide 950 acres into 45 parcels of various size

Decision:

Resolution #	Decision Date	Decision Description
7072/1977	September 7, 1977	Allowed 40 lots 2 ha in size on reconsideration with consolidation of good ag cap lands

Note: The 950 acres included the property currently under application.

Application ID: 403

Legacy #: 27952

Applicant: Ponderosa Pines RV Park Ltd

Proposal: Subdivide 40 ha parcel into rural residential parcels of 2 - 12 ha for resale. Owner hasn't had sale as one unit.

PREVIOUS APPLICATIONS

Decision:

Resolution #	Decision Date	Decision Description
858/1993	September 2, 1993	Refuse, high agricultural capability. Owner formerly stated land would be put into asparagus production.

RELEVANT APPLICATIONS

Application ID: 52066

Applicant: Craig & Ginette Boruck

Proposal: The applicants wish to subdivide the 12.2 ha lot into two lots of approximately 6 ha. The applicants submit that the property is not usable for agricultural purposes, and that allowing the creation of two smaller parcels will not adversely impact the area, or the property.

Decision:

Resolution #	Decision Date	Decision Description
70/2011	February 28, 2011	Refuse proposed subdivision on the grounds that further subdivision would reduce its agricultural potential.

Note: The subject property is located approximately 200 m southeast of the property currently under application.

Application ID: 44040

Legacy #: 37426

Applicant: Peter and Carol Penner

Proposal: To subdivide the 27 ha subject property to create one (1) lot of approximately 15 ha and one remainder of 12 ha.

Decision:

Resolution #	Decision Date	Decision Description
637/2007	November 15, 2007	Refused due to impact on area and no benefit to agriculture.

Note: The subject property is located approximately 200 m west of the property currently under application.

Application ID: 43831

Legacy #: 37265

Applicant: Craig & Ginette Boruck

Proposal: To subdivide the 22 ha subject property to create one 10 ha lot and one 12 ha lot.

Decision:

Resolution #	Decision Date	Decision Description
224/2007	May 3, 2007	Allow as requested with condition that no further subdivisions be allowed and that the bottomland is all kept on one parcel.

Note: The subject property is located approximately 200 m southeast of the property currently under application.

Application ID: 4669

Legacy #: 22915

Applicant: Ponderosa Estates Ltd.

Proposal: Subdivide 14 ha from 38 ha property in order to put reload business in name of operating company, International Reload Systems Inc.

Decision:

Resolution #	Decision Date	Decision Description
213/1989	February 2, 1989	Allow, with no permanent structures on 14 ha portion as per previous decision

Note: The subject property is located immediately east of the property currently under application.

Application ID: 3675

Legacy #: 29956

Applicant: International Reload Systems Ltd

Proposal: Exclude 38.07 ha parcel as the Christina Lake OCP designates this parcel for Industrial purposes

Decision:

Resolution #	Decision Date	Decision Description
1017/1995	December 7, 1995	Allow exclusion, Commission agreed to Industrial designation in OCP

Note: The subject property is located immediately east of the property currently under application.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Area "C" OCP
Designation: Industrial
OCP Compliance: No

Zoning:

Zoning Bylaw Name: Area "C" Zoning Bylaw
Zoning Designation: Industrial 2 (I2)
Minimum Lot Size: 1.0 ha
Zoning Compliance: No

Comments and Recommendations:

Advisory Planning Committee

The Advisory Planning Commission for Electoral Area "C" states that it would not make any comments or recommendations until after referral to the ALC.

Board/Council

On January 26, 2012, the Regional District of Kootenay Boundary Board adopted Resolution 5-12 in support of the proposal, subject to the applicant providing an agrologist report.

Other

On January 12, 2012, the Electoral Area Services Committee recommended that the application be forwarded to the ALC without a recommendation. It further recommended that the application to redesignate and rezone the subject property be deferred pending the ALC decision.

Planning Staff

The January 12, 2012 staff report to the RDKB Board provides the following comments: "As noted, there is a considerable history involving this property. Significant time and resources were previously committed to obtaining the industrial use authorization for the property. The loss by re-designation of a large piece of industrial property is difficult to offset or replace. However, the efforts to develop the parcel as an industrial operation have all failed. On the other hand, development of a residential, mixed-use area in a node away from the town centre, on agricultural land, while having certain positive attributes, can also have a negative impact on the area, by isolating and segregating commercial activities in distinct pockets and detract from the agricultural base of the area, in addition to the loss of the industrial land. It may be premature to consider and discuss in depth the potential uses of this property without first knowing the position of the ALC in regard to future use and development of the property. Thus, rather than being supportive or opposed to the proposed development, the Planning and Development Department suggests allowing the ALC to determine what proposed uses will be permitted on this agricultural property, and once that is addressed, then review the proposal in light of OCP policies."

ALC STAFF COMMENTS

-- As shown on Canada Land Inventory (CLI) Map 82E/1, the improved agricultural capability ratings for the subject parcel are 60% Class 3 with limitations due to moisture deficiency (droughtiness) and 40% Class 2 with limitations due to a combination of soil factors.

-- The agricultural capability map submitted by the Regional District of Kootenay Boundary, which is based on a study done by H.A. Luttmerding, P.Ag., provides the following ratings: Class 5 with limitations due to soil moisture deficiency (modified) improvable to 60% Class 2 with the same limitations and 40% Class 3 with limitations due to soil moisture deficiency and topography.

-- An on-site inspection conducted by ALC Soil Specialist Ivan Cotic, P. Ag., on March 15-16, 1977 confirmed the CLI ratings but provided additional detail as follows: the rating for the western "panhandle" is 100% Class 2 with limitations due to a combination of soil factors; the remainder of the property is 60% Class 3 and 40% Class 2 as shown on the CLI map, with the exception of an approximately 1 ha area near the location of the existing gravel pit that is rated Class 6 with limitations due to stoniness and topography.

-- The surrounding area contains a range of parcel sizes and uses. Lands to the east contain large industrial parcels; the remainder of the area contains some large (15 - 20 ha) forested parcels and a number of 2 ha - 5 ha rural residential parcels.

-- The application states that the property has been owned by the Sandner family for over 100 years. (Douglas Sandner is the principal of Ponderosa Estates Ltd.) Online title information shows the property was owned by Ponderosa Estates Ltd. as of May 1979. Commission records indicate that the property was owned by Sandner Bros. Lumber Company in 1977. Previous title information is archived and would require additional research.

END OF REPORT

Prepared by: Lily Ford, September 4, 2012