



# BOARD REPORT

**TO:** Chair and Directors

**File No:** LC2569A  
PL20190000115

**SUBJECT:** Electoral Area A: Agricultural Land Commission (ALC) Application under Section 30(1) – Exclusion LC2569A (Kicking Horse Adventures Ltd.)

**DESCRIPTION:** Report from Christine LeFloch, Planner II, dated June 19, 2019.  
3147 Imler Road, Parson

**RECOMMENDATION #1:** THAT: Application No. LC2569A, Section 30(1) Exclusion from the Agricultural Land Reserve, for (1) the SE 1/4 of Section 2 Township 25 Range 20 West of the 5<sup>th</sup> Meridian Kootenay District, (2) Those Parts of the NE 1/4 of Section 35 Township 24 Range 20 West of the 5<sup>th</sup> Meridian Kootenay District, Shown Outlined in Red on Explanatory Plans 13993I and 13933I(1), and (3) Part of the E 1/2 of Section 35 Township 24 Range 20 West of the 5<sup>th</sup> Meridian Kootenay District, Lying North of the Columbia River Save & Excluding the RW of the Canadian Pacific Railway Shown O/L Pink on Plan 1105 & PTS Red on Plans 13933I and 13933I(1), be forwarded to the Provincial Agricultural Land Commission recommending approval this 18<sup>th</sup> day of July, 2019.

## SHORT SUMMARY:

The subject properties are located at Imler Road and Hwy 95 in the Parson area of Electoral Area A. The owners would like to exclude a 51.8 ha portion of the properties from the ALR for the purpose of future subdivision and development.

<b>VOTING:</b>	Unweighted Corporate	<input checked="" type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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## BACKGROUND:

**APPLICANT:**  
Kicking Horse Adventures Ltd.

**AGENT:**  
Pioneer Forest Consulting Ltd.

**ELECTORAL AREA:**  
A

**LEGAL DESCRIPTIONS:**  
\*Properties have been labeled on the Location Map. See "Maps\_Plans\_Photos\_LC2569A.pdf" attached.

(1) SE 1/4 of Section 2 Township 25 Range 20 West of the 5<sup>th</sup> Meridian Kootenay District

(2) Those Parts of the NE ¼ of Section 35 Township 24 Range 20 West of the 5<sup>th</sup> Meridian Kootenay District, Shown Outlined in Red on Explanatory Plans 13993I and 13933I(1)

(3) Part of the E ½ of Section 35 Township 24 Range 20 West of the 5<sup>th</sup> Meridian Kootenay District, Lying North of the Columbia River Save & Excluding the RW of the Canadian Pacific Railway Shown O/L Pink on Plan 1105 & PTS Red on Plans 13933I and 13933I(1)

PIDs:

(1) 016-563-549

(2) 016-563-573

(3) 024-372-064

CIVIC ADDRESSES:

(1) Imler Road, Parson

(2) Imler Road, Parson

(3) 3147 Imler Road, Parson

SURROUNDING LAND USE PATTERN:

North = Pasture

South = Hay and pasture, machine shop, sheds, heavy equipment parking, residence, private forest land, gravel pit, Columbia wetland

East = Pasture, private and Crown forest land, two residences, Columbia wetland

West = unoccupied forested private land, MoTI gravel pit, rural residential, wetland

CURRENT USE:

2 gravel pits, recent timber harvesting requiring construction of new roads

PROPOSED USE:

Exclusion of 51.8 ha from the ALR for the purpose of subdivision and further development

PARCEL SIZES:

(1) 65.75 ha – proposed for exclusion: 44.3 ha

(2) 2.59 ha – proposed for exclusion: 2.4 ha

(3) 56.15 ha – proposed for exclusion: 5.1 ha

PROPOSED PARCEL SIZE:

No information provided regarding the subdivision and development plans

DESIGNATION:

N/A

ZONE:

N/A

AGRICULTURAL LAND RESERVE:

(1) 90%

(2) 100%

(3) 100%

**SOIL CAPABILITY:**

See "Maps\_Plans\_Photos\_LC2569A.pdf" attached.

According to the Canada Land Inventory the following soil classes and limitations are applicable to the subject properties:

(1) Class 6 limited by topography and stoniness, Class 5 limited by topography and stoniness  
(2 & 3) 60% Class 5 limited by low fertility and topography – 40% Class 4 limited by a combination of subclasses and topography (improvable to 60% Class 4 limited by low fertility and topography – 40% Class 3 limited by topography)

**HISTORY:**

See "Maps\_Plans\_Photos\_LC2569A.pdf" attached.

- 1167 (1976) Approved subdivision of two 1 acre lots, one 1.7 acre lot, and one 5 acre lot.
- 1647 (1980) Refused exclusion but allowed subdivision of a 7.48 acre lot to be used as a shop and storage yard.
- 1739 (1981) Refused exclusion but noted they would consider a subdivision proposal.
- 1842 (1982) Approved subdivision of a 0.2 ha lot and a 1.8 ha lot.
- 1871 (1983) Approved subdivision of a 1.2 ha lot.
- 1943 (1984) Approved subdivision of four 0.25 ha and one .4 ha lots.
- 1858 (1984) Block exclusion approved of Imler Road area. This was part of a much larger ALC boundary amendment application resulting in block exclusions and inclusions from Nicholson to Harrogate. See "Block\_exclusion\_1858A\_LC2569A.pdf", attached.

**SITE COMMENTS:**

The subject properties are located at the southern junction of Imler Road and Highway 95 in the Parson area south of the Town of Golden. The southernmost property is divided by Highway 95 and the CP Rail right of way, and the two northerly properties are divided by Imler Road.

Mallard Creek crosses the subject properties from northeast to southwest. There are also two intermittent watercourses/draws identified on the CSRD mapping. Flood hazard mapping indicates that the lower portion of Mallard Creek has been identified as a high hazard area with respect to flooding. The portion of the southernmost property located on the south side of Highway 95 and much of the lands near Imler Road are wetland.

The properties contain low lying areas along the valley bottom and areas with slopes increasing to between 35-50%, and also some areas containing slopes between 50-100%. Above the steeply sloped area is a relatively level bench with slopes between 5-25%.

The applicant has indicated on the application form that there is a cleared area with an occupied mobile home which is the original homestead area of Property 2. However, the mapping provided by the applicant notes that the cleared area and old homestead area is located on Property 1.

Property 3 is indicated on CSRD mapping as classified as farm for assessment purposes. Properties 1 and 2 are not indicated as having farm classification. However, the applicant notes in the application that all three properties have farm classification so there may be an error with the mapping.

**POLICY:**

Electoral Area A is not subject to an Official Community Plan and the Parson Area is not subject to a zoning bylaw.

**FINANCIAL:**

There are no financial implications for the CSRSD as a result of this application.

**KEY ISSUES/CONCEPTS:**

The subject properties have been labeled as 1, 2 and 3 in the Background section above. Please see the Location Map in "Maps\_Plans\_Photos\_LC2569A.pdf". The applicant is proposing to exclude the entirety of Property 2, along with portions of Properties 1 and 3 from the ALR. Property 1 is 90% in the ALR, while properties 2 and 3 are 100% in the ALR.

The purpose of exclusion of the subject properties from the ALR is for future development of the lands through subdivision. The rationale included in the application regarding the proposed exclusion states that the areas were recently logged by the previous owner, the proposed areas have low soil capability ratings of 20% Class 5 and 80% Class 6, much of Property 2 is wetland, and the lands are located on the edge of the ALR belt and therefore will not fragment the ALR land base. The applicant also indicates that there are two existing gravel pits on the areas proposed for exclusion and that there are residential and industrial (gravel pits) uses on the west side of the proposed exclusion area. The applicant has not provided a development proposal as part of the application so the number of lots and configuration of the proposed subdivision is not known.

It is noted that there is a history of small lot subdivision on the lands immediately to the west of the subject properties. Many of these subdivisions were approved by the ALC through the application process between 1976 and 1984. These lands were excluded from the ALR in 1984 as part of a block exclusion and inclusion application initiated by the CSRSD which resulted in a realignment of the ALR boundary. A portion of Property 1 was excluded through that same process. The application covered lands located between Nicholson and Harrogate including the lands along Imler Road to the west of the subject properties which are identified in the associated documents as Area 14 (see "Block\_exclusion\_1858A\_LC2569A.pdf").

The rationale for exclusion of those lands in Area 14 by the ALC notes that "despite lands with relatively good agricultural capability in some portions of this area, the Commission recognizes that the area has undergone some degree of subdivision and is willing to recognize the area as a small development node and thereby recommend exclusion of the area as proposed by the Regional District. The Commission further suggests that the floodplain land west of the railway also be excluded due to this area's limited agricultural potential and in order to avoid leaving a slender area of ALR". They also requested exclusion of an adjoining area, because of poor capability. A more general description of the areas proposed for exclusion in the block exclusion application noted that generally, "the considerable majority of the areas proposed for exclusion have agricultural capabilities poorer than 50% Class 5."

The proposal under the current application would constitute an expansion of the area previously excluded. The proposed area to be excluded includes the following:

<b><i>Property</i></b>	<b>Property size</b>	<b>Area of Proposed Exclusion</b>	<b>Applicant's Rationale for Proposed Exclusion</b>
<i>1</i>	65.75 ha	44.3 ha	Steep terrain and Class 5-6 soils with topography and stoniness as limiting factors. Property contains a gravel pit.

2	2.59 ha	2.4 ha	70% of parcel is wetland
3	56.15 ha	5.1 ha	Steep terrain and Class 5-6 soils with topography and stoniness as limiting factors. Property contains a gravel pit.
1, 2, & 3	124.49	51.8 ha	The majority of the proposed ALR exclusion parcels have been recently logged by the previous land owner. There has never been agricultural activity on this land. The field results of soil assessments confirm that due to the hummocky terrain, sandy and glaciofluvial soils, approximately 65% of this land is rated as having no to very low agricultural values and 35% has moderate agricultural potential. These parcels cannot be cultivated or used for sustainable grazing due to soil, climate, and terrain limitations (e.g. slope >35%). It is not feasible to make this land financially viable for agriculture or grazing for the long term by fertilizing, irrigating, or levelling. Exclusion of these parcels will not fragment the ALR as this land is located at the edge of the ALR belt. Industrial (gravel pits) and residential developments border the proposed ALR exclusion area on the west side. On these adjacent properties, very similar and even better land (much flatter) has already been excluded from the ALR (see map). In addition, approximately 70% of the lower proposed exclusion parcel (PID 016-563-573) is a swamp (underwater). Two existing gravel pits are also located in the ALR exclusion parcels.

Staff note that the proposed exclusion area includes some area in Property 1 that is Class 5. Staff note that Class 5 soils are capable of producing an extremely limited range of crops along with perennial forage crops. The proposed exclusion area also includes some area in Property 3 that is rated Class 4-5, improvable to Class 3-4. This area has not been cultivated. This may be because it is located in an area with slopes between 25-50%.

The application information does not include an agrologist's report about the soil capability of the areas subject to exclusion application

### **SUMMARY:**

Electoral Area A is without the benefit of an Official Community Plan and zoning bylaw so there are no policies for to guide staff and the Board with regard to agricultural land use in the area.

Development Services staff is recommending that the Board send application LC2569A to the ALC with a recommendation of approval for the following reasons:

- The lands proposed for exclusion appear to have significant constraints with regard to agricultural use including steep terrain and some wetland area;

- The proposed lands are rated the same or poorer than the lands to the west that were excluded in 1984;
- The proposed exclusion would not have the effect of severing the continuity of the ALR in the general area.

**IMPLEMENTATION:**

If the ALC approves the exclusion, the applicants will be able to proceed with their plans for subdivision of the properties by making applications to the Ministry of Transportation and Infrastructure and to the CSRD.

If this application is not approved by the ALC, the owners may make an application to subdivide within the ALR. If the application for subdivision within the ALR is approved, the owners would then be able to make their subdivision applications to the Ministry of Transportation and Infrastructure and the CSRD.

If the ALC does not approve this exclusion of subdivision in the ALR, the owner would only be able to apply for subdivision of the portion of Property 1 that is not within the ALR.

**COMMUNICATIONS:**

The applicant, under Section 30(1), Exclusion of land from the ALR, was required to advertise in a newspaper, to notify adjacent property owners in writing, and to post a sign on the property as notice of the proposed exclusion. Proof of notification was provided with the application. Staff have not received any letters from property owners in the area.

The recommendation of the Board will be forwarded to the ALC for consideration during its review of the application.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Public notification documents
2. Provincial Agricultural Land Commission – Applicant Submission

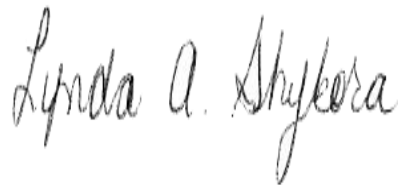
**Report Approval Details**

Document Title:	2019-07-18_Board_DS_LC2569A_KickingHorseAdventures.docx
Attachments:	- Block_exclusion_1858A_LC2569A.pdf - Maps_Plans_Photos_LC2569A.pdf
Final Approval Date:	Jul 4, 2019

This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jul 3, 2019 - 11:24 AM**



**Lynda Shykora - Jul 4, 2019 - 2:42 PM**

**No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora**

**Charles Hamilton - Jul 4, 2019 - 2:43 PM**