

## **Request for Decision ALR Non-Farm Use Application**

File No: P 722 209  
Reference: 64883  
Date: May 2, 2022

**Subject:** Agricultural Land Reserve Non-Farm Use – Newgate / Madera Ranch Ltd  
**Applicant:** Madera Ranch Ltd.  
**Agent:** Doug Bender  
**Location:** 5464 Green Road  
**Legal:** Parcel 5 (explanatory Plan 11461i), District Lot 326, Kootenay District, Plan X26

**Proposal:** ALR non-farm use application for the removal of soil.

**Options:**

1. THAT the Agricultural Land Commission be advised the RDEK supports the Madera Ranch Ltd. Agricultural Land Reserve non-farm use application for property at 5464 Green Road in the Newgate area.
2. THAT the Madera Ranch Ltd. Agricultural Land Reserve non-farm use application for property at 5464 Green Road in the Newgate area, be refused.

**Recommendation:** **Option # 1**  
The identified use is permitted within the RR-60 zone. However, it is noted that the applicant should have applied for a non-farm use application with the Agricultural Land Commission prior to doing any work and must do so before any future work commences.

---

**Property Information:** **OCP Designation:** RR, Rural Resource which supports rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, greenspace and recreation

**OCP Policies:**

- Land in the ALR is generally designated and supported for agricultural use.
- ALR applications for non-farm use, subdivision, or exclusion should identify opportunities to improve the agricultural capacity and provide a net benefit to agriculture for the lands that remain within the ALR.

**Zone Designation:** RR-60, Rural Resource Zone, which has a minimum parcel area requirement of 60.0 ha.

The RR-60 zone permits mineral exploration and extraction including grading, washing, screening, crushing and transporting of sand and gravel and mineral resources extracted from the parcel.

**Property  
Information  
- cont'd:**

**Parcel Size:** Private Parcel – 64.7 ha (159.8 ac)  
Area of Disturbance: 0.815 ha (2 ac)

**Density:** One single family dwelling is permitted

**Interface Fire Hazard Rating:** Moderate to high, not within a fire protection area.

**BC Assessment:** Residential (MH)

**Water / Sewer Services:** Onsite

**Flood Hazard Rating:** An unnamed creek or seasonal flow may be present on the subject property. Development must comply with floodplain regulations.

**Agricultural  
Capability  
Ratings:**

The northwest portion of the subject property is 70% Class 5 with limiting factors of topography and moisture deficiency and 30% Class 6 with a limiting factor of topography. This is not considered improvable. The southeast portion of the property is Class 5 with limiting factors of moisture deficiency and topography. This is considered improvable to 70% Class 4 with a limiting factor of moisture deficiency and topography and 30% Class 3 with a limiting factors of moisture deficiency.

**Agrologist Report:** None.

**Additional  
Information:**

- The application is for the removal of gravel from the property. The application states that this occurred in July and July of 2021:
  - 4205 m<sup>3</sup> was extracted to construct a suitable road (0.5 km) to access the parcel. The new road provides a second exit and egress location in the event of an emergency at Madera Ranch (the parcel to the south of the subject parcel).
  - 305 m<sup>3</sup> was extracted to build safe and suitable parking at Newgate Sandy Shores Day Use Area as Madera Ranch is the operator of the Crown Land Lease for the Sandy Shores campground and day use area.
- The application states that the gravel was extracted from a hill located in the northwest corner of the parcel near the property line. Trees were removed, and topsoil was removed and stockpiled. The hill was approximately 7.6 m high and was leveled once the gravel was extracted. The topsoil was replaced and site remediated to improved conditions. Equipment used included an excavator, dump truck, crusher, water truck, packer and grader.
- The application states that the gravel extraction included a reclamation plan to improve the net agricultural capability of the site compared to pre-disturbance conditions. This was accomplished by removing the steep escarpment slopes and improving the road to the parcel for future use.

**Consultation:** **APC Area B:** Support recommended, however, the Committee notes that this is an issue that the ALC should be addressing and not our place to enforce ALC rules and regulations.

**Documents Attached:**

- ALR Boundary Map
- Land Use Map
- Agricultural Capability Map and Key
- Proposal
- Cross Section
- Photo provided by applicant
- Aerial Photo

**RDEK Contact:** Krista Gilbert, Planning Technician  
Phone: 250-489-0314  
Email: kgilbert@rdek.bc.ca