



To: Community Safety Committee
From: Phyllis L. Carlyle
General Manager, Law & Community Safety
Re: **Soil Processing Non-Farm Use Application**
Kutny's Landscaping Ltd., 9811 No. 6 Road

Date: May 18, 2010
File: 12-8060-01/2010-Vol
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Staff Recommendation

That Council endorse the soil processing non-farm use application submitted by Kutny's Landscaping Ltd. for their topsoil business at 9811 No 6 Road.

Phyllis L. Carlyle
General Manager, Law & Community Safety
(604-276-4104)

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Business Licences	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
Roads & Dykes	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
Development Applications.....	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
Policy Planning	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
Transportation.....	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	DEPUTY	<input checked="" type="checkbox"/>
				YES	NO
				<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff Report

Origin

On February 16, 2010, the City received a request from Kutny's Landscaping Ltd. for an extension and/or renewal of soil permit S-111 issued in November 1998 under the *Soil Conservation Act*. Kutny's Landscaping was advised that the Soil Conservation Act had been repealed and under the new *Agricultural Land Commission (ALC) Act*, the continued use of the property located at 9811 No 6 Road as a topsoil business, requires a "Non-Farm Use" application to the Agricultural Land Commission with Council's endorsement.

Analysis

Kutny's Landscaping Ltd., has been using the land described as East ½ and North ½ of Lot 8 Plan 4691, Section 29 B4N, R5W, N.W.D. S& E P1 81336 civic address 9811 No 6 Road as a top soil business since 1972. The parcel of land is within the Agricultural Land Reserve and is subject to the provisions of the ALC Act. The property is zoned AG1 (Agriculture) which permits a farm business.

In 1982 Kutny's Landscaping Ltd. was required to obtain a soil permit by the Agricultural Land commission in order to continue its landscaping operation. The permit S-111 was issued for three (3) years and subsequently renewed in 1985, 1988 and 1991 respectively.

The 1988, renewal from the Agricultural Land Commission allowed the continued operation of the site as a topsoil business with provisions that no soil material coarser than sand would be brought on to the property and that no portions of the property would be paved.

In 1998 the Agricultural Land Committee retroactively renewed soil permit S-111 for a period of fifteen years from January 1, 1994. Soil permit S-111 expired on January 1, 2010.

The Agricultural Advisory Commission was informed of this application on April 15, 2010 and did not have any concerns.

City records confirm that there has been no adverse impact to the community or city infrastructure due to the top soil business being operated by Kutny's Landscaping Ltd., at 9811 No 6 Rd.

A recent inspection by Agricultural Land Commission enforcement staff found the property to be in compliance with the original authorization from the Commission under the *Soil Conservation Act* and in compliance with the ALC Act. The Agricultural Land Commission staff have advised that there have been no complaints on this property with regard to the topsoil business operation.

Financial Impact

Kutny's Landscaping has paid an application fee of \$600 to the City, \$300 of this amount will be forwarded to the Agricultural Land Commission with the application.

Conclusion

Kutny's Landscaping Ltd. is a local topsoil business that supports farming in Richmond. The Agricultural Land Commission is satisfied that the current use of the land does not hinder its future agricultural viability.

There is a long-standing history of Kutny's Landscaping Ltd.'s topsoil business in the City of Richmond and the Agricultural Land Commission's past approval of the operation. It is recommended that Council endorse the application and forward the non-farm use application to the Agricultural Land Commission for consideration.



Magda Laljee, BA (Justice Studies)
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