



Agricultural Land Commission
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June 29, 2007

Reply to the attention of Roger Cheetham
ALC File: Q-36334

Village of Midway
P.O. Box 160
Midway, BC V0H1M0

Dear J. F. Madder:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 301/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

BR/lv
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Site Inspection

A site inspection was conducted on May 1, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Jim Madder Administrator, Village of Midway
- Marguerite Rotvold RDKB Director
- Eric Freeman Director, Midway Airport Development Association (MADA)
- Bob Hatton Secretary/Treasurer, MADA

During the site visit, the Commission viewed the existing airport structures and the hay fields.

The applicants noted that the population of Midway is approximately 600, the majority of whom are retired. They also noted that the mill is closing, which will decrease the tax base 40% and have a negative impact on the economy of the town.

It was noted that the Village has acquired a grant to partially pay for the paving of the airstrip but needs the residential and industrial development to pay for the completion of the paving of the airstrip and other airport development. A kit company has expressed interest in locating in the airport which would increase jobs and apprenticeships.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Discussion

Although previously discussed under the original application, the Commission reviewed information on agricultural capability. The agricultural capability of the soil of the subject properties is 70% Class 4 with restrictions of soil moisture deficiency and stoniness and 30% Class 3 with a limitation of soil moisture deficiency. Class 3 land is considered prime and Class 4 land is considered secondary. The package included a letter from the farmer who has leased the airport lands as part of his ranching operation for the last 10 years for growing alfalfa. He states that the land has marginal value for agriculture: he utilizes approximately 50 ha and the annual yield is approximately 70 tons. However notwithstanding these views, the Commission was not persuaded that the agricultural potential of the subject properties was as low, given its capability ratings.

The Commission also considered whether the properties were suitable for agriculture, taking into account details such as property size, surrounding land use and limitations to agriculture. The Commission believed the land was suitable for agricultural use.

The Commission then considered the letters of support from the community groups and elected officials. The main points in favour of the project were that it would attract new economic and tourism opportunities, increase career and training opportunities (airport related), and promote the concept of Midway as Mile Zero of the Kettle Valley Railway. The package also included a petition of support with 174 signatures.

The Village also included a portion of the draft Official Community Plan which stated that it is the intent of Council to pursue a mixed residential, industrial and airport use development on a portion of the airport lands. An excerpt from the Community Transition Plan was also included which states that Midway urgently needs to diversify its tax base.

The Commission considered all of the information included in the package as well as information that was subsequently delivered to the Commission and while sensitive to the economic challenges faced by the community, did not believe that these challenges justified excluding land from the Agricultural Land Reserve. Instead, the Commission believed that alternate solutions that did not use agricultural land should be considered by the Village. As such, after much deliberation, the Commission reconfirmed its previous decision.

The Commission reiterated that it had no objection to the first phase of development as it was seen to be consistent with its previous decision by Resolution #922/1994. As such, the Commission would support exclusion from the ALR of those areas that have been developed in terms of the above noted resolution.

In addition, the Commission was still prepared to consider the proposed second phase of development (i.e. the paving of a 3000 ft by 60 ft landing strip with taxi-ways). However, as noted previously, before making a final decision on this phase of development the Commission would require a development plan showing the amount of land needed for the proposed second phase of development along with a rationale for the amount of land required.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Purdy

SECONDED BY: Commissioner Griffin

THAT the Commission receive the letter of April 2, 2007 from the Village of Midway requesting the reconsideration of the Commission's decision by Resolution #170/2006 based on evidence not available at the time of the original decision

AND THAT the Commission acknowledge that the evidence contained in the applicant's most recent correspondence constitutes evidence that was not available to it at the time of the original decision

AND THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, the Commission did not consider that any persons are affected by the reconsideration

AND THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, the Commission did not consider that any persons are affected by the reconsideration

AND FINALLY THAT the application to exclude approximately 61 ha adjacent to the Midway airfield and north of the Kettle River in order to develop an aviation industrial park and a river front aviation/residential community be refused.

CARRIED
Resolution # 301/2007