



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

August 13, 2007

Reply to the attention of Terra Kaethler
ALC File: # F - 36808

Rowland McCulloch
Meadow Creek Cedar Ltd.
PO Box 970
Kaslo, BC V0G 1M0

Dear Sir/Madam:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 369/2007 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', written over a white background.

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#A0614D-05953010)

Enclosure: Minutes/Sketch Plan

TK/lv/36808d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on 13th July 2007 at the offices of the Integrated Land Management Bureau, Ministry of Agriculture and Lands, Cranbrook, B.C.

PRESENT:	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff

For Consideration

Application: # F - 36808
 Applicant: Tricon Construction Inc.
 Proposal: To remove 10,000 m³ of gravel to a depth of 10 m and replace it with sawmill mulched yard waste.
 Legal: PID: 007-963-327
 District Lot 9150, Kootenay District, EXCEPT Part in Plans 11336 and NEP21797
 Location: 202 Mclaughlin Road, Meadow Creek

Site Inspection

A site inspection was conducted on September 28, 2006. Those in attendance were:

- Erik Karlsen Chair
- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- Gordon Bednard Staff
- Rowland McCulloch Applicant
- Stan Combs Agrologist, Ministry of Agriculture and Lands

The decision was tabled on the grounds that the Commission did not have sufficient information to render a decision. An Agrologist report was requested. An Agrologist report by W.H.Wells, P.Ag., and Lawrence Redfern, P.Ag., (April, 2007) was received on April 25, 2007.

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

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission reviewed the Agrologist Report submitted and accepted its findings. As such, the Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

IT WAS

MOVED BY: Commissioner Purdy

SECONDED BY: Commissioner Marshal

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- THAT the recommendations as specified in the report by W.H.Wells, PAg and Lawrence Redfern, PAg (April, 2007) be followed.
- Annual updates submitted to the Commission regarding the progress of the project, including a detailed agricultural plan when it has been developed and upon finalization of the project.
- The posting of a \$5,000 letter of credit which will be returned upon successful completion of the project. Should the Ministry of Energy, Mines and Petroleum require a bond to be posted of equal or greater value, the Commission is prepared to waive its bond requirement, provided the Ministry agrees not to release its bond until the Commission confirms that reclamation has been completed to its satisfaction.
- The proposal must be completed within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 369/2007

Provincial Agricultural Land Commission

Application # 36808

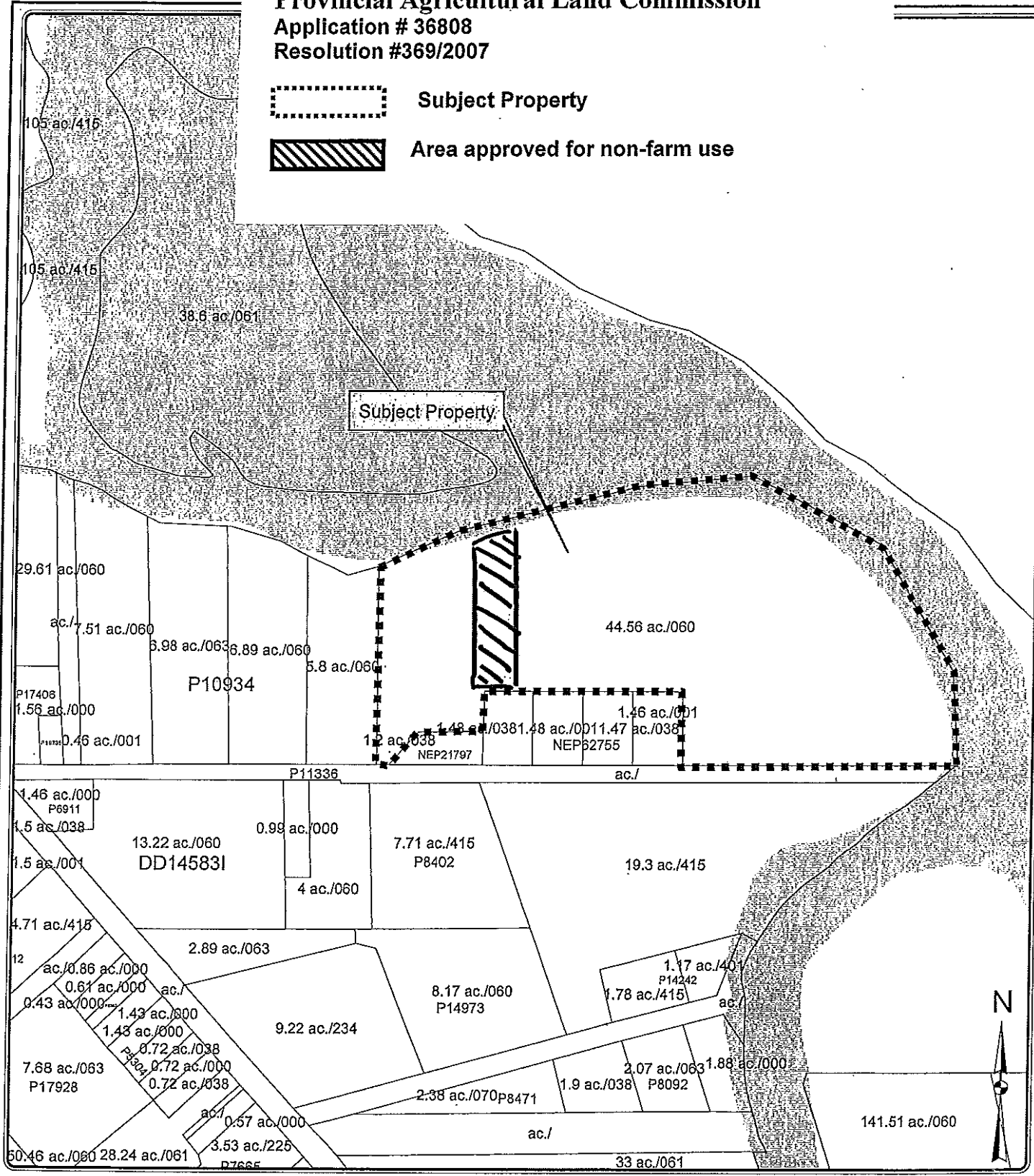
Resolution #369/2007



Subject Property



Area approved for non-farm use



Box 690, 202 Lakeside Drive, Nelson, BC V1L 5R4
 Phone: (250) 352-6665 Toll-Free 1-800-268-7325 (BC)
 Fax: (250) 352-9300 Internet: www.rdcx.bc.ca

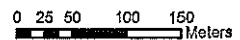
The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

Data Sources

The following sources of data are updated as changes occur:

- Cadastral Lot - Surveyed lots/parcels of land; Sources: Crown Land Registry Services and RDCK
- District Lot - Source: Crown Land Registry Services, Integrated Cadastral Initiative (ICI) and RDCK
- TRIM Data - Plan/metry, Unsurveyed Roads, and Contours; Source: Ministry of Water, Land and Air Protection
- ALR - Agricultural Land Reserve; Source: BC Land Reserve Commission
- Zoning - Rural Land Use, Land Use and Zoning Bylaws, where bylaws are in place; Source: RDCK
- Roads - Road centerline compiled 2003; Source: RDCK

Map Scale:



Map Projection: UTM Zone 11 Map Datum: NAD83
 Date Plotted: 2005

Mapsheet:

82K.026.1.1



Staff Report
Application # F – 36808
Applicant: Tricon Construction Inc.

RECEIVED: April 25, 2007 (Original Application received July 11, 2006)

DATE PREPARED: June 27, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To remove 10,000 m³ of gravel to a depth of 8 m and replace it with sawmill mulched yard waste.

This application is made pursuant to Part 4 of BC Regulation 171/2002
(*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*).

BACKGROUND INFORMATION:

The original application was reviewed by the Commission in November 2006. The decision was tabled on the grounds that the Commission did not have sufficient information to render a decision. An agrologist report was requested. The applicant has now submitted an agrologist report and therefore it is put before the Commission to consider the application further.

ATTACHMENTS:

- Sept. 15 2006 Staff Report #36808
- November 6, 2006 Commission response to applicant
- ALR Context Map - BCGS 82K.026 1:20,000 (Created by ALC staff)
- Agrologist Report, pg. 1-12

END OF REPORT

Signature

A handwritten signature in black ink, appearing to read 'Terra Kaethler', is written over a horizontal line.

Date

A handwritten date 'June 27, 2007' is written in black ink over a horizontal line.