



Agricultural Land Commission
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November 29, 2010

Reply to the attention of Ron Wallace
ALC File: 51850

Gerald Gagne Enterprises Ltd.
7330 Hidden Valley Road
Cranbrook, BC
V1C 6X4

Dear Sir:

Re: Application for Sand and Gravel Extraction in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2764/2010 outlining the Commission's decision as it relates to the above noted application.

Please submit the following to the Commission before commencing the project:

- A \$20,000 security deposit which will be returned upon successful completion of the project.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B. Underhill', is written over a light grey rectangular background.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of East Kootenay (P 710 319)

RW/
/51850d1



A meeting was held by the Provincial Agricultural Land Commission on October 27, 2010 at Cranbrook.

PRESENT:	Richard Bullock	Chair
	Barry Minor	Chair, Kootenay Panle
	Jerry Thibeault	Commissioner
	Gordon Gillette	Commissioner
	Brian Underhill	Staff
	Ron Wallace	Staff

For Consideration

Application: 51850
 Applicant: Gerald Gagne Enterprises Ltd.
 Proposal: To strip the topsoil and remove the sand and gravel from approximately 8.1 ha of the subject property. The impacted 8.1 ha portion of the property will be rehabilitated, seeded to hay upon completion of the project.
 Legal: DL 297, Kootenay District, Except (1) Parcel 1 (Reference Plan 52593I) and (2) Part Included in Plans 8124 and R28
 Location: 7330 Hidden Valley

Site Inspection

A site inspection was conducted on October 15, 2010. Those in attendance were:

- Barry Minor Chair
- Jerry Thibeault Commissioner
- Gerald Gagne Applicant

The Commissioners met with the applicant to view the site and discuss the project to remove sand and gravel from the site. It is estimated that the project would be over 20 years and would result in the site being reclaimed for hay production.

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

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses

P stoniness
T topography

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes that if the topsoil is stripped and stockpiled, that the proposed gravel and sand extraction project would benefit the agricultural potential of the site in the long term. The Commission also believes the proposal would not impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That if done to professional standards, the proposal would benefit agriculture in the long run.
2. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Thibeault

SECONDED BY: Commissioner Gillette

THAT the application be allowed subject to the following conditions:

- The sand and gravel project be in substantial compliance with the plan submitted with the application.
- A \$20,000 security deposit which will be returned upon successful completion of the project.
- That a professional Agrologist (or another professional with specialized knowledge in soil structure) will monitor the initial stripping and stockpiling of topsoil from the site and upon final completion of the project, provide a closure report.
- Approval for sand and gravel extraction is granted for the sole benefit of the applicant and is non-transferable.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution # 2764/2010