



**Agricultural Land Commission**  
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May 3, 2006

Reply to the attention of Ron Wallace

Village of Midway  
PO Box 160  
Midway, BC V0H 1M0

Dear Sir/Madam:

Re: **Application #Q-36334-0**  
**Lots 1 and 2, Plan KAP 61898, District Lots 377 and 501, Similkameen Division  
Yale District (S.D.Y.D.) and District Lot 425 south of Plan DD-1354, S.D.Y.D.**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its initial review of your application to exclude the above noted properties in order to develop an aviation industrial park and a river front aviation/residential community. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on 28 February 2006.

The Commission considered the application in accordance with the proposed three phases of development.

The Commission did not support the proposed third phase of development on the grounds that it felt there was not strong enough evidence of community need to justify the release of the subject land, given its significant value for agriculture and the mandate of the Commission to preserve such land for agriculture. The Commission therefore refused the application as submitted.

The Commission had no objection to the first phase of development as it was seen to be consistent with its previous decision by Resolution # 922/1994. The Commission therefore approved the exclusion from the ALR of those areas that have been developed in terms of the above noted resolution, as shown on the attached plan.

This approval is subject to:

- the preparation of a subdivision plan to delineate the approximately 2.5 ha approved in terms of the above noted resolution.
- compliance 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.

In reviewing the proposed second phase of development (i.e. the paving of a 3000 ft by 60 ft landing strip with taxi-ways) the Commission recognized the current use of the runway on ALR land. However, before making a final decision on this phase of development it required more information about the impact this use might have on the ALR. Accordingly the Commission resolved to give further consideration to the exclusion of this area upon the submission of 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.

The decision noted above is recorded as Resolution **#170/2006**.

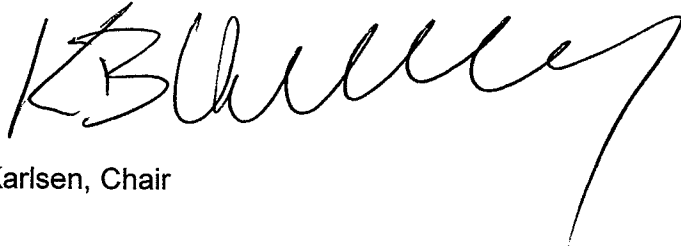
For the proposed first phase of development, please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan and confirm the exclusion of the area from the Agricultural Land Reserve Plan of the Village of Midway. For the proposed second phase of development please forward the above noted information to the Commission for its review.

Please quote your application number in any future correspondence.

Yours truly,

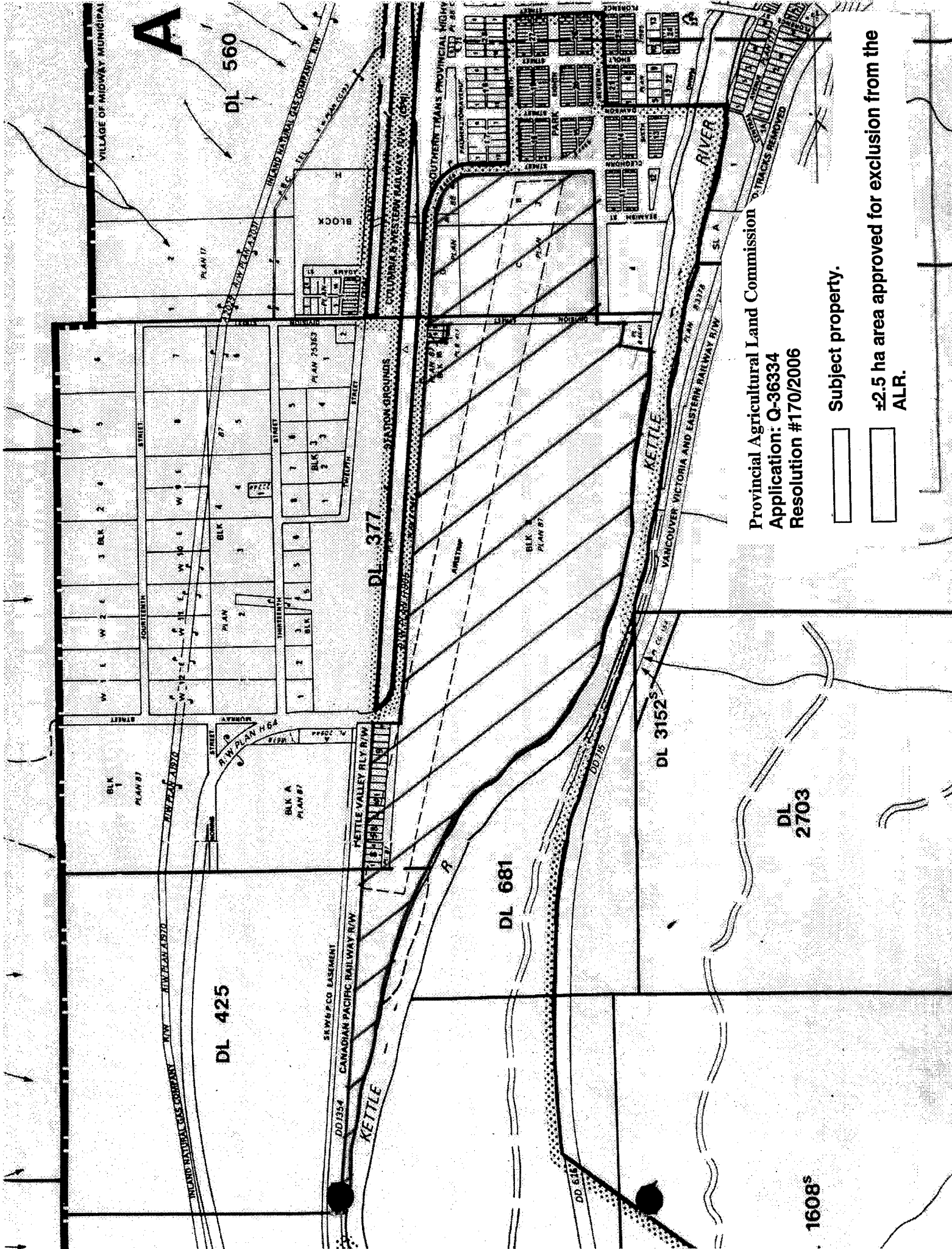
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

RW/lv/Encl.  
36334d1.



Provincial Agricultural Land Commission  
 Application: Q-36334  
 Resolution #170/2006

- Subject property.
- ±2.5 ha area approved for exclusion from the ALR.

1608<sup>s</sup>

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 21 March 2006 via telephone conference.**

**PRESENT:**     Monika Marshall                             Chair  
                  Cheryle Huscroft                         Commissioner  
                  Carmen Purdy                                 Commissioner

**STAFF:**       Ron Wallace, Regional Research Officer  
                  Roger Cheetham, Planner

**For Consideration**

Ron Wallace presented the staff report dated 17 February 2006 regarding application #Q-36334, Village of Midway. The proposal is 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.

The Village of Midway is concerned that the community is at present almost totally dependent upon the forestry industry and is pursuing a diversification strategy to widen the economic base of the community. According to information provided in support of the application the only sawmill in the community, employing 165 jobs is planned to close at the end of March 2006. The proposed development of the airport lands is to be undertaken by the Midway Airport Development Association in three phases:

Phase 1 - a fully equipped workshop/paint shop/terminal to provide space for a kit plane assembly and facilities for the flight school and aviation apprenticeship program. This phase is nearing completion.

Phase 2 - The paving of a 3000 ft by 60 ft landing strip with taxi-ways. A decision on the funding application is expected shortly.

Phase 3 - Residential subdivision between the airfield and the Kettle River. This is the main element of the application and comprises around 70 lots.

**Site Inspection and Exclusion Meeting**

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

- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer and Roger Cheetham Planner
- Commissioners Monika Marshall, Cheryle Huscroft and Carmen Purdy
- Representatives from the Village of Midway

The site inspection and exclusion meeting lasted from roughly 2:00 p.m. to 3:00 p.m.

**Commission Discussion**

The Commission considered the application in accordance with the proposed three phases of development. The Commission had no objection to the first phase of development as it was seen to be consistent with its previous decision by Resolution # 922/1994. The Commission thereby would support exclusion from the ALR of those areas that have been developed in terms of the above noted resolution. In reviewing the proposed second phase of development (i.e. the paving of a 3000 ft by 60 ft landing strip with taxi-ways) the Commission recognized the current use of the runway on ALR land. However, before making a final decision on this phase of development the Commission wanted more information about the impact it might have on the ALR. The Commission requires the submission of a development plan showing the amount of land needed for the proposed second phase of development along with a rationale for the amount a land required. This will aid the Commission in rendering a final decision.

The Commission did not support the proposed third phase of development on the grounds that it felt there was not strong enough evidence of community need to justify the release of the subject land, given its significant value for agriculture and the mandate of the Commission to preserve such land for agriculture.

**IT WAS**

**MOVED BY:** Commissioner C. Purdy

**SECONDED BY:** Commissioner C. Huscroft

THAT the staff report be received and the application to exclude approximately 61 ha from the ALR in order to develop an aviation industrial park and a river front aviation/residential community be refused as proposed.

That the exclusion of the area that has been developed in terms of the Commission resolution number 922/1994 be approved.

That the applicant be informed that the Commission will give further consideration to the exclusion of the second phase of the proposed development in the light of further information being provided including a development plan showing the amount of land needed for the paving of the landing strip and taxi-ways along with a rationale for the amount a land required.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



**Staff Report**  
**Application # Q – 36334**  
**Applicant: Village of Midway**

**DATE PREPARED:** 17<sup>th</sup> February 2006

**TO:** Chair and Commissioners, Kootenay Panel

**FROM:** Roger Cheetham, Planning Officer

**PROPOSAL:** To exclude approximately 61ha. 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.

This application is made pursuant to section 29(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The Village of Midway is concerned that the community is at present almost totally dependent upon the forestry industry and is pursuing a diversification strategy to widen the economic base of the community. According to information provided in support of the application the only sawmill in the community, employing 165 jobs is planned to close at the end of March 2006. The proposed development of the airport lands is to be undertaken by the Midway Airport Development Association in three phases:

Phase 1 - a fully equipped workshop/paint shop/terminal to provide space for a kit plane assembly and facilities for the flight school and aviation apprenticeship program. This phase is nearing completion.

Phase 2 - The paving of a 3000 ft by 60 ft landing strip with taxi-ways. A decision on the funding application is expected shortly.

Phase 3 - Residential subdivision between the airfield and the Kettle River. This is the main element of the application and comprises around 70 lots.

**Local Government:**

Village of Midway

**Legal Description of Property:**

1. PID:  
Lot 1, District Lot 377 & 501, Plan KAP61898;  
Lot 2, District Lot 377, Plan KAP61898;  
District Lot 425, South of Plan DD1354;

**Location of Property:**

The property is located to the west of the centre of Midway, north of the Kettle River and south of the Highway.

**Size of Property:**

61.1 ha (The entire property is in the ALR).

**ALR Area:**

61.1 ha

**Present use of the Property:**

Principally agriculture (alfalfa) with some unserviced hangers.

**Surrounding Land Uses:**

- WEST:** Lumber Mill
- SOUTH:** Kettle River
- EAST:** Recreation Area
- NORTH:** Highway Number 3

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E/2  
The majority of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

Designation: Agricultural and Other Institutional (the airfield)

**Zoning Bylaw and Designation:**

Agricultural Resource 2 Zone and Airport Development 2 Zone (the airfield)

**PREVIOUS APPLICATIONS:**

**Application #29213-0**

**Applicant:** Ministry of Environment Lands & Parks  
**Decision Date:** 10<sup>th</sup> June 1994 (Resolution Number 922/94)  
**Proposal:** To use approximately 31 ha of the airport lands for airport related activity  
**Decision:** The Commission refused the application as presented but approved a smaller area located between Cleghorn and Division Streets and south of the airfield.

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**Application #34992-0**

**Applicant:** Village of Midway  
**Decision Date:** October 29, 2003  
**Proposal:** To construct a new road crossing at the northeast corner of the subject property. The area of right-of-way required is approximately 0.92 ha with the road itself being less than 0.92 ha.  
**Decision:** Allow as requested.

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**STAFF COMMENTS:**

Phase 1 Development. The site inspection and meeting with the applicants will be helpful in clarifying whether there is a need for further land to be set aside for airport related activity. It appears likely that the bulk of this development can be accommodated in the approximately 2.5 ha area approved in terms of Resolution Number 922/94. If further land is required care should be exercised to ensure that the amount set aside can be substantiated in terms of demand. In addition it should be located in an appropriate area.

Phase 2 – Paving and provision of taxiways. This proposal is unlikely to have a major impact on agricultural activity and can be supported, presuming that the improvements are confined to the areas designated as Institutional.

Phase 3 – Residential development. This is the main element of the application. It comprises approximately 70, roughly 4000 – 5000 sq. m. sites. The meeting with the applicants will help clarify the reasons for this proposal. Prima facie the case appears weak and community need considerations do not appear to be strong enough to outweigh the agricultural value of this land in that:

- There appears to be an adequate supply of residential land within the village,
- The land has been used for agriculture, is adjacent to the Kettle River and has relatively good agricultural capability.
- The existing Official Community Plan, which was prepared in 1999, does not identify a community need.

In previous meetings with the Village at UBCM mention has been made of the value of an Official Community Plan in assessing community land use needs. However, it is not believed that a review of the Plan, which was last undertaken in 1999, would be of significant help with regard to this application.

**RECOMMENDATION:**

That the application be refused as submitted.

That those areas that have been developed in terms of Commission Resolution 922/1994 be excluded from the ALR

That more information be sought at the site inspection and meeting with the applicants with regard to the need for additional land for airport related uses that cannot be accommodated within the excluded area. Such additional land, appropriately located, as can be substantiated be approved in principle for such development and once developed be excluded from the ALR.

That a decision relating to the approval of any or part of the proposed residential development be made in the light of the discussions with the applicant, recognizing that strong evidence of community need is needed to justify the release of this land, given its significant value for agriculture and the mandate of the Commission to preserve such land for agriculture.

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**END OF REPORT**

Signature



Date

