



Agricultural Land Commission
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July 16, 2007

Reply to the attention of Simone Rivers
ALC File: # W - 37022

James Little
SS2 - Site 13 - Comp 23
Fort St John, BC V1J 4M7

Dear Mr. Little:

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

Please find attached the Minutes of Resolution # 330/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Peace River Regional District (#196/2006)

Enclosure: Minutes/Sketch Plan

SBR/lv
37022d1

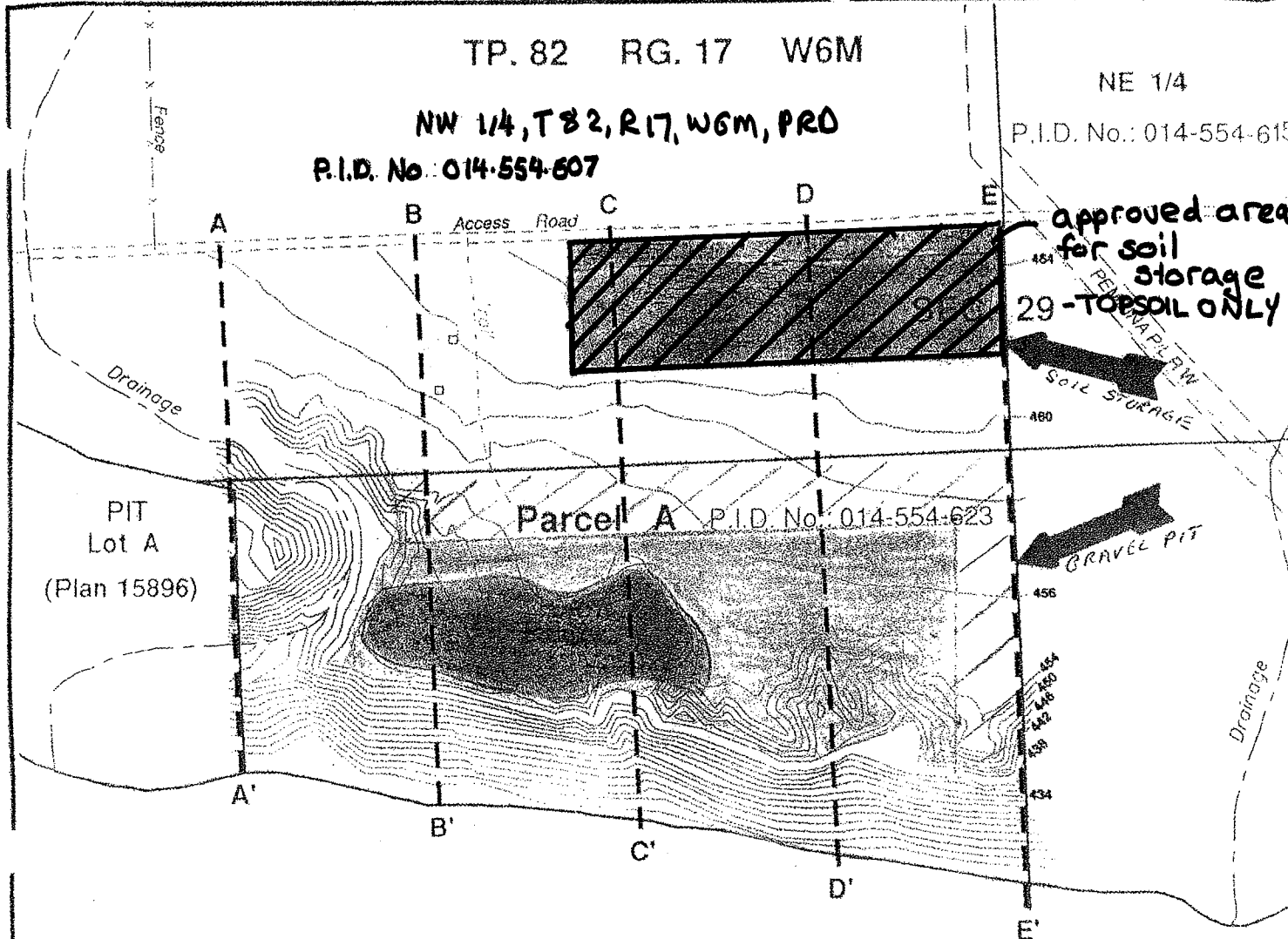
TP. 82 RG. 17 W6M

NE 1/4

NW 1/4, T82, R17, W6M, PRD

P.I.D. No.: 014-554-615

P.I.D. No.: 014-554-607



File W-37022
Resolution # 330/2007

PEACE RIVER

(SEE DRAWING
060194SK04_CROSS SECTIONS)
--- = CROSS SECTION LOCATIONS

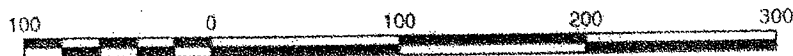
- Top Soil Stockpile
- Sub Soil Stockpile
- Proposed Pit slope to pit floor
- Proposed Pit Floor on Completion
- Existing Pit Area*

Contour Interval = 2m

RIVERS SAND & GRAVEL INC.

FORT ST. JOHN BC

TOPOGRAPHICAL SITE PLAN (2m CONTOURS)
OF PARCEL A AND THE NW 1/4 SEC 29, TP 82, R 17, W6M
Peace River District



SCALE 1 : 4,000

B.C.G.S. 94A.017



WABERSKI DARROW SURVEY GROUP
10720 - 100th Avenue,
Fort St. John, B.C., V1J 1Z3
Ph (250)787-0300 Fax (250)787-1611

Drawn By: TP
Date: 2006/05/02
FBA:

WDSG: 060194SK04R0 REV
CLIENT:
AFF: 0



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 27, 2007 at the offices of the Peace River Regional District, Fort St. John, B.C.

PRESENT:	Erik Karlsen	Chair, ALC
	John Kendrew	Commissioner
	William Norton	Commissioner
	Simone Rivers	Staff
	Martin Collins	Staff

For Consideration

Application: # W - 37022
 Applicant: Rivers Sand and Gravel Inc.
 Agent: James Little
 Proposal: To store 120, 000 m³ of topsoil from a gravel pit on the adjacent property (Non-ALR to the south) on ALR land.
 Legal: PID: 014-554-607
 The North West ¼ of Section 29, Township 82, Range 17, W6M, Peace River District, EXCEPT Plan 15896
 Location: East of Taylor

Site Inspection

A site inspection was conducted on June 27, 2007. Those in attendance were:

- Erik Karlsen Chair, ALC
- John Kendrew Commissioner
- William Norton Commissioner
- Simone Rivers Staff
- Martin Collins Staff
- Jim Little Agent for the applicant
- Greg Wilson Applicant

The applicants viewed the existing gravel operation that is located adjacent to the subject property but outside of the ALR. The proposal was to store top soil from the pit on the ALR portion of the property. The applicant had moved forward with the storage of the topsoil prior to receiving Commission approval. The Commission noted that the topsoil had been stacked neatly but had not been seeded. The applicant had been waiting to determine if the Commission would allow the soil to remain on the property. The Commission also noted that piles of non-soil aggregate were being stored on the ALR portion of the property.

Mr. Little confirmed that the staff report dated January 25, 2007 was received and no errors were identified.

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.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from or to include land into the ALR or to subdivide or use land in the ALR for non-farm purposes.

Discussion

Assessment of Agricultural Capability

The agricultural capability of the soil of the subject property is rated as 70% Class 1 – 30% Class 2X – Land of this quality is considered prime and is rare in the Peace River Regional District.

Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Subclasses X cumulative and minor adverse

Assessment of Agricultural Suitability

The Commission assessed whether the 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 Other Factors

The Commission noted that the placement of fill had occurred without Commission permission due to a misunderstanding on the part of the applicant. The Commission also noted that the works had been carried out in accordance with the proposal. The applicant had not seeded the stored topsoil pending the Commission's decision (once the error was discovered). The Commission noted that there were other piles of aggregate being stored on the ALR property.

IT WAS

MOVED BY: Commissioner Norton

SECONDED BY: Commissioner Karlsen

THAT the application to store topsoil temporarily on the subject property be allowed.

AND THAT the approval is subject to the following conditions:

1. That the fill placement activities be restricted to the area as shown on the attached plan.
2. That the total fill placement shall be limited to 120000 m³ as proposed.
3. That, the topsoil shall be used future soil reclamation purposes when the use of the pit is complete.
4. That soil material is not authorized to be removed from the property.
5. That appropriate weed control must be practiced on all disturbed areas.
6. That all soil stockpiles shall be seeded and established to an appropriate plant cover, or other suitable soil erosion control measure shall be applied to protect the stockpiles from wind, runoff or other removal processes. Protection is also to extend to damage which may be caused by recreational vehicles such as motorcycles, etc.
7. That the soils surrounding the proposed deposition area shall be left undisturbed unless being developed for agricultural use.
8. That a final report prepared by a qualified registered professional be submitted to the Commission upon completion of the project. (after the topsoil has been removed) The final report shall include professional assessments specific to:
 - a) the soil reclamation outcomes for all areas within the fill placement area.
13. That the proposed fill placement project, including all reclamation activities, be completed by June 1, 2017. Should you require an extension of time beyond this date to complete the project, a request shall be submitted to the Commission prior to April 1, 2017. The request shall include a status report regarding the project and the extent of soil reclamation achieved on the reclaimed fill placement site.
14. That to ensure the successful reclamation of the site, a financial security in the amount of \$20,000.00 be posted with the Minister of Finance, in favour of the Provincial Agricultural Land Commission (see attached example of Letter of Credit). The value of the bond is to be reviewed every three years. Release of the bond will be dependant on receipt of evidence that the fill has been removed and the area rehabilitated to an extent deemed satisfactory by the Commission.

This approval is only for the temporary storage of topsoil on ALR land: All non-topsoil fill material including gravel, sand and other aggregate produced from the adjacent gravel pit is to be immediately removed from the Agricultural Land Reserve.

Nothing in this approval authorizes the extraction of gravel from any of the area designated as ALR.

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 # 330/2007



Staff Report
Application # W – 37022
Applicant: Rivers Sand and Gravel Inc.
Agent: James Little

DATE RECEIVED: October 23, 2006

DATE PREPARED: January 25, 2007

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To store 120,000 cubic meters of topsoil from a gravel pit on the adjacent property (Non-ALR to the south) on ALR land.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Peace River Regional District

Legal Description of Property:

PID: 014-554-607

The North West ¼ of Section 29, Township 82, Range 17, W6M, Peace River District,
EXCEPT Plan 15896

Purchase Date:

February 2006

Location of Property:

East of Taylor

Size of Property:

62 ha

Present use of the Property:

Hay production, weigh scale is in place as part of the existing gravel operation along with an access road to the gravel pit

Surrounding Land Uses:

WEST: Cultivated Land
SOUTH: Gravel Pits non- ALR, Ministry of Transportation Gravel Reserve on Crown Land
EAST: Pasture
NORTH: Farmland

Agricultural Capability:

Data Source: Agricultural Capability Map # 94A/2
The majority of the property is identified as having mixed prime and secondary ratings.

Official Community Plan and Designation:

North Peace Official Community Plan Bylaw No. 820 (1993) designates the property as Rural Resource - Agricultural

Zoning Bylaw and Designation:

Peace River Regional District Zoning Bylaw No. 1343 (2001) designates the property as A-2 (Large Agricultural Holdings Zone)
Minimum Lot Size: 63 ha

PREVIOUS APPLICATIONS:

Application #29629-0

Applicant: Moore, Kenneth & Lori
Decision Date: March 03, 1995
Proposal: To extract gravel from a small portion of the 64.8 ha parcel. The majority of the proposed extraction area is outside the ALR.
Decision: Allow with conditions

Application #36711-0

Applicant: Rivers Sand and Gravel Inc
Decision Date: July 27, 2006
Proposal: Notice of intent to remove soil
Decision:

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Peace River Regional District Board: The Regional Board forwarded the application with a recommendation of support on the basis that it is consistent with the Official Community Plan policies and zoning regulations.

STAFF COMMENTS:

ATTACHMENTS:

- Letter from Jim Little - Mackeno Ventures - Dated August 16, 2006 Re: Application to Place Soil on the NW 1/4 of Section 29, Twp 82, Rge 17, W6M
- Letter from Jim Little - Mackeno Ventures - Dated May 9, 2006 - Re: Notice of Intent to Place Fill within the ALR
- Letter from ALC dated July 27, 2006 Re: Submitted Notice of Intent to Place Fill in an ALR - Application # W-36711
- Letter from ALC dated June 11, 2004 - Re: Application # W-29629
- Letter from ALC dated May 8, 2005 - Re: Application # W-29629
- Letter from ALC dated June 21, 1995 - Re: Soil Conservation Act Application # W-29629
- Sketch showing proposed area for top soil stockpile (submitted by the applicants)
- ALC Context Map - 94A.017 - 1:10,000 (created by ALC Staff)
- Air Photo - 1:10,000 (created by ALC Staff)

ATTACHMENTS:

END OF REPORT

Simone Rivers

Signature

Jan 25, 2007

Date