



Agricultural Land Commission
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April 15, 2008

Reply to the attention of Jennifer Carson
ALC File: Q-37809

590335 BC Ltd
PO Box 1005, 8319 Main Street
Osoyoos, BC V0H1V0

Dear Mr. Cardoso:

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

Please find attached the Minutes of Resolution # 119/2008 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: Regional District of Kootenay-Boundary (E490s-02957-000)

Enclosure: Minutes



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 25, 2008 in Grand Forks, B.C.

PRESENT: Monika Marshall Chair, Kootenay Panel
 Carmen Purdy Commissioner
 D. Grant Griffin Commissioner
 Jennifer Carson Staff

For Consideration

Application: # Q- 37809
Applicant: 590335 BC Ltd
Proposal: To extract gravel from several sites within District Lot 490S and to relocate the gravel to the non- ALR parts of the other two (2) properties to facilitate the development of the non-ALR lands. The development would include road construction, subdivision building site development, and recreational trails development.

Legal: 1. PID: 001-716-808
 The North West 1/4, Section 9, Township 66, Similkameen Division Yale District
 2. PID: 014-163-551
 District Lot 490S, Similkameen Division Yale District
 3. PID: 001-716-794
 The South West 1/4, Section 9, Township 66, Similkameen Division Yale District

Location: North of Highway 3 and West of Bridesville, in the Sidley Mountain Road area.

Site Inspection

A site inspection was conducted on March 25, 2008. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Joe Cardoso Agent
- John Nett Operations Manager at Regal Ridge

The Commissioners met with Mr. Cardoso and Mr. Nett and viewed the property from which the gravel was to be extracted. On the subject property there were outcroppings of rock on relatively flat fields. The proposal was to remove these outcroppings for the gravel they contained and place the gravel on the second property involved. Furthermore, it was explained by Mr. Cardoso that the life of the pit would only last as long as was required for the development on the non-ALR portion of the second property. The agent also explained that all the topsoil excavated from the second subject property for the development would be brought to enhance the agricultural value of the property from which the gravel was being extracted. Commissioners explained to the agent that they were familiar with the properties proposed for non-farm development.

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 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses

M	soil moisture deficiency	N	salinity
P	stoniness	T	topography
W	excess water		

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 Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commissioners believe that the proposal will be improving the agricultural capability of the subject property from which the gravel is being extracted. The Commission believes that if done properly, the proposal will not adversely impact existing or potential agricultural use of surrounding lands.

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 have a positive impact on agriculture.

IT WAS

MOVED BY: Commissioner Purdy
SECONDED BY: Commissioner Marshall

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- the project be in substantial compliance with the Agrologist Report dated September 7, 2007 by Bob Holtby submitted with the application
- the project must be completed within five (5) years from the date of this decision at which time a status report from a professional agrologist be submitted to the satisfaction of the Commission that the property has been reclaimed to a good agricultural standard.
- approval for non-farm use 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, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 119/2008