



Agricultural Land Commission
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October 7, 2008

Reply to the attention of Simone Rivers
ALC File: ZZ-38235

Jonathan and Stacy Galbraith
Box 4182
Lower Nicola, BC V0K1Y0

Dear Mr. and Ms. Galbraith:

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

Please find attached the Minutes of Resolution # 565/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per


Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (ALR-M-61)

Enclosure: Minutes/Sketch Plan

SBR/
38235d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 18, 2008 at the Plaza Heritage Hotel, Kamloops, B.C.

PRESENT:	Grant Huffman	Chair, Interior Panel
	Holly Campbell	Commissioner
	Gordon Gillette	Commissioner
	Simone Rivers	Staff
	Martin Collins	Staff

For Consideration

Application: # ZZ- 38235
Applicant: Jonathan and Stacy Galbraith
Proposal: To place and operate an asphalt plant and a concrete plant on the subject property. The asphalt plant would have a footprint of approximately 0.74 ha and the concrete plant would be approximately 0.88 ha. The plants are proposed in support of the adjacent gravel pit on the property to the south.
Legal: PID: 026-180-791
Lot 2, District Lot 1609, Section 11, Township 89, Kamloops
Division of Yale District, Plan KAP77297
Location: Lower Nicola

Site Inspection

A site inspection was conducted on September 18, 2008. Those in attendance were:

- | | |
|--------------------------------|-----------------------|
| • Grant Huffman | Chair, Interior Panel |
| • Holly Campbell | Commissioner |
| • Gordon Gillette | Commissioner |
| • Simone Rivers | Staff |
| • Jonathan and Stacy Galbraith | Applicants |

The Commission met the applicants and walked out to look at the proposed location of the asphalt and concrete plants. The applicants outlined their plans for the property as well as the property to the south on which there currently was an active gravel pit. The applicants asked questions about storing of topsoil as well as what the total footprint of the operation could be.

The Galbraiths confirmed that the staff report dated August 7, 2008 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.

Discussion

Assessment of Agricultural Capability

The Commission believed that the property had agricultural capability and was correctly designated as ALR. However, it acknowledged that that stoniness was a limitation to use of the property and that it was likely that in the future the applicants would submit a Notice of Intent for gravel extraction on the remainder of the property.

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. The property to the south, while currently an active gravel pit, will eventually be re-claimed for agricultural use and used for pasture.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. While the proposal will alienate a portion of the subject property from agricultural use, the Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Assessment of Other Factors

At the site meeting the applicants indicated that their plans are still somewhat in flux, the Commission had no objection in principle to the application to operate a cement and asphalt plant on the property but require more detailed information prior to final approval of the project.

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 not impact agriculture.

IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Campbell

THAT the application be allowed in principle

AND THAT the approval is subject to the following conditions:

- Submission of a more detailed plan for the non-farm use of the property including the following:
 - The location and area needed for the asphalt plant
 - The location and area needed for the concrete plant
 - The location of the topsoil stockpile. The Commission has no objection to the topsoil being stored on the adjacent property with the other soil that has been stockpiled for the gravel pit.
 - The location and any area of any other proposed gravel storage areas.
 - An indication of the length of time each non-farm use would be on the site.
- The submission of a bond, in the amount of \$5,000 for each 0.4 ha (acre) used for non-farm use to ensure reclamation of the area when it is no longer being used for the non-farm use.
- The additional information must be submitted and non-farm use of the property must have received final approval and be commenced within three (3) years of from the date of this decision.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

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 # 565/2008