



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
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www.alc.gov.bc.ca

1st November, 2010

Reply to the attention of Roger Cheetham
ALC File:51775

Steti Transport Ltd.
4120 Gelley Road
Smithers, BC
V0J 2N2

Dear Sir:

Re: Application to Use land for Non-farm purposes in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2671/2010 outlining the Commission's decision as it relates to the above noted application.

With respect to the report that is required from a qualified registered professional you may like to contact the BC Institute of Agrolgists (www.bcia.com).

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B. Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Bulkley Nechako (#1087)

rc/
51775d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on 6th October 2010 at the offices of the Ministry of Agriculture and Lands, Prince George, B.C.

PRESENT:	Richard Bullock	Chair, Commission
	Jim Collins	Acting Chair, North Panel
	Denise Dowswell	Commissioner
	Lucille Dempsey	Commissioner
	Roger Cheetham	Staff

For Consideration

Application: 51775
Applicant: Steti Transport Ltd
Agent: N/A
Proposal: To extract gravel from an 8 ha portion of the 61 ha subject property and to place an asphalt plant on the property for additional processing.
Legal: PID: 014-019-116, The North East 1/4 of Section 5, Township 4, Range 5, Coast District Except Plans 8393 and PRP 14394
Location: 224 Raymond Road

Site Inspection

A site inspection was conducted on 5th October 2010. Those in attendance were:

- Richard Bullock Chair, Commission
- Jim Collins Acting Chair, North Panel
- Denise Dowswell Commissioner
- Lucille Dempsey Commissioner
- Roger Cheetham Staff
- Steffen Apperloo Applicant

The Commission noted that with the exception of the area proposed for gravel extraction, which has recently been cleared, the subject property is generally under trees. The site appeared to have a significant depth of soil. Mr. Apperloo explained that he was uncertain whether or not he would bring an asphalt plant onto the property but that he wished the Commission to approve the plant to provide him with that option. The Commission noted that the Agrologist report from Graeme Johnstone indicated that the reclamation is likely to result in a more even depth of soil. The Commission further noted that the proposed development was to be carried out in three phases.

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 portion of the subject property from which the gravel is proposed to be extracted is assessed as 70% Class 5 with soil moisture deficiency and stoniness limitations and 30% Class 4 with soil moisture deficiency limitations.

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.

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 did not believe there are external factors that render the land unsuitable for agricultural use. The Commission noted that with appropriate reclamation measures the agricultural potential of the property would not be diminished and might be improved according to the Agrologist's report by evening out the soil profile.

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 did not believe that the proposal would impact existing or potential agricultural use of surrounding lands provided that the extraction and reclamation is carried out in an appropriate manner. It had a concern, however, with regard to the amount of detail provided in the application and considered that a more detailed plan prepared by a qualified registered professional was needed. It also considered that the approval should initially be for phase one and further extraction in proposed phases two and three should be contingent upon the Commission being satisfied with the operation and reclamation of phase one. With respect to the asphalt plant the Commission noted that this had the potential to cause soil contamination and while the Commission was prepared to approve the plant it was important that measures are taken to address this issue.

Assessment of Other Factors

The Commission recognized the resource value of the gravel deposit and considered that it was in the general interests of the public that the resource be exploited provided that long term agricultural interests are not compromised.

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 provided the extraction and reclamation is carried out in an appropriate manner in accordance with a report prepared by a qualified registered professional the proposal will not impact agriculture.
4. That subject to the above proviso the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner L. Dempsey
SECONDED BY: Commissioner J. Collins

THAT the application be approved;

1. The extraction shall initially be confined to phase one and shall not exceed 3 ha in extent. Subsequent phases shall be subject to compliance with the general conditions outlined below to the satisfaction of the Agricultural Land Commission.
2. That the total aggregate extraction and gravel pit related activities shall be restricted to the proposed 8 ha extraction area;
3. That the total aggregate extraction shall be as indicated on the development plan prepared by Delwisch Design Group. Side slopes shall not exceed 2:1;
4. That over-excavation and backfilling is not permitted;
5. That all existing topsoil be stripped and salvaged for reclamation;
6. That salvaged topsoil must not be removed from the property;
7. That fill material must not be imported to the property;
8. That weed control must be practiced on all disturbed areas;
9. That measures must be taken to ensure that no contamination is caused to the soil material resulting from the asphalt plant or other operations on the property.
10. That all soil stockpiles must be seeded and established to an appropriate plant cover, or other suitable soil erosion control measure must be applied to protect the stockpiles;
11. That all stockpiled topsoil be spread over the extraction site following completion of extraction and the area seeded to a cereal or forage crop;
12. That an annual report be submitted to the Commission on the progress of extraction and reclamation by December 31 of each year until rehabilitation of the extraction area is completed and final closure is granted;
13. That a final report prepared by a qualified registered professional must be submitted to the Commission upon completion of the project. The final report must include photographs and a professional assessment that the extraction site has been reclaimed to an agricultural standard equal to or better than that which existed prior to the commencement of the project;
14. That the proposed gravel extraction project is approved for 5 years ending to expire on December 31, 2015. Should you require an extension of time beyond this date to

complete the project, a written request must be submitted to the Commission by October 1, 2015. The request shall include a status report regarding the project and the extent of reclamation; and

15. That to ensure the successful reclamation of the site, a financial security in the amount of \$50,000.00 be posted with the Minister of Finance, c/o the Provincial Agricultural Land Commission (see attached example of Letter of Credit). The bond will be released upon the Commission's acceptance of the final report prepared by a qualified registered professional.

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 # 2671/2010

Letter of Credit - Example

BENEFICIARY: Minister of Finance
c/o Provincial Agricultural Land Commission
#133 - 4940 Canada Way
Burnaby, BC V5G 4K6

Re: ALC Application # _____

We hereby issue in your favour our Irrevocable Letter of Credit # _____ for CAD

\$ _____ in the account of _____

(Name of Individual or Company)

(Street Address and/or Legal Description)

TERMS AND CONDITIONS:

1. Expiry Date: _____
2. Drawings are to be made in writing to _____
(Name of Financial Institution)
3. Partial drawings are permitted.
4. The Bank/Credit Union will not inquire as to whether or not the Agricultural Land Commission has right to make demand on this Letter of Credit.
5. This Letter of Credit is irrevocable up to the expiry date.
6. This Credit is irrevocable up to the expiry date and unless it is extended in writing will be null and void after the expiry date whether or not the original credit is returned to us for cancellation. The amount of this credit may be reduced from time to time only by the amount drawn upon it by you or by formal notice in writing received by us from you that you desire such reduction.
7. Request for any amendment except reduction in amount must be made directly to our customer who will then instruct us accordingly.
8. Any drawings made under this letter of credit must be accompanied by the original of this credit.
9. **Mandatory Condition:**
"It is a condition of this letter of credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to the present or any future expiration date, we notify you in writing, that we elect not to consider this letter of credit to be renewable for any additional period."
10. We engage to honour presentations submitted within the terms and conditions indicate above.