



Agricultural Land Commission
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September 30, 2010

Reply to the attention of Martin Collins
ALC File: 51884

Ross and Cynthia Munsey
RR #1, Comp 33, Schwebs Bridge
Falkland, B.C.
V0E 1W0

Dear Sir/Madam:

Re: Application for Gravel Extraction within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #2637/2010 and a sketch plan outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the Columbia Shuswap Regional District. Upon confirmation of compliance with the attached conditions of approval, the Commission will contact the Regional District and authorize the commencement of extraction operations.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: Columbia Shuswap Regional District File: LC2434D
Attention Scott Beeching

MC/51884/d1



A meeting was held by the Provincial Agricultural Land Commission on September 15th, 2010 at Kelowna, B.C.

PRESENT:	Richard Bullock	Chair
	Roger Mayer	Chair, Okanagan Panel
	Jim Johnson	Commissioner
	Bert Miles	Commissioner
	Martin Collins	Staff

For Consideration

Application: 52884
Applicant: Ross and Cynthia Munsey
Proposal: To extract up to 2,000,000 cubic meters of gravel from 20 ha of the 27.7 ha property, in three phases.
Legal: PID 023-835-044 Lot 1, Sec. 32, Twp 17, R. 10, W6M, KDYD, Plan KAP 59675
Location: 3466 Salmon Valley Road

Site Inspection

A site inspection was conducted for the application on September 15, 2010. Those in attendance were:

- Commissioners and staff noted above
- Ross and Cynthia Munsey Applicants

The Commission was provided with the Munsey's September 10, 2010 correspondence which confirmed their intention to only screen, wash, crush and potentially bag sand and gravel. It was confirmed that no concrete plant is being requested.

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 5MT (6:4TP 4:5TM)

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.

The limiting subclasses are topography, stoniness and moisture deficiency.

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.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goals of preserving agricultural land and encouraging farming. The Commission believes the gravel extraction proposal has potential to enhance agriculture on portions of the parcel that are not part of the extraction if re-cycled water from the washing operation is used for irrigation (as proposed by the applicant). While it is possible that dust from the operation might negatively affect nearby forage fields, dust control measures are proposed by the applicant (as per the September 10, 2010 letter).

Assessment of Other Factors

The Commission reviewed the 16 letters and e-mails from nearby landowners which opposed the gravel pit development. The primary reasons for opposition were excessive truck traffic, dust, noise pollution, water and environmental impacts. The Commission noted that the majority of the concerns pertained to rural residential values of quiet enjoyment, retaining property values, and not to agriculture. The primary agricultural impacts on adjoining parcels would be noise and dust. However these impacts were planned to be mitigated at the operational level (through misters and sound proofing or berms).

IT WAS

MOVED BY: Commissioner R. Mayer

SECONDED BY: Commissioner J. Johnson

THAT the application be refused as proposed. However the Commission approved gravel extraction, washing and crushing on a 5 ha portion of the 27.7 ha parcel.

AND THAT the approval is subject to the following conditions:

- the preparation of a reclamation plan for the 5 ha gravel extraction area by an agrologist who is also a soils specialist. The reclamation plan must ensure that the

land is reclaimed to a similar or better standard upon completion of the extraction, and provide information about the depth and volumes of the topsoil resource, its storage location, erosion and weed control measures, and the staging of reclamation relative to the staged expansion of the extraction,

- the preparation of a dust and noise control program for the Commission's review and approval,
- the submission of a new non farm use application should the 5 ha gravel extraction area be expanded,
- the irrigation of the hayfields on the remainder of the property with water used for the washing operation (as proposed),
- the submission of a financial security in the amount of \$50,000.00 to ensure reclamation of the extraction site to an agricultural standard. The security will be returned upon confirmation of reclamation,
- the re-zoning of the 5 ha area with a site specific IG –Industrial Gravel Processing zone which prohibits cement manufacturing and concrete plant uses

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.

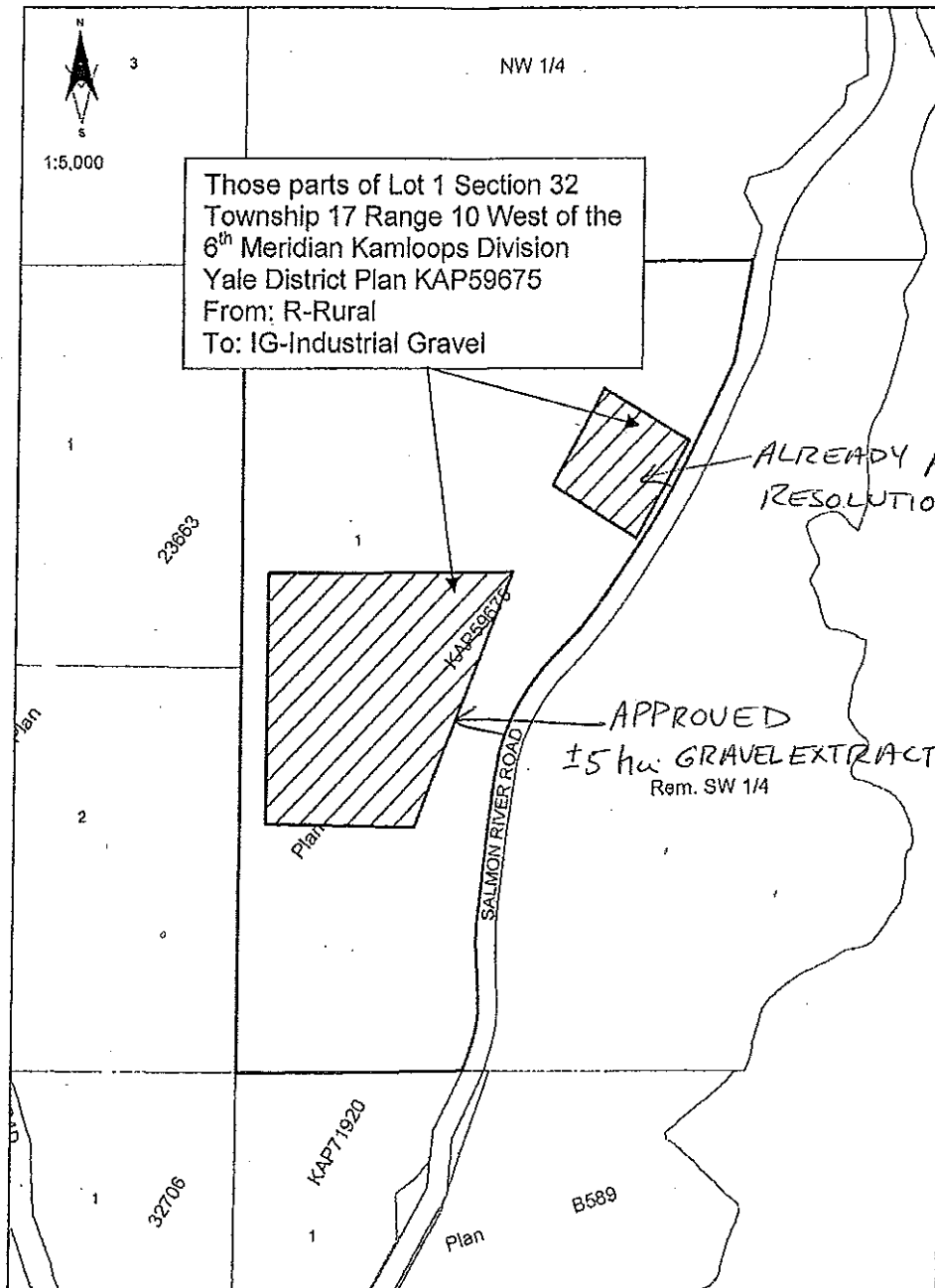
- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision 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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

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 # 2637/2010

Salmon Valley Land Use Amendment (Munsey)
Bylaw No. 2545



ALC SKETCH PLAN FILE # 51884
RESOLUTION # 2637/2010