



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

October 28, 2008

Reply to the attention of Jennifer Carson
ALC File: L-38278

Trent and Nicole Rehill
Box 32 - 7499 Pine Cone Lane
Radium Hot Springs, BC V0A1M0

Dear Mr. and Mrs. Rehill:

Re: Application for Transportation Corridor the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 636/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of East Kootenay

JC/
i/38278d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 14, 2008.

PRESENT:	Roger Mayer	Commissioner
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Jennifer Carson	Staff

For Consideration

Application: # L- 38278
 Applicant: Trent and Nicole Rehill
 Proposal: To provide access through the ALR to a parcel created that is entirely out of the ALR.
 Legal: PID: 013-872-630
 District Lot 10759, Kootenay District
 Location: Hwy 95, Spillimacheen

Site Inspection

A site inspection was conducted on September 30, 2008. Those in attendance were:

- Roger Mayer Commissioner
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Jennifer Carson Staff
- Darrell Smith District Agrologist – Ministry of Agriculture and Lands
- Trent Rehill Applicant

The Commission met with the applicant on the subject property to discuss the application. Mr. Rehill explained the history of the property in that it was logged in the 1970s and used as a homestead, he stressed that it is not his family's intention to log the property but to use it for a quiet and private homesite. Mr. Rehill explained that his family is planning on building homes on the portion of the subject property outside of the ALR and once subdivided he has no intention of selling the ALR portion of the property. The Commission explained that he could follow through with all of his plans, without separating the ALR portion of the property from the non-ALR portion. However, Mr. Rehill explained that he would prefer the Commission to proceed with considering his application on the basis that he would like to have a legal boundary along the ALR boundary, and in order to do this the Ministry of Transportation requires that he dedicate a road to the Crown to access this property outside the ALR.

Mr. Rehill also provided two emails following the site visit that were sent to the Commissioners via email.

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 ALR portion of the subject property is

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses

P stoniness
T topography

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 goal of preserving agricultural land. The Commission is concerned that having a dedicated road through the ALR would have a negative influence on the existing cattle operation and any possible future agricultural businesses on the property to the south. Furthermore, this proposal could have a negative impact on the potential future agricultural use of the subject property. The proposed access road to the non-ALR portion could potentially be used for future development in the non-ALR portion of the existing property; this potential increase in residential parcels in agricultural areas has a negative impact on active farms. The Commission believes the proposal could 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 proposed road will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Mayer

SECONDED BY: Commissioner Purdy

THAT the application be refused.

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.

CARRIED

Resolution # 636/2008