



Agricultural Land Commission
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Reply to the attention of Jennifer Carson
ALC File: 52009

December 9, 2010

Kerry Hilts, Director of Community Services
District of Kent
P.O. Box 70
Agassiz, BC
V0M 1A0

Dear Mr. Hilts:

Re: Application for Transportation Corridor the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **2769/2010** outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your Council accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

cc: FVRD

JC/
52009d1



A meeting was held by the Provincial Agricultural Land Commission on November 1, 2010 at the offices of the Ministry of Agriculture located at 1767 Angus Campbell Rd. Abbotsford, B.C.

PRESENT:	Richard Bullock	Chair
	John Tomlinson	Commissioner
	Mike Bose	Commissioner
	Tony Pellett	Staff
	Jennifer Carson	Staff

Sylvia Pranger recused herself from the meeting.

For Consideration

Application: 52009
 Applicant: District of Kent
 Agent: Kerry Hilts
 Proposal: To create a ± 5 km dyke trail in both directions from Kilby Park, alongside the Harrison and Fraser Rivers as part of an “Experience the Fraser” proposal

Legal

- Descriptions:
1. PID: 013-177-613
Part of Parcel "H" (Plan with Fee Deposited 54300F) Section 26 Township 3 Range 30 West of the Sixth Meridian as Shown Red on Statutory Right of Way Plan 13840 New Westminister District
 2. PID: 013-177-311
Part of Parcel "B" (Reference Plan 6276) North Half Section 24 Township 3 Range 30 West of the 6th Meridian Being a Portion of Scowlitz Indian Reserve #1 as Shown Red on Statutory Right of Way Plan 13840 New Westminister District
 3. PID: 013-178-806
Part (Statutory Right of Way Plan 13840) of Parcel "A" (Reference Plan 6937) Fractional South Half Section 27 Township 3 Range 30 West of the Sixth Meridian New Westminister District
 4. PID: 028-346-441
Part (1.34 Acres) of Parcel G (Plan with Fee Deposited 12033F) of the Fractional West Half and of the Fractional North East Quarter of Section 26 Township 3 Range 30 West of the Sixth Meridian as Shown Outlined Red on Plan 13840 New Westminister District Except Plan 22952
 5. PID: 028-346-416
Part 11.51 Acres Shown as Dyke and Outlined Red on Plan 13840 of the Fractional South Half of Section 27 Township 3 Range 30 West of the Sixth Meridian New Westminister District Except Plan 22952

Location: Harrison Mills

Site Inspection

The Commissioners did not conduct a site visit as the information provided with the application was considered sufficient to understand the proposal.

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 areas affected by the proposed trail is improvable to:

- Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.
- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Subclasses

- | | |
|---|----------------------------|
| A | soil moisture deficiency |
| D | undesirable soil structure |
| T | topography |
| W | excess water |

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. While the proposed trail follows the dyke, the upland side of the dyke is adjacent to farmland including that within Crown land formerly within Kilby Provincial Park (Lots 7 and 8 of Plan 22952—see sections 4 and 5 of the title list on the first page of these minutes). The Commission does not believe there are external factors that render those parts of the land adjoining the dyke structure 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. While the Commission appreciates that the District of Kent has attempted to plan for the issues that arise from arrangements such as these, it has been the Commission's experience that it is impossible to mitigate all the conflicts that arise where trails and farms coexist. It has also been the experience of the Commission that the farmer and farm are generally left to shoulder the burden of arrangements such as these, no matter how much mitigating and planning is done in advance. The Commission believes that the proposal would adversely impact existing or potential agricultural use of surrounding lands.

Assessment of Other Factors

The Commission understands the benefit of trails such as these for the general public; however, the Commission believes that this benefit to the general public should not be to the detriment of farmers. From an agricultural perspective, the proposed trail would be an unnecessary and preventable burden to the farmers affected.

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 adversely 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 Bose
SECONDED BY: Commissioner Tomlinson

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, or*
 - (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.

CARRIED
Resolution # 2769/2010