



**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

February 12, 2014

ALC File: #53300  
RDEK File: P 713 107

Metro Paving & Roadbuilding Ltd  
7615 40<sup>th</sup> Street Northeast  
Calgary, AB T3J 4H2  
Attention: Rob Rhodenizer

Dear Mr. Rhodenizer:

Re: **Application to Conduct a Non-Farm Use on Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #401/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly. The Commission has also attached a sketch plan depicting the decision.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in dark ink, appearing to read 'Lindsay McCoubrey', is written over the signature line.

Brian Underhill, Executive Director

Enclosures: Minutes of Resolution #401/2013  
Sketch plan

cc: Regional District of East Kootenay (File: P 713 107)  
BC Assessment (Suite 200, 117 Cranbrook Street North, Cranbrook, BC, V1C 3P8)

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## **MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

A meeting was held by the Provincial Agricultural Land Commission on October 2, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53300.

### **COMMISSION MEMBERS PRESENT:**

Gordon Gillette	Vice-Chair
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

### **COMMISSION STAFF PRESENT:**

Lindsay McCoubrey	Land Use Planner
Colin Fry	Executive Director

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**PROPOSAL** (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

To expand the current extraction approval on the subject property (Resolution #203/2013) to include onsite crushing and asphalt production and/or road base crush on 3.0 ha (bonded as 1.0 ha per annum) on the 31.9 ha subject property.

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### **PROPERTY INFORMATION:**

**Owner:** Donald & Elaine Jubinville

**Legal:** The East Half of the Northwest Quarter of District Lot 8450, Kootenay District, Except Part included in SRW Plan 14540

PID: 016-449-347

**Location:** 5683 Highway 43 (Elk Valley Highway), north of Sparwood

**Size:** 31.9 ha

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### **LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION**

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and

- (c) 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.
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#### **COMMISSION CONSIDERATION**

The Commission reviewed one previous application involving the subject property:

Application #52704 Allowed Notice of Intent for gravel extraction.  
(Jubenville, 2012)

After considering the information the Commission concluded as follows:

1. Agricultural Land Commission (ALC) application #52704 allows only for the extraction for approximately 300,000 m<sup>3</sup> of aggregate from 3.0 ha of the subject property.

**Conclusion:** Onsite crushing and asphalt production reduces trucking raw material to other locations for processing.

**Conclusion:** Onsite processing allows for expedited completion of the project culminating with fields in agricultural production.

#### **IT WAS**

**MOVED BY:** Commissioner Gillette  
**SECONDED BY:** Commissioner Thibeault

THAT the request to use 0.43 ha for the purpose of an onsite crusher and portable asphalt plant to be located in the northwest corner of the approved extraction portion of the subject property be approved;

AND THAT the approval is subject to the conditions defined within ALC Application #52704 (Resolution #203/2013);

AND FINALLY THAT 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 #401/2013**



HWY 43

Approximate area to be excavated

Image: Teck Coal Limited