



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

August 19, 2014

ALC File: #53641

Josef and Gudrun Riegler
3482 Blewett Road
Nelson, BC V1L 6V6

Dear Mr. and Mrs. Riegler:

Re: Application for the Non-Farm Use of Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #242/2014 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey, Lindsay.McCoubrey@gov.bc.ca.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Colin J. Fry', is written over a horizontal line. The signature is fluid and cursive.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #242/2014

cc: Regional District of Central Kootenay (File #A1405)

53641d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 29, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Application #53641.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Jennifer Carson	Planner
Lindsay McCoubrey	Planner
Colin J. Fry	Chief Tribunal Officer

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

To build 2 one bedroom cabins and 2 two bedroom cabins on the subject property.

PROPERTY INFORMATION:

Owner: Josef and Gudrun Riegler

Legal: PID: 016-417-879
Parcel 1 (Reference Plan 83001) of District Lot 6890 Kootenay District, Except (1) Part shown outlined in Red on Reference Plan 859621, (2) Part Included in Plan 12175.

Location: 3482 Blewett Road, Nelson

Size: 3.3 ha

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.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. Previous application decisions involving the subject property and other properties in the Blewett area reflected the Commission's historical belief that land in Blewett may be appropriate for exclusion from the ALR. However, in recent years, information provided by the Electoral Area "E" Director suggests it may be prudent for the Commission to re-assess its historical viewpoint.

Conclusion:

The Commission is open to this discussion but remains convinced the best method of engagement is through local government planning to determine the agricultural future of the area.

2. The Electoral Area "E" Director, Advisory Planning Commission and District Agrologist from the Ministry of Agriculture all recommend the application be refused based on the potential negative impact of the proposal on agriculture in the area. The Commission believes that the local knowledge and understanding provided by these individuals and groups are extremely valuable.

Conclusion:

The Commission supports the Electoral Area "E" Director, Advisory Planning Commission and Ministry of Agriculture comments and opinions regarding this application.

3. 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.

The improved agricultural capability rating identified on CLI map sheet 82F/6 for the subject property is 4T.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclass associated with this parcel of land is T (topographic limitations).

Conclusion:

The subject property has agricultural capability and could support a wide range of crops.

4. The mandate of the Commission is to preserve agricultural land and to encourage farming within the ALR. The applicant does not provide any agricultural rationale for the proposed non-farm use.

Conclusion:

The proposal for non-farm use is inconsistent with objective of the *Agricultural Land Commission Act* to preserve and encourage agriculture.

IT WAS
MOVED BY: **Commissioner Thibeault**
SECONDED BY: **Commissioner Dempsey**

THAT the request to construct four cabins on the subject property be refused.

CARRIED
Resolution #242/2014