



Agricultural Land Commission
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February 16th, 2017

ALC File: 54573

Rogers Communications Inc.
1600-4710 Kingsway
Burnaby, BC V5H 4W4

Attention: Samuel Sugita

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

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #33/2017) as it relates to the above noted application. A sketch plan depicting the decision is also attached. As agent, it is your responsibility to notify the applicants accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the Executive Committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the Commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Kelsey-Rae Russell at (KelseyRae.Russell@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "K Russell". The signature is written in a cursive, flowing style.

Kelsey-Rae Russell , Land Use Planner

Enclosures: Reasons for Decision (Resolution #33/2017)
Sketch plan

cc: City of Chilliwack (File: ALR00268)

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AGRICULTURAL LAND COMMISSION FILE 54573

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicants:

**John Rimschneider
Erica Rimschneider
(the “Applicants”)**

Agent:

**Samuel Sugita, Rogers
Communications Inc.
(the “Agent”)**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Satwinder Bains**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 024-246-395

Lot 2, Section 1, Township 3 and Section 35, Township 2, Range 29 West of 6th
Meridian, New Westminster District, Plan LMP39400

(the "Property")

[2] The Property is 21.5 ha in area.

[3] The Property has the civic address 51995 Nevin Road, Chilliwack, BC.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 20(3) of the *ALCA* the Agent on behalf of the Applicants are applying to utilize 0.1 ha of the Property to construct a telecommunications structure and access road. The telecommunications structure requires a 20m x 20m (0.04 ha) compound (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the ALCA. The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:

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.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. May 26th, 2016 letter from ALC staff to the Agent
4. October 19th, 2016 letter from the Agent to ALC staff
5. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] At its meeting of March 1st, 2016, the City of Chilliwack resolved that the application be forwarded to the Commission “*with support, subject to the condition that the BC Hydro connection to the proposed tower site be obtained from the existing subdivision to the east or from Nevin Road, so as not to disrupt the viable agricultural lands fronting Yale road*”.



SITE VISIT

[11] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

[12] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92H.012 for the mapping units encompassing the Property are Class 2, Class 3 and Class 4, more specifically, 60% (7:2AT, 3:3TA) and 40% (6:3PAT, 4:4TPA).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

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

The limiting subclasses associated with this parcel of land are A (moisture deficiency), P (stoniness) and T (topographic limitations).

[13] The Panel reviewed the BCLI ratings and find that the majority of the land making up the Property is of prime agricultural capability.

[14] The Application states that the Proposal will improve the wireless network in the Rosedale area of Chilliwack. The Panel reviewed the Application materials and noted that two options

for the location of the tower have been proposed by the Agent. The Agent stated that the two options were selected based on the minimization of environmental and visual impacts to the community. Both options were also presented to the public at an open house, prior to the submission of the Application to the Commission and the location put forth in the Proposal was chosen by the public as the most visually desirable.

[15] The proposed option (Option A) requires a significant setback distance of approximately 550 metres from Yale Road resulting in the placement of the communications tower near the centre of the Property. Similarly, the alternative option (Option B) requires a setback of approximately 400 metres from Yale Road. The Panel finds that the associated access road to the tower location proposed under Option A and Option B would impact a significant portion of the Property, causing the footprint of the Proposal to cover a greater area than would otherwise be necessary if the tower were located closer to Yale Road. As such, the Panel finds that neither Option A nor Option B is appropriate from an agricultural perspective; however, the Panel noted that the agricultural impacts of the Proposal could be reduced if the location of the tower were in closer proximity to Yale Road.

[16] The Panel is amenable to a revised version of the Proposal whereby the proposed telecommunications structure is located no more than 130 metres from the northern property line fronting Yale Road, as this will reduce the impact of the access road to the structure.

DECISION

[17] For the reasons given above, the Panel refuses the location of the Proposal as proposed.

[18] The Panel; however, approves the construction of the telecommunications structure and access road, provided that it is located no more than 130 metres from Yale Road.

[19] The Proposal is approved subject to the following conditions:

- a. Siting of the non-farm use on the northern portion of the Property such that the extent of the structure and any access roads are no more than 130 metres from Yale Road, as per the attached Sketch Plan.
- b. The compound upon which the telecommunications tower is built must not exceed 0.04 ha in size.

[20] 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.

[21] These are the unanimous reasons of the South Coast Panel of the Agricultural Land Commission.

[22] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

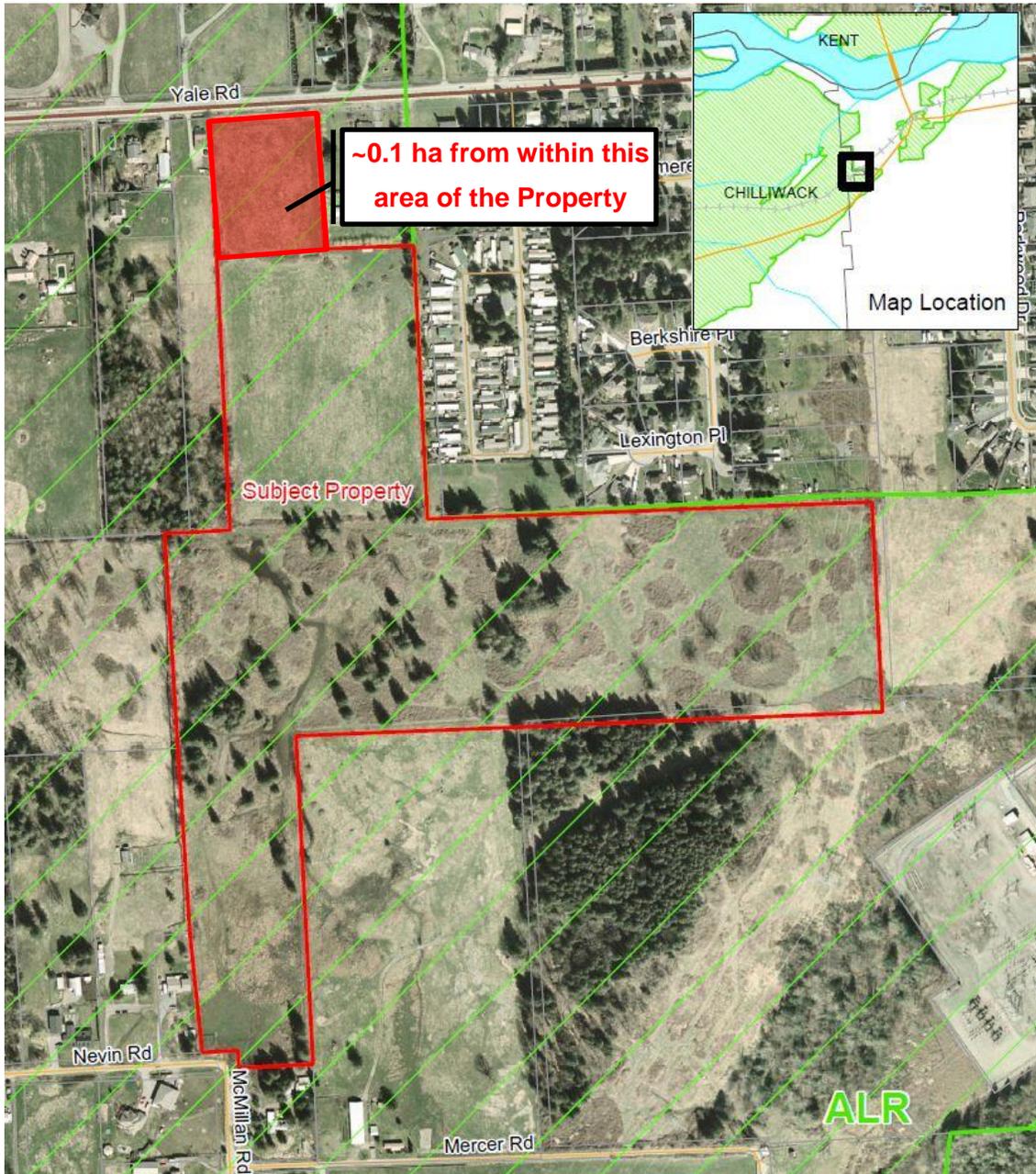
[23] This decision is recorded as Resolution #33/2017 and is released on February 16th, 2017

CERTIFICATION OF DECISION



William Zylmans, Panel Chair, on behalf of the South Coast Panel

END OF DOCUMENT



**Application ID# 54573 (Rimschneider)
Conditionally Approved Non-Farm Use
ALC Resolution # 33/2017**

-  Subject Property
-  Conditionally Approved Non-Farm Use Area (~0.1 ha)