



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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27TH May 2011

Reply to the attention of Roger Cheetham
ALC File: 37304

Lee-Ann Crane, CAO
Regional District of East Kootenay
19-24th Avenue South
Cranbrook, BC
V1C 3H8

Dear Madam:

**Re: Application for Transportation, Utility and Recreational Trail Use in the
Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 189/2011 outlining the Commission's decision as it relates to the above noted application. By way of a copy of this letter we have notified the applicant, the Canadian Pacific Limited, the City of Cranbrook and the City of Kimberley.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Richard Bullock', is written over a light blue horizontal line.

Richard Bullock, Chief Executive Officer

Enclosure: Minutes

cc: Canadian Pacific Limited, 900 Granville Square, 200 Granville Street, Vancouver, BC
V6C 1S4
Will Pearce, CAO, City of Cranbrook, 40-10th Ave. South Cranbrook, BC, V1C 2M8
A. Mulholland, CAO, City of Kimberley, 340 Spokane Street, Kimberley, BC V1A 2E8

RC/37304d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 26th May, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application: (Submitted pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation))

Application: 37304
Applicant: Regional District of East Kootenay
Agent:
Proposal: To convert the railway right of way for a recreational trail between the City of Cranbrook and Kimberley
Legal: See staff report dated 22nd March 2007
Location: Between Cranbrook and Kimberley
Background: See attached staff report dated 22nd March 2007
Attachment: Staff report dated 22nd March 2007
E-Mail from Director of Corporate Services City of Cranbrook dated 21st March 2011

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On September 11, 2009 the Commission delegated decision-making to the CEO by Resolution #003N-2009 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following application may be decided by the CEO.

Criterion 4

Non-farm use applications made pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation).

DECISION:

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 4 of Resolution #003N/2009 and approve the application on behalf of the Commission.

Approval is subject to the following conditions:

- Measures being taken to control weed infestation
- The restriction on the use of the trail to non-motorised vehicles.
- Trail signage relating to the protection of agricultural land
- Measures being taken to control litter and garbage

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Application #

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.

RESOLUTION # 189/2011

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION



Richard Bullock, Chief Executive Officer