



## **AGRICULTURAL LAND COMMISSION FILE 54725**

### **REASONS FOR DECISION OF THE INTERIOR PANEL**

**Application submitted pursuant to s. 6 of BC Regulation 171/2002 (ALR Use, Subdivision and Procedure Regulation)**

**Applicant:**

**Kamlands Holdings Ltd.  
(the "Applicant")**

**Agent:**

**Canadian Pacific Railway  
(the "Agent")**

**Application before the Interior Regional Panel:**

**Lucille Dempsey, Panel Chair  
Richard Mumford  
Roger Patenaude**

6 Unless permitted under sections 2 and 3, a person must file an application under section 34 (6) of the Act directly with the office of the commission and in a form acceptable to the commission for any of the following uses:

- (a) widening of an existing road right of way;
- (b) construction of a road within an existing right of way;
- (c) dedication of a right of way or construction of any of the following:
  - (i) a new or existing road or railway;
  - (ii) a new or existing recreational trail;
  - (iii) a utility corridor use;
  - (iv) a sewer or water line other than for ancillary utility connections;
  - (v) a forest service road under the [Forest Act](#);
- (d) the new use of an existing right of way for a recreational trail.

[9] The Panel considered the Application pursuant to its mandate in s. 4.3 of the *ALCA*:

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

[10] The purposes of 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**

[11] The Panel considered the following evidence:

1. The Application
2. Agricultural capability map, ALR context map, and satellite imagery

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

**SITE VISIT**

[12] 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**

**Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture**

[13] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The agricultural capability ratings identified on CLI map sheet 92 I/10 for the mapping units encompassing the 0.4 ha area proposed for the railway right of way expansion are Class 7TE.

Class 7 - land has no capability for soil bound agriculture.

[14] The Panel confirms that the affected lands (0.4 ha) have no agricultural potential.



Section 4.3(b) of the ALCA: Second priority to economic, cultural and social values

[15] The Application is to improve the safety and widening of the main Canadian Pacific Railway line, which has significant economic and social benefits.

Section 4.3(c) of the ALCA: third priority to regional and community planning objectives

[16] The Applicant did not provide any information specifically citing regional and community planning objectives.

Weighing the factors in priority

[17] The Panel gave consideration to the first priority to agricultural as required by Section 4.3(a) and Section 6 of the ALCA. The Panel found that the proposal poses no impact to agriculture and farming because it affects non-arable land.

[18] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives as required by s. 4.3. The Panel finds that the Proposal provides a positive economic and social benefit to the region and the nation.

**DECISION**

[19] For the reasons given above, the Panel approves the Proposal to subdivide two 0.2 ha areas from the property for railway track widening.

[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] Panel Chair **Lucille Dempsey**, concurs with the decision.  
Commissioner **Richard Mumford**, concurs with the decision.  
Commissioner **Roger Patenaude**, concurs with the decision.



[22] Decision recorded as Resolution #92/2016.

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

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Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #92/2016. The decision is effective upon release.

A handwritten signature in blue ink, appearing to be 'C. Fry', is written over a horizontal line.

**Colin J. Fry, Chief Tribunal Officer**

**March 22, 2016**

**Date Released**