



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

November 30, 2006

Reply to the attention of Simone Rivers
ALC File: ZZ-36986

Attention: Andrew Massil
Canadian Pacific Railway Company
1100 - 200 Granville Street
Vancouver, BC V6C 2R3

Dear Mr. Massil:

Re: Application for Transportation Corridor use within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 599/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify the landowners accordingly.

Thank you for sending two paper prints of the final survey plans to this office. A letter has been sent to the Land Titles Office authorizing deposit of the plans. You will also receive a copy of that letter.

Yours truly,

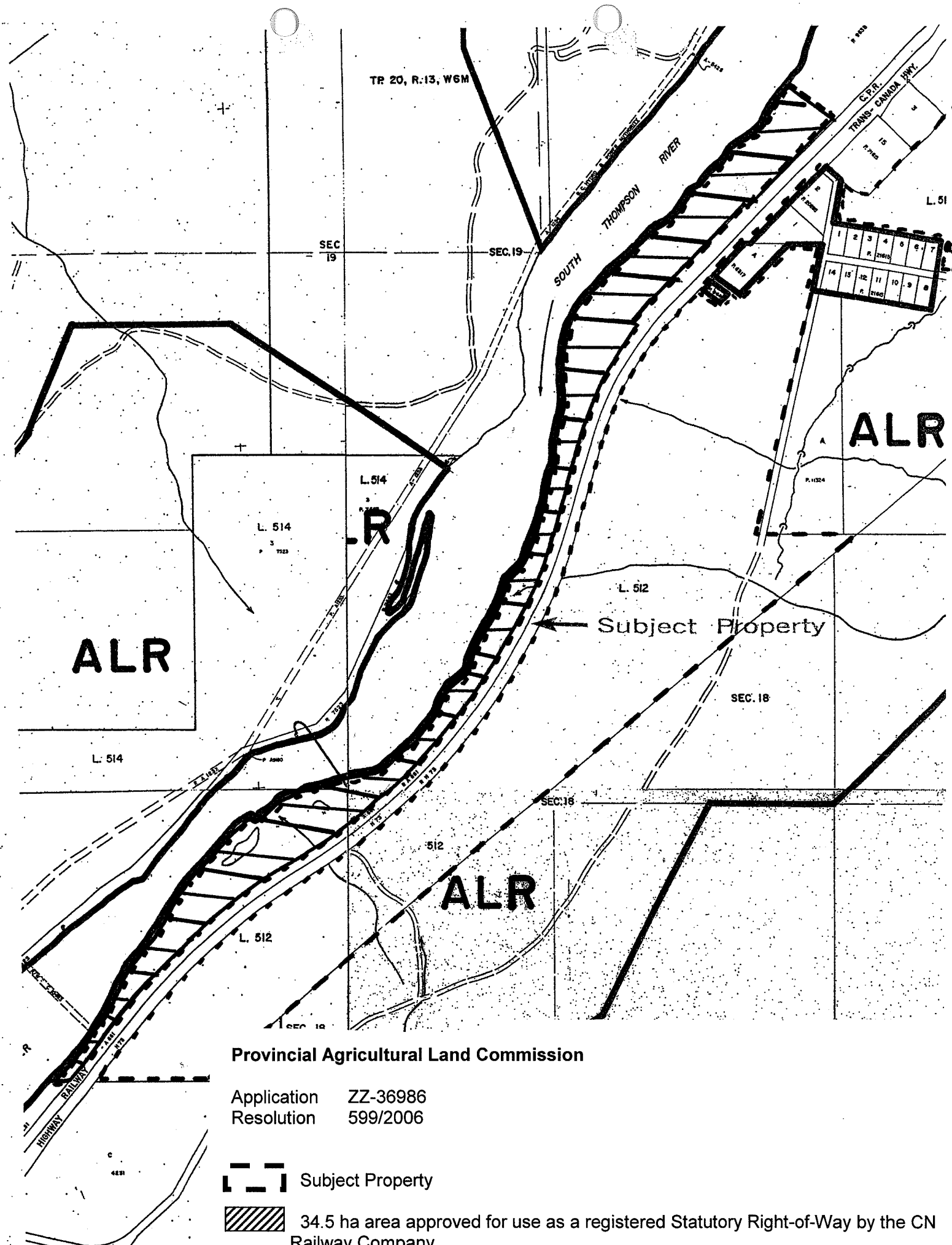
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District


SR/iv/Encl.: Minutes/Sketch Plan
36986d1



Provincial Agricultural Land Commission

Application ZZ-36986
 Resolution 599/2006

 Subject Property

 34.5 ha area approved for use as a registered Statutory Right-of-Way by the CN Railway Company



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 23, 2006 at Quesnel City Hall, 410 Kinchant Street, Quesnel, B.C.

PRESENT:	Grant Huffman	Chair, Interior Panel
	Holly Campbell	Commissioner
	Frank Read	Commissioner
	Simone Rivers	Staff

For Consideration

Application: # ZZ- 36986
Applicant: 69 Cattle Company Ltd.
Agent: Canadian Pacific Railway Company (CN)
Proposal: To dedicate 34.5 ha as Statutory-Right-of-Way from the subject property as part of CPR's Western Capacity Expansion project.
Legal: PID: 012-934-534
District Lot 512, Kamloops Division of Yale District, EXCEPT Plans A661, B4068, 5142, 6317, 7062, 8446, 9638, 11324, KAP53171 and KAP73615
Location: West of Pinanton Road, Pritchard on the Thompson River.

Site Inspection

A site inspection was not conducted

Discussion

Assessment of Agricultural Capability

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, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The soils of the subject property have agricultural capability of Class 4 and 5, improvable to class 2 and 3 for half of the proposed area. These capability ratings include subclasses of T, P, and M for the majority of the areas.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Subclasses

A & M soil moisture deficiency
C adverse climate
P stoniness
T topography

Assessment of Agricultural Suitability

The Commission next assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission believes there are external factors that render the land unsuitable for agricultural use. The area requested for use by the railroad is a narrow strip of land located between the Thompson River and the existing railroad tracks. Railroad expansion plans in this area and the closing of some crossing as well as erosion impact the suitability of this land for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Staff spoke with one of the current land owners who indicated that he did not have concerns with the proposal. CN had included an agreement for one of the owners to remain in his current home on the land to be acquired by CN until such time as he wished to move. At that time, the land would revert to the ownership of CN. The owner also stated that CN had put easements in place to ensure that access to irrigation pumps would be maintained by the owners for the remainder of the property. The Commission does not believe the proposal would impact existing or potential agricultural use of the remainder of the property or adjacent properties.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is not suitable for agricultural use.
3. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Huffman
SECONDED BY: Commissioner Campbell

THAT the application be allowed as proposed.

AND THAT the approval is subject to the following conditions:

- the area to be registered as statutory right-of-way be in substantial compliance with the plan submitted with the 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.

CARRIED

Resolution # 599/2006



Staff Report
Application # ZZ – 36986
Applicant: Canadian Pacific Railway Co.

DATE RECEIVED: September 21, 2006

DATE PREPARED: November 8, 2006

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To divide 34.5 ha from the 135.8 ha subject property as part of CPR's Western Capacity Expansion project.

This application is made pursuant to Section 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*).

BACKGROUND INFORMATION:

Staff spoke with one of the property owners who stated that the portion of land required by the project is located between the existing railway tracks and the river and extends approximately 7.2 km. One of the owners, who is 75 years old has signed an agreement to remain in his home on the property as long as he wants. It will be taken over by CRP when he moves. The owner did not express any concerns with the proposal as the agreement includes provisions for him to continue to maintain and access his pump for irrigation purposes.

Local Government:

Thompson-Nicola Regional District

Legal Description of Property:

PID: 012-934-534

District Lot 512, Kamloops Division of Yale District, EXCEPT Plans A661, B4068, 5142, 6317, 7062, 8446, 9638, 11324, KAP53171 and KAP73615

Location of Property:

West of Pinanton Road on Highway 1 near Chase

Size of Area Proposed for Acquisition

34.5 ha (The entire property is in the ALR).

Present use of the Property:

Cattle Ranching, grazing

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/12
The majority of the property is identified as having Mixed Prime and Secondary ratings.

ATTACHMENTS:

- Summary of Proposal as submitted by the applicants
- Air Photo - BCGS - 82L.072 - 1:20,000 (created by ALC Staff)
- ALC Context Map - 82L/12 - 1:50,000 (created by ALC staff)

END OF REPORT

Simone Rivers
Signature

Nov 10, 2006
Date