



Agricultural Land Commission

133 – 4940 Canada Way
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July 26, 2012

Reply to the attention of Liz Sutton
ALC File: 52734

Frolek Cattle Co. Ltd.
PO Box 188
Kamloops, BC
V2C 5K6

Dear Sir/Madam:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **253/2012** outlining the Commission's decision as it relates to the above noted application. Since one of the conditions of approval is the posting of an irrevocable letter of credit to ensure reclamation, the Commission has attached an example irrevocable letter of credit.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: Thompson-Nicola Regional District (File: ALR 49)
BC Assessment – Kamloops

LSI/
52734d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Gordon Gillette	Vice-Chair
Jerry Thibeault	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Colin Fry	Executive Director

APPLICATION: #52734

PROPOSAL: Non-farm Use - To use approximately 0.5 ha for an explosives magazine.
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID: 013-007-742
Legal Description: District Lot 690, Kamloops Division Yale District
Civic Address: West of Stump Lake
Size: 91 ha
Area in ALR: 91 ha
Current Land Use: Seasonal cattle grazing
Farm Classification: Yes
(BC Assessment)

PROPERTY OWNER INFORMATION:

Frolek Cattle Company Ltd.

DATE PROPERTY ACQUIRED: 1956

COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission are (1) to preserve agricultural land; (2) to encourage farming on agricultural land in collaboration with other communities of interest; and (3) 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.

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.

The agricultural capability of the soil of the subject property is

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.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Agricultural Suitability

The proposed explosives magazine will only utilize a small portion of land. The subject property is currently used for seasonal cattle grazing and Frolek Cattle Co. Ltd proposes to continue grazing cattle on the property for the duration of the non-farm use in order to reduce fire hazards.

Assessment of Potential Impact on Agriculture

The Commission assessed the potential impact of the proposal against the long term goal of preserving agricultural land. The proposed siting of the explosives magazine is close to an existing road and will not impede with any surrounding agricultural uses. The proposed explosives magazine is a temporary non-farm use and Frolek Cattle Co. Ltd. intends to reclaim the area for grazing once the non-farm use is discontinued. The Commission believes the proposal will not negatively impact existing or potential agricultural use of the property.

Other Factors

Frolek Cattle Co. Ltd. was approached by an international explosive manufacturing company that is in need of a storage facility within central interior area of British Columbia to supply the mining industry with explosives. The subject property was selected as a storage site due to access via an all-weather road as well as its location which satisfies federally regulated buffering distances to dwellings, major highways, and power lines. The explosives will be secured in four, industry and federally regulated containers which will be monitored to ensure security.

The Commission noted that Thompson-Nicola Regional District Planning Services supports the application as it will allow Frolek Cattle Co. Ltd. to diversify their agricultural operation as well as to provide a secure and remote location for an explosives storage facility.

CONCLUSION:

The proposed non-farm use will not negatively impact existing or potential agricultural use of the property.

IT WAS

MOVED BY: Commissioner Thibeault

SECONDED BY: Commissioner Collins

THAT the application for an explosives storage site and access road be allowed subject to the following conditions:

- The storage of explosives is to be located on the property as proposed;
- The approval is valid for four (4) years from the date of the decision, or until the facility is no longer needed, whichever occurs first;
- All topsoil on the authorized site must be stripped and stockpiled on the property for reclamation purposes;
- Topsoil stockpiles must be seeded to an appropriate grass/forage cover to prevent erosion;
- Appropriate weed control must be practiced on all disturbed areas and topsoil stockpiles;
- When the facility is no longer required all structures and improvements are to be removed from the property and the area reclaimed to an agricultural standard equal to or better than that which existed prior to the non-farm use, and
- The posting of a \$5,000 irrevocable letter of credit to ensure the successful reclamation of the site. The irrevocable letter of credit is to be issued in favour of the Provincial Agricultural Land Commission. Release of the bond will be dependent on receipt of evidence that reclamation has been completed to the satisfaction of the Commission.

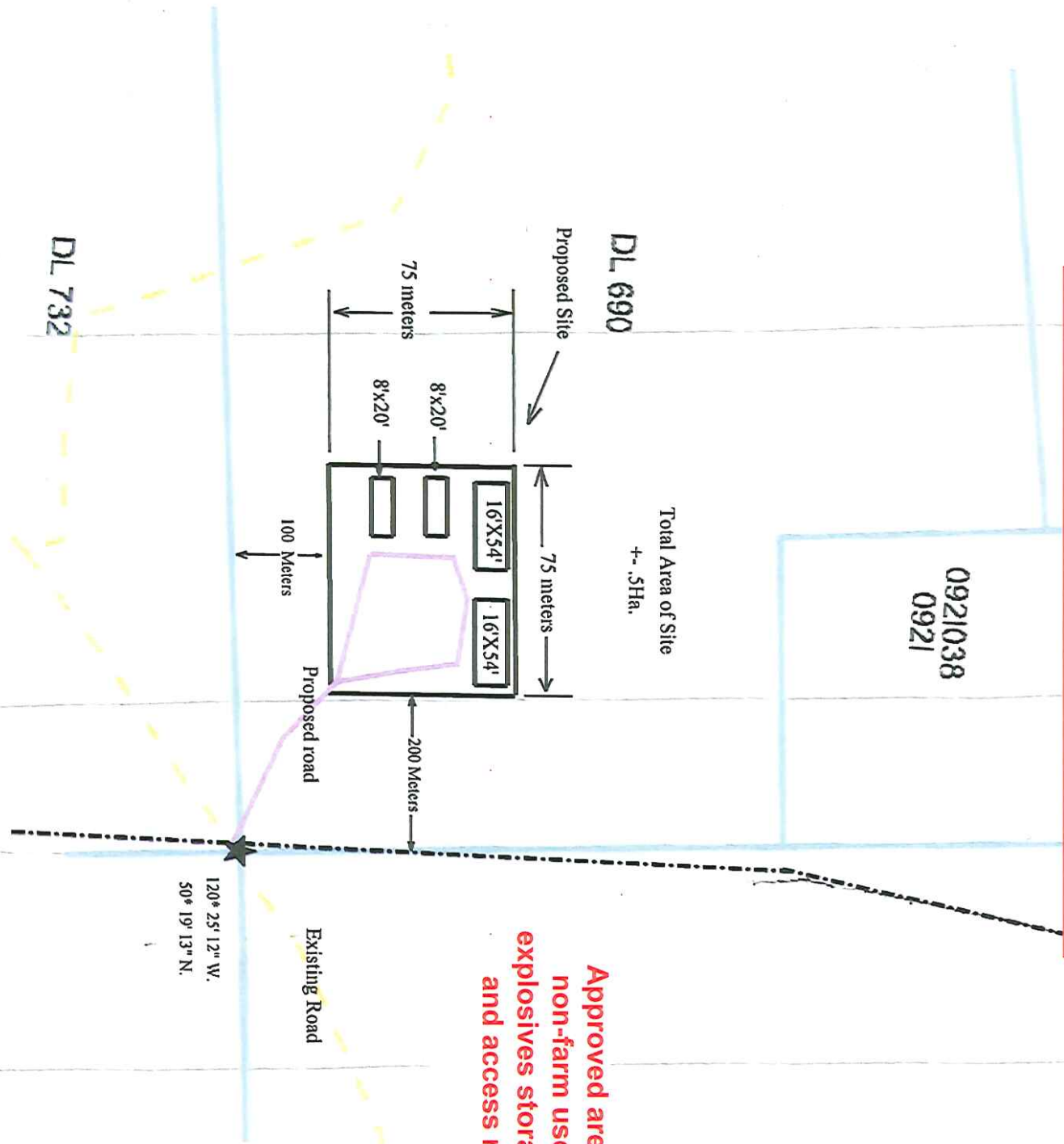
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution #253/2012

**ALC #52734 (Frolek Cattle Co. Ltd.)
Resolution #253/2012**

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**Approved area for
non-farm use for
explosives storage site
and access road**