



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

March 26, 2007

Reply to the attention of Terra Kaethler  
ALC File: Q-37264

Teck Cominco Metals Ltd  
PO Box 1000 - 25 Aldridge Avenue  
Trail, BC V1R4L8

FAXED  
10:00  
March 27/07

Dear Sir/Madam:

**Re: Application to Exclude land from the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #92/2007 outlining the Commission's decision as it relates to the above noted application. With this approval, the area in question is excluded from the Agricultural Land Reserve (ALR) thereby eliminating the need for any future approvals from the Commission. A map depicting the Commission's decision is attached for further clarification.

By way of a copy of this letter the Registrar of Land Titles is advised that the ALR portion of the subject property lying east of the Kettle River is excluded from the ALR thereby amending the ALR plan for the Regional District of Kootenay Boundary.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

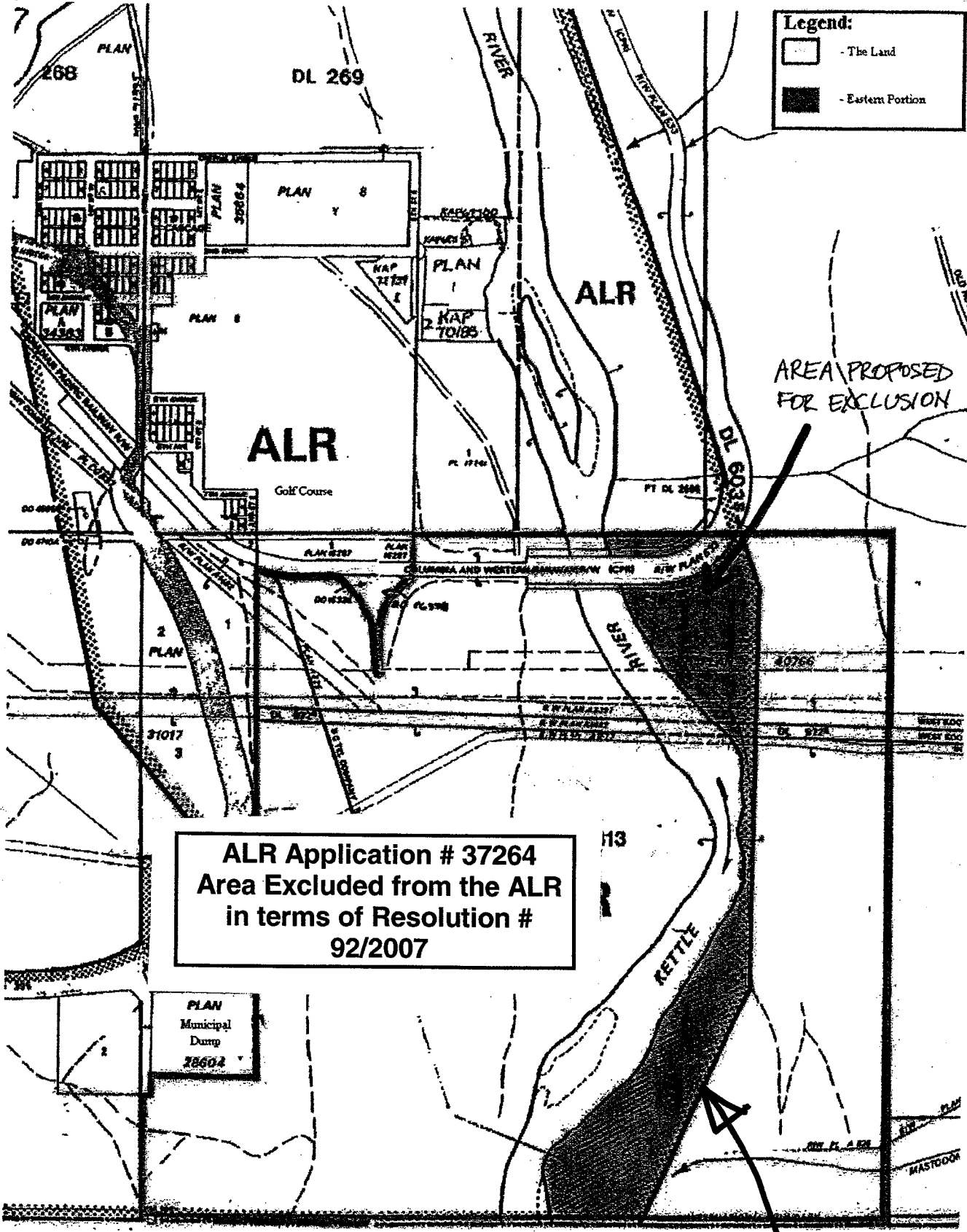
Erik Karlsen, Chair

cc: Regional District of Kootenay-Boundary (C-313-02525-000)

Enclosure: Minutes/Sketch Plan

RC/eg  
37264d1

**Proposed Exclusion Area**



**AREA EXCLUDED FROM ALR**



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on March 22, 2007 at the Prestige Rocky Mountain Resort and Conference Centre, Cranbrook, BC.**

<b>PRESENT:</b>	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff

### **For Consideration**

Application: #Q- 37264  
Applicant: Teck Cominco Metals Ltd.  
Proposal: To exclude from the ALR approximately 25 ha of the 197.7 ha property east of Kettle River in order to register a conservation covenant.  
Legal: PID: 014-687-925  
That Part of District Lot 313, Similkameen Division Yale District as shown on Plan Attached to DD 6534, Except Those Parts shown on: (1) Plans attached to DD 14327 and DD 6338; (2) Plan 28604  
Location: South of Christina Lake

### **Discussion**

The Commission recalled its September 26, 2006 site inspection that was conducted in conjunction with a request to register a conservation covenant (File: 81500-07/01/RDKB). At that time the Commission concluded that the area east of the Kettle River has no significant agricultural potential due to the physical separation of this portion of the property from the bulk of the property, its long, narrow shape and lack of access.

The Commission advised Teck Cominco Metals Ltd. that it preferred to resolve this matter by way of an exclusion application. No further action was taken regarding the proposed conservation covenant pending receipt of an exclusion application.

### **IT WAS**

**MOVED BY:** Commissioner Purdy  
**SECONDED BY:** Commissioner Marshall

THAT the application be approved.

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 # 92/2007**



**Staff Report**  
**Application # Q – 37264**  
**Applicant: Teck Cominco Metals Ltd**

**DATE RECEIVED:** March 05, 2007

**DATE PREPARED:** March 19, 2007

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Terra Kaethler, Land Use Planner

**PROPOSAL:** To exclude approximately 25 ha to the east of Kettle River (Eastern Portion) from the 198 ha property in order to register a conservation covenant on the title.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

A site inspection was held on September 26, 2006. The Commission was concerned with endorsing the covenant, but due to the limited agricultural potential of the property, the Commission was prepared to entertain an application for exclusion. In light of this discussion, the applicant was notified, and the application was tabled. On March 5, 2007, the exclusion application was received.

**Local Government:**

Regional District of Kootenay-Boundary

**Legal Description of Property:**

PID: 014-687-925

That part of District Lot 313, Similkameen Division of Yale District, EXCEPT Those parts shown on 1) Plans attached to DD14327 and DD16338, 2) Plan 28604

**Purchase Date:**

1993

**Location of Property:**

South of Christina Lake

**Size of Property:**

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

**Present use of the Property:**

Ungulate winter range and important travel corridor to the river for white-tailed and mule deer, elk and moose. Habitat for federally and provincial at-risk species.

**Surrounding Land Uses:**

**WEST:** Bare land  
**SOUTH:** International Canada - US Border  
**EAST:** Habitat for ungulates and at-risk species - too steep for agriculture.  
**NORTH:** Golf course, Columbia and Western Railway, cattle grazing

**Agricultural Capability:**

The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

Regional District of Kootenay Boundary Area "C" OCP Bylaw No. 1250 (2004)  
Designation: Natural Resource

**Zoning Bylaw and Designation:**

Regional District of Kootenay Boundary Area "C" Zoning Bylaw No. 900 (1996)  
Designation: Natural Resource (NR1)  
Minimum Lot Size: 50 ha

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Kootenay Boundary Regional District Board:** The Regional Board forwarded the application with a recommendation of support.

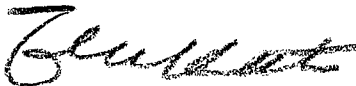
**Advisory Planning Commission:** Support the application.

**Local Government Staff:** Support the application.

**ATTACHMENTS:**

- Staff Summary Report, September 8, 2006
- Site Inspection Notes
- Map of Area

**END OF REPORT**



Signature



Date