



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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March 29, 2007

Reply to the attention of Terra Kaethler
ALC File: Q-37066

New Town Planning Services
1450 Pandosy Street
Kelowna, BC V1Y1P3

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution # 94/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Furthermore, please be advised that staff contacted the owners of the property on March 28, 2007 and confirmed that they were aware and supportive of the proposal. The Commission therefore confirms that the decision be approved.

Please send two (2) paper prints of the final survey plans to this office. If acceptable, the Commission will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Kettle Mountain Ginseng Co (RR2 - Site 102 - Comp 8, Rock Creek, BC
V0H1Y0)
Regional District of Kootenay-Boundary (E-471-02940-000)

Enclosure: Minutes/Sketch Plan

TK/37066d.doc



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 21, 2007 in Cranbrook, B.C.

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

For Consideration

Application: # Q- 37066
Applicant: Kettle Mountain Ginseng Co
Agent: New Town Planning Services
Proposal: Non-farm use of 10.7 ha of the 125 ha subject property to construct an electrical substation, roads to the substation and feeder transmission lines.
Legal: PID: 014-783-657
District Lot 471, Similkameen Division of Yale District, EXCEPT Plans B1406, 7163 and 7432
Location: Highway 3 at Swiss Road Inn, Rock Creek

Site Inspection

No site inspection 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 agricultural capability of the soil of the subject property is

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.

Assessment of Impact on Agriculture

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. Of the 10.7 ha area proposed for non-farm use, approximately 5 ha is within the ALR. Therefore, the Commission determined that the proposal would not significantly impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Marshall

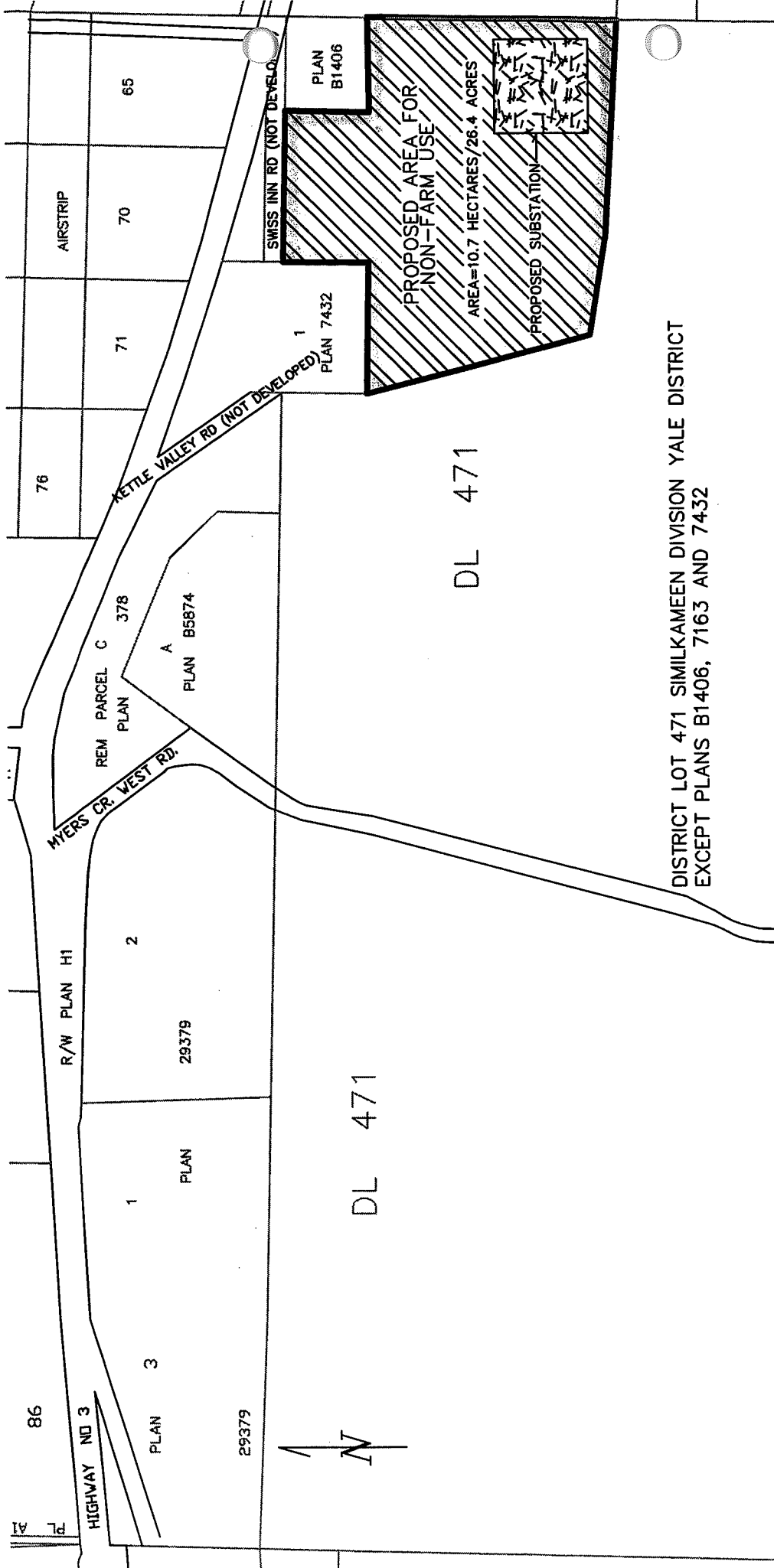
SECONDED BY: Commissioner Purdy

THAT the application be approved, subject to staff confirming with the owners of the property that they are aware of the proposal and have no objections.

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 # 94/2007



DISTRICT LOT 471 SIMILKAMEEN DIVISION YALE DISTRICT
EXCEPT PLANS B1406, 7163 AND 7432

Provincial Agricultural Land Commission
Application # Q-37066
Resolution #94/2007

10.7 ha area approved for non-farm use

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Staff Report
Application # Q – 37066
Applicant: Kettle Mountain Ginseng Co
Agent: New Town Planning Services

DATE RECEIVED: November 14, 2006

DATE PREPARED: January 18, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: Non-farm use of 10.7 ha of the 125 ha subject property to construct an electrical substation, roads to the substation, and feeder transmission lines. This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of Kootenay Boundary

Legal Description of Property:

PID: 014-783-657
District Lot 471, Similkameen Division of Yale District, Except Plans B1406, 7163 and 7432

Purchase Date:

July 1995

Location of Property:

Highway 3 at Swiss Road Inn, Rock Creek

Size of Property:

125.0 ha (This property has an estimated 68 ha of ALR. The area being proposed for non-farm use affects approximately 5 ha of ALR).

Present use of the Property:

Ginseng operation, hobby farm, four (4) single family residences, two (2) barns, hay barn & shop.

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Page 2 – January 18, 2007 Staff Report
Re: Application #Q-37066

Surrounding Land Uses:

- WEST:** Hobby farm, forested
- SOUTH:** Old railway bed, forested land
- EAST:** Two single family residence, hobby farm with horses
- NORTH:** Swiss Inn Road, Provincial Highway 3

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E/2
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

OCP: None

Zoning Bylaw and Designation:

Zoning: None

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Kootenay Boundary Regional District

The Kootenay Boundary Regional Board advises the Agricultural Land Commission that they have no objection to the application.

Advisory Planning Committee

The Advisory Planning Committee expressed no concerns.

Planning and Development Committee

The Planning and Development Committee has no objection to the application.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- After construction of the electrical substation and utilities to service the area there will be some vacant areas remaining.
- The area being proposed for the substation is stated to be the most viable location as it is within close proximity to pre-existing transmission corridors which their report has stated "ultimately reduces the impact on agricultural lands in the area".

ATTACHMENTS:

1. ALR Constituent Map
2. Aerial Photograph
3. Sketch of Proposal

END OF REPORT

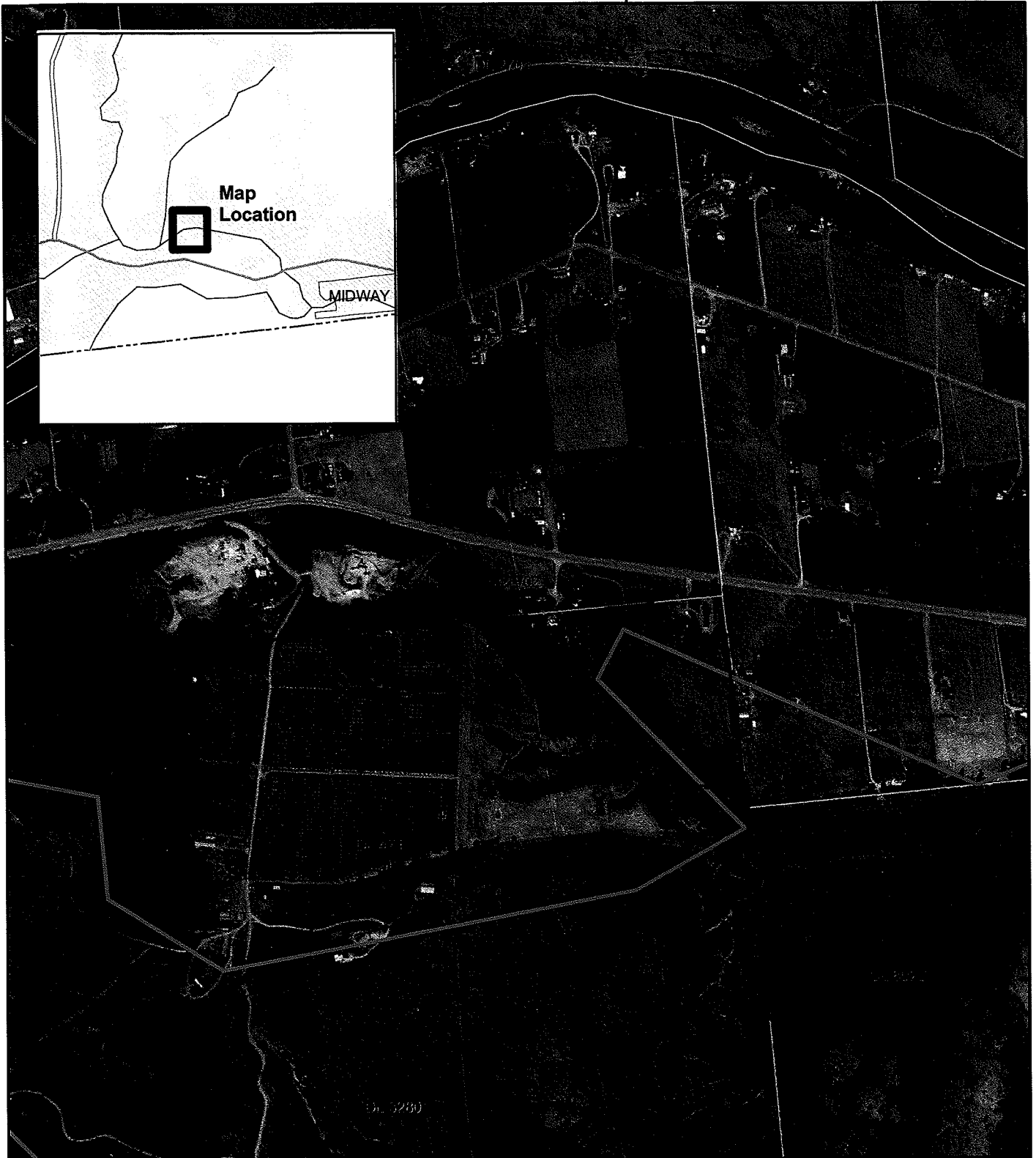


Signature

3/19/07

Date

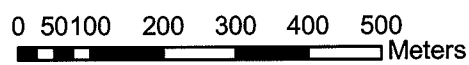
118°56'0"W



118°56'0"W



Map Scale: 1:10,000



ALC File #: 21-06-37066

Mapsheet #: 82E/2

Map Produced: Jan 18, 2007

Regional District: Kootenay-Boundary