



**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

June 16, 2006

Please reply to the attention of Roger Cheetham

Murray Kubian  
PO Box 454  
Windermere, BC V0B 2L0

Dear Sir:

RE: **Application #L - 36680**  
PID: 025-727-338  
Strata Lot 1, District Lot 4596, Kootenay District, Strata Plan NES2559  
together with an Interest in the Common Property in Proportion to the Unit  
Entitlement of the Strata Lot as shown on Form V

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide your property into two. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on the 31<sup>st</sup> May 2006. The Commission found the meeting and site visit informative. In particular the Commission noted that the property has no significant agricultural potential.

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan.
- compliance 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. The Commission suggests you contact the Regional District of East Kootenay at your earliest convenience.

The decision noted above is recorded as Resolution # **282/2006**.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

pc: Regional District of East Kootenay (#P706-521)  
Blair Kubian, RR 3 - 944 Swan Sea Road, Invermere, BC VOA 1K3

RC/lv/Encl./36680d1.

DISTRICT LOT 7567

UNDEVELOPED - UNDER APPLICATION FOR REZONING TO R-1

SUBJECT PROPERTY  
LOT 1, PLAN 8707, D.L. 4596  
STRATA LOT 1  
LOT 4596

DISTRICT

PROPOSED  
SUBDIVISION  
LOT SIZE 1.2ha

S.L. 1  
Area = 3.02 ha



LOT 1  
MOBILE HOME

CARPENTRY SHOP



STORAGE SHEDS



FARM LAND  
2846

RECEIVED  
PROV. AGRICULTURAL  
LAND COMMISSION  
MAY 17 2006

Bearing direction

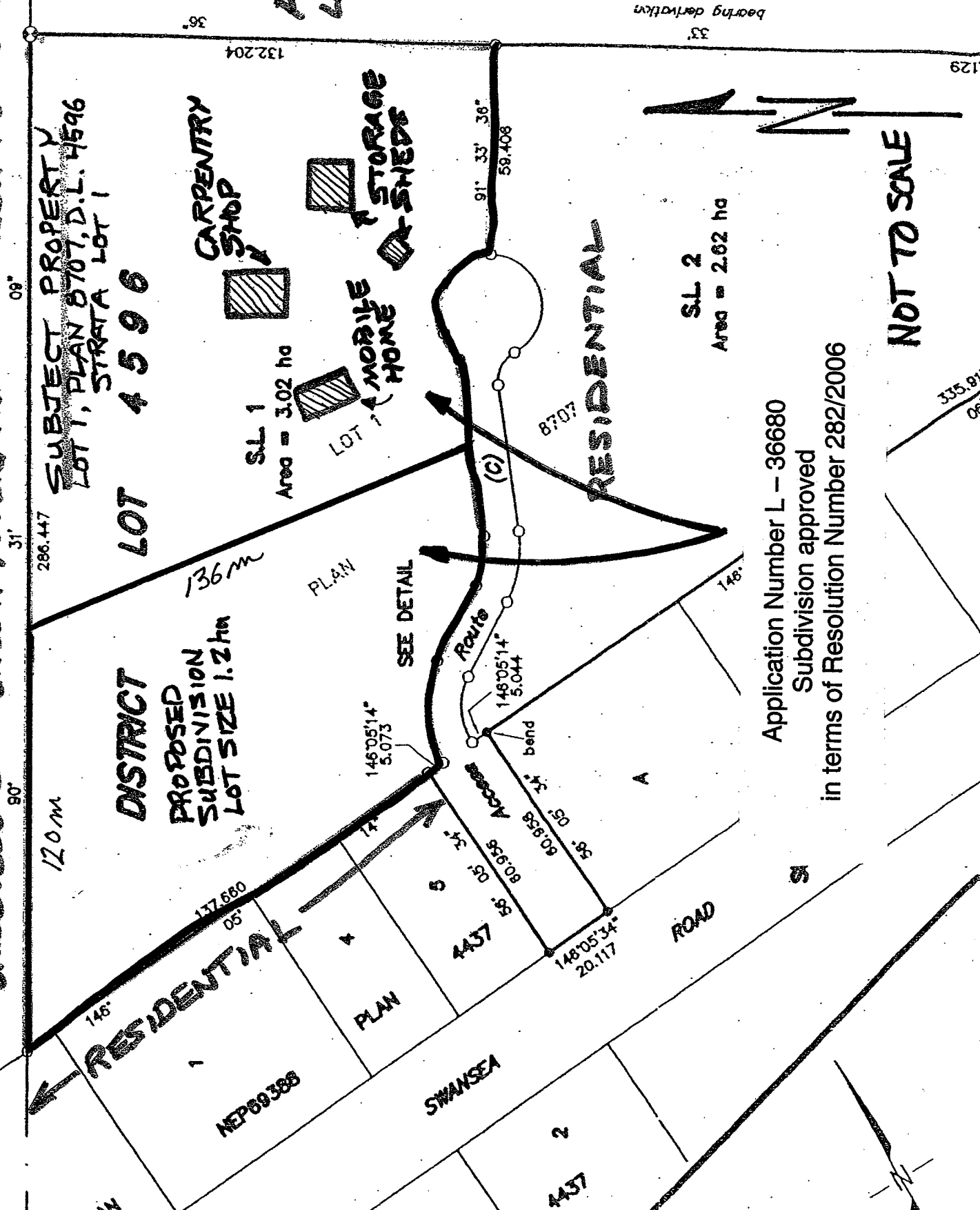


S.L. 2  
Area = 2.62 ha

RESIDENTIAL

NOT TO SCALE

Application Number L - 36680  
Subdivision approved  
in terms of Resolution Number 282/2006



335,817  
06

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 31<sup>st</sup> May 2006 in Cranbrook, B.C.**

**PRESENT:**     Monika Marshall                             Chair  
                  Carmen Purdy                                 Commissioner

**STAFF:**       Roger Cheetham, Planning Officer

**OBSERVER:**   Erik Karlsen, Commission Chair

**For Consideration**

Roger Cheetham presented the staff report of Simone Rivers dated 11<sup>th</sup> May 2006 regarding application #L- 36680.

**Site Inspection**

A site inspection was conducted on 31<sup>st</sup> May 2006. Those in attendance were:

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Roger Cheetham, Planning Officer
- Commission Chair (observing only): Erik Karlsen
- Murray Kubian, Applicant

The site inspection lasted from approximately 4:15 p.m. to 4:30 p.m.

**Commission Discussion** In the light of the previous decision of the Commission relating to this property under Resolution Number 279/2002 and the lack of any significant agricultural potential the Commission was of the view that the proposed subdivision would have no impact on agriculture. The Commission also noted that the Regional Board and the Advisory Planning Commission for Areas F and G supported the application.

**IT WAS**

**MOVED BY:**             Commissioner M. Marshall

**SECONDED BY:**       Commissioner C. Purdy

**THAT** the staff report be received and the application be approved

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



**Staff Report**  
**Application # L – 36680 – 0**  
**Applicant: Murray Kubian**

**DATE RECEIVED:** May 11, 2006

**DATE PREPARED:** May 17, 2006

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

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To subdivide the 3 ha property into one 1.2 ha lot and one 1.8 ha lot.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The purpose of the subdivision is to allow the owner's son and his family, who have recently returned to the area, separate title so they can build a home on the property. The subject property was created by Resolution # 279/2002. This subdivision was allowed subject to the construction of a fence along the northern and eastern border of the property.

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

PID: 025-727-338

Strata Lot 1, District Lot 4596, Kootenay District, Strata Plan NES2559 together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form V

**Purchase Date (m/d/y):**

January 1974

**Location of Property:**

Swansea Road, Windermere

**Size of Property:**

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

**Present use of the Property:**

Residential

**Surrounding Land Uses:**

**WEST:** Residential (ALR)  
**SOUTH:** Residential (ALR)  
**EAST:** Farm (ALR)  
**NORTH:** Vacant (ALR)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82J/12  
The majority of the property is identified as having Prime Dominant ratings.

**Zoning Bylaw and Designation:**

Upper Columbia Valley Zoning Bylaw No. 900 - SH-1, Small Holding Residential  
Minimum Lot Size 0.4 ha.

**PREVIOUS APPLICATIONS:**

**Application #34294-0**

**Applicant:** Kubian, Murray

**Decision Date:** May 30, 2002

**Proposal:** Murray Kubian is requesting the subdivision of his 6 ha property into two lots in order to allow each of his sons a property on which to build. One son already lives in a mobile home on the north side of the property, and the other son would get the south half if subdivision is approved.

**Decision:** Allow subdivision subject to construction and maintenance of fencing along the north and eastern boundary.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

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

**Advisory Planning Commission:** The APC for areas F & G recommended approval of the application.

**STAFF COMMENTS:**

**Agricultural Capability:** The property is rated as 100% Class 4F improvable to 100% Class 2X

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

Subclasses:

F - low fertility

X - cumulative and minor adverse characteristics

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**END OF REPORT**

  
\_\_\_\_\_  
Signature

*19 May 2006*  
\_\_\_\_\_  
Date