



**Agricultural Land Commission**  
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May 31, 2007

Reply to the attention of Terra Kaethler  
ALC File: # L - 36999

Jim and Dawn MacKinnon  
#5 Sheep River HTS  
Okotoks, AB T1S 1Z9

Dear Mr. and Mrs. MacKinnon:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 223/2007 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'E. Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P-706-547)

Enclosure: Minutes/Sketch Plan

TK/lv  
36999d1





## **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 4 (land in this class has limitations that require special management practices or severely restrict the range of crops, or both) with a limitation of low fertility characteristics, improvable to Class 2.

### **Assessment of Agricultural Suitability**

The Commission believed that the size of the subject properties (0.8 ha and 0.4 ha) greatly limited their agricultural suitability.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land.

Due to the size of the subject properties, the Commission did not believe that the proposal would negatively impact the existing or potential agricultural use of the properties or surrounding lands.

The Commission noted that as the adjacent properties along Swansea Road were of similar sizes, there would be no impact on agriculture. In contrast, the property to the east of the row of small lots along Swansea Road was larger and was developed as hayfield. The possible impact of 3 additional lots could be limited by the installation of fencing.

## **Conclusions**

1. The land under application is limited in its suitability for agricultural use because of the small lot size.
2. The proposal will not impact agriculture.

## **IT WAS**

**MOVED BY:** Commissioner Marshall

**SECONDED BY:** Commissioner Griffin

THAT the application be approved.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 223/2007**



**Staff Report**  
**Application # L – 36999**  
**Applicants: Jim and Dawn MacKinnon**

**DATE RECEIVED:** October 12, 2006

**DATE PREPARED:** December 12, 2006

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

**FROM:** Simone Rivers, Land Use Planner

**PROPOSAL:** The application consists of two parts: 1. To subdivide Lot D into two (2) lots, each 0.2 ha. 2. To subdivide Lot E into three (3) lots, two lots 0.2 ha each, third lot with existing house 0.492 ha. Additional water and sewer hook-ups as required to facilitate 0.2 ha spacing, to be provided by Windermere Water and Sewer Co. Inc.

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

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of East Kootenay

**Legal Description of Properties:**

1. PID: 023-593-644  
Lot D, District Lot 4596, Kootenay District, Plan NEP23502
2. PID: 023-593-652  
Lot C, District Lot 4596, Kootenay District, Plan NEP23502

**Purchase Date:**

1992

**Location of Properties:**

1002 Swansea Road, Invermere

**Total Size of Properties:**

1.3 ha (Both properties are entirely in the ALR).

**Present use of the Properties:**

Lot D is vacant and Lot E is residential with a single family residence

**Surrounding Land Uses:**

**WEST:** Residential  
**SOUTH:** Residential  
**EAST:** Copper Point Resort Phase II residential/waste water irrigation and ALR resident  
**NORTH:** Residential

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82J/5  
The majority of the property is identified as having mixed prime and secondary ratings.

**Zoning Bylaw and Designation:**

Zoning: Bylaw No. 900 (1992), Upper Columbia Valley  
Designation: SH-1, Small Holding Residential Zone  
Minimum Lot Size: 0.4 ha

**PREVIOUS APPLICATIONS:**

**Application #28556-0**

**Applicant:** MacKinnon, D.R.  
**Decision Date:** June 28, 1994  
**Proposal:** To exclude and subdivide into one 0.8 ha parcel for the applicant and four 0.4 ha parcels for sale.  
**Decision:** Refused as proposed but that subdivision within the ALR be supported with four lots of 0.4 ha at the north end and one 0.8 ha parcel at the south end.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**


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

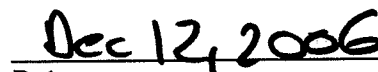
**Advisory Planning Commission Areas F & G:** The APC for Areas F & G recommend approval on the condition that water and sewer servicing is approved and in place.

**ATTACHMENTS:**

- Letter from the applicants: Dated August 15, 2006
- Sketch of proposed lots (Submitted by the applicants)
- ALC Context Map 82J.041 - 1:5,000 (Created by ALC Staff)
- Airphoto - 1:5,000 (Created by ALC Staff)

END OF REPORT

  
Signature

  
Date