



**Staff Report**  
**Application # L – 37626**  
**Applicant: James Carl King**

**DATE RECEIVED:** August 20, 2007

**DATE PREPARED:** October 16, 2007

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

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** To exclude the subject property. This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The Commission has had involvement regarding the boundary extensions of the District of Invermere's residential area into the ALR. The following is an excerpt from a Commission letter dated July 13, 1999 to the District of Invermere. Subsequent planning reviews in this area have also supported this statement.

*General Comments on Future Boundary Extensions and/or Block Exclusions*

The District made it clear at the May 27, 1999 meeting with the Commission that the intention is to expand southward onto the ALR lands adjacent to the current exclusion application. Though the Commission supports the District's philosophy that additional development in the area should take place adjacent to existing settlement areas, the Commission onsite review suggested that there are ample properties adjacent to Invermere but outside the ALR that are available for settlement.

If, in the future, the District is in a position to make the case that all non-ALR lands have been developed at a sustainable level of density, the Commission may consider an area with relatively poorer soils in the ALR south of Invermere that would link up a previously excluded area of ALR with the existing settlement area and may be an appropriate area for expansion of settlement (see attached map #1). The Commission pointed out this area during the meeting with the District and suggested it as a possible area for expansion.

**Local Government:**

District of Invermere

**Legal Description of Property:**

PID: 010-902-601  
Lot 1, Block K, District Lot 1092, Kootenay District, Plan 1052

**Application #30410-0**

**Applicant:** Hollybow, Larry  
**Decision Date:** February 20, 1996  
**Proposal:** To exclude four small parcels of land for rezoning to residential use and sale and development  
**Decision:** Refused, exclusion not justified on agricultural grounds and reasons for exclusion for residential development should be done within the concept of an OCP review in order to determine the need for more land for residential growth.

---

**Application #30410-1**

**Applicant:** Hollybow, Larry  
**Decision Date:** June 22, 1999  
**Proposal:** Requested reconsideration of original request for exclusion of 5.45 ha based on District of Invermere's adoption of an OCP which designates this area for higher density residential development.  
**Decision:** Refused on the grounds of good agricultural capability and availability of poorer capability lands for development within the District of Invermere's boundaries.

---

**Application #30490-0**

**Applicant:** De Paoli, Lorne  
**Decision Date:** May 16, 1996  
**Proposal:** To exclude 7.3 ha for future rezoning to RR 1 to allow possible rural subdivision. The applicant states that the land has severe slopes in many areas, dry clay soil and is not suitable for agriculture use.  
**Decision:** Allowed, low agricultural capability and similar to other parcels in the area which have been allowed exclusion owing to topographical limitations.

---

**Application #33567-0**

**Applicant:** Rocky Metals & Machining Ltd  
**Decision Date:** December 14, 2000  
**Proposal:** To exclude the ALR portion of the subject property to enable the whole property to potentially yield 40 single family dwelling units based upon the proposed zoning of R-1a. The subject property is 2.2 ha in size, with approximately 0.5 ha in the ALR.  
**Decision:** Refused as submitted but allow subdivision along the ALR boundary subject to standard buffering along the non-ALR interface.

---

**Application #33567-1**

**Applicant:** Rocky Metals & Machining Ltd  
**Decision Date:** November 06, 2001  
**Proposal:** The District of Invermere on behalf of the applicant has requested that the proposal to exclude the ALR portion of the property (approximately 0.5 ha) be reconsidered. This will enable the whole property to potentially yield 40 single family dwellings.  
**Decision:** Approved subject to changes to OCP to strengthen the urban containment provisions.

---

**Application #34809-0**

**Applicant:** Sinha, Mahabir & Rowena  
**Decision Date:** June 25, 2003  
**Proposal:** To exclude the subject property from the Agricultural Land Reserve for the purpose of subdivision into residential lots.  
**Decision:** Allowed as requested.

---

**Application #36428-0**

**Applicant:** Johnson, Leo  
**Decision Date:** March 02, 2006  
**Proposal:** To exclude from the ALR a 3.2 ha parcel of land for residential development.  
**Decision:** Allowed as requested as the land has limited agricultural potential.

---

**Application #37625-0**

**Applicant:** Kienitz, Leo and Dianne  
**Decision Date:** n/a  
**Proposal:** To exclude the subject property for rezoning and to subdivide  
**Decision:** To be viewed during same trip.

---

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Council:**

Council for the District of Invermere forwarded the application with a recommendation of support

**STAFF COMMENTS:**

It is recommended that the Commissioners consider the following:

- The District of Invermere's OCP does not support applications for ALR exclusions East of 13th Avenue.
- District Staff mentions potential challenges for future planning in the area if this exclusion is approved. Disruption of natural drainage in the area was also discussed. The complete District Staff Report is attached for further information.
- The letters of opposition and support are attached for further information.
- The improved ratings for the agricultural capability of the subject property are Class 2 and Class 6 with limitations of topography.
- In previous reviews of this area the Commission has not endorsed the exclusion of the subject property.
- The subject property is found amongst parcels of similar size also situated in the ALR.
- A site visit will help to determine whether or not the proposed exclusion will have an impact on agriculture.

**ATTACHMENTS:**

1. ALC Base Map
2. Aerial Photograph
3. Agricultural Capability Map
4. Map from Commission letter dated July 13, 1999
5. District Staff Report (4 pages)
6. Letters of opposition (2)
7. Letters of support (5)

**END OF REPORT**

  
\_\_\_\_\_  
**Signature**

  
\_\_\_\_\_  
**Date**