



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

March 29, 2006

Reply to the attention of Ron Wallace

Leo Johnson  
PO Box 2948  
Invermere, BC V0A 1K0

Dear Sir:

**Re: Application #L-36428**  
**Lot 1, District Lot 7158, Kootenay District, Plan 8796**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the above noted property from the ALR for residential development. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on 2 March 2006.

The Commission writes to advise that it approved your application. The above noted property shown on the attached map is excluded from the Agricultural Land Reserve Plan of the Regional District of East Kootenay.

The decision noted above is recorded as Resolution **#129/2006**.

This approval does not relieve you 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. The Commission suggests you contact the Regional District of East Kootenay at your earliest convenience.

By way of a copy of the letter the Commission advises the Registrar of Land Titles that the property has been excluded from the Agricultural Land Reserve plan of the Regional District of East Kootenay and as such the ALR notation should be removed from the Certificate of Title.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay – P-705-565  
Focus, PO Box 608, 712D-10<sup>th</sup> Street, Invermere, BC V1K 1K0  
Registrar of Land Titles – Kamloops

RW/lv/Encl./36428d1

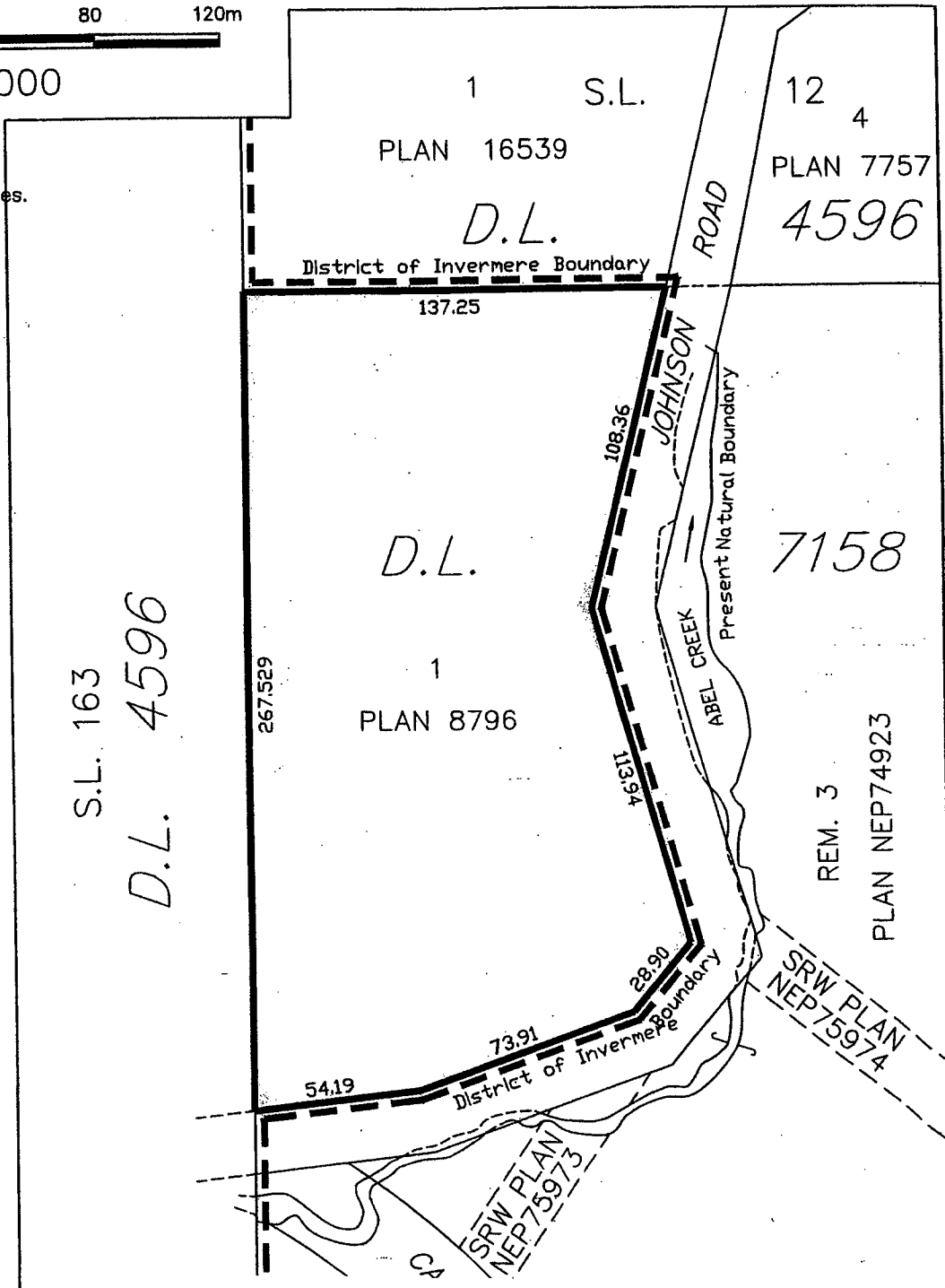
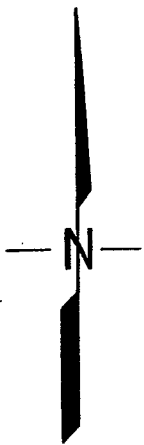
SKETCH PLAN TO ACCOMPANY APPLICATION TO  
THE AGRICULTURAL LAND COMMISSION FOR LOT 1,  
D.L. 7158 KOOTENAY DISTRICT, PLAN 8796

40m 0 40 80 120m

SCALE: 1 : 2000

LEGEND

All distances are in metres.



FOCUS  
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INVERMERE, B.C.

72487-SK-ALR

Provincial Agricultural Land Commission  
Application: L-36428  
Resolution #129/2006



±3.2 ha area approved for exclusion from the  
ALR.

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 2 March 2006 in Cranbrook, B.C.**

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

**STAFF:**        Ron Wallace, Regional Research Officer

**For Consideration**

Ron Wallace presented the staff report dated 21 February 2006 regarding application #L-36428, Leo Johnson. The application is to exclude from the ALR a 3.2 ha parcel of land for residential development.

**Site Inspection and Exclusion Meeting**

A site inspection was conducted on 2 March 2006. Those in attendance were:

- Commissioners Marshall, Huscroft & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer
- Agent Kathleen Wilker
- Applicant Leo Johnson

The site inspection and exclusion meeting lasted from 2:00 p.m. to 2:20 p.m.

**Commission Discussion**

The application for exclusion was approved based on the low agricultural capability ratings of the property and its small size which limits the property for agricultural development.

**IT WAS**

**MOVED BY:**             Commissioner C. Purdy  
**SECONDED BY:**        Commissioner M. Marshall

THAT the staff report be received and the application to exclude the 3.2 ha parcel from the ALR for residential development be approved as proposed.

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

CARRIED



**Staff Report**  
**Application # L – 36428**  
**Applicant: Leo Johnson**

**Agent: Focus**

**DATE PREPARED:** February 21, 2006

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

**FROM:** Ron Wallace, Regional Research Officer

**PROPOSAL:** To exclude from the ALR a 3.2 ha parcel of land for residential development.

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

**BACKGROUND INFORMATION:**

There are two relevant applications that were reviewed recently by the Commission on adjacent parcels to the east, west and south. On both of these applications, noted below, the Commission supported exclusion of the land for residential development.

The subject site is currently surrounded on three sides by the District of Invermere boundaries. On the fourth side to the west, there is talk of the potential inclusion of the subject land into the District of Invermere as well.

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

1. PID: 013-261-193  
Lot 1, District Lot 7158, Kootenay District, Plan 8796;

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

09/16/2003

**Location of Property:**

4091 Johnston Road, Invermere, BC

**Size of Property:**

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

**Present use of the Property:**

Rural residential use.

**Surrounding Land Uses:**

**WEST:** Vacant  
**SOUTH:** Rural residential  
**EAST:** Vacant, zoned for urban density residential  
**NORTH:** Rural residential within District of Invermere boundaries

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82K/8  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

None

**Zoning Bylaw and Designation:**

Rural Resource Zone, 60 ha minimum lot size

**RELEVANT APPLICATIONS:**

**Application #32106-0**

**Applicant:** Wilmar Holdings Ltd  
**Decision Date:** July 23, 1998  
**Proposal:** To exclude the 124.21 ha property for the purpose of developing 25 rural residential lots.  
**Decision:** Refused on the grounds that the Commission did not want to encourage the residential development of farmland in this area.

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**Application #32106-1**

**Applicant:** Wilmar Holdings Ltd  
**Decision Date:** July 27, 2000  
**Proposal:** To exclude 112.1 ha of the subject property for residential development. The residential development would consist of a minimum of twenty-five lots. The remaining 12.1 ha would be retained as a hayfield within the boundary of the property.  
**Decision:** Refuse as proposed. However, the Commission is prepared to work with the applicant, District Agroligist, District of Invermere and Regional District staff towards a revised proposal to benefit agriculture while addressing the needs of the local community.

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**Application #32106-2**

**Applicant:** Wilmar Holdings Ltd  
**Decision Date:** January 30, 2001  
**Proposal:** To finalize the exclusion of the agreed to portion of the subject property prior to the provision of providing a reliable source of water for the irrigation of the agricultural parcel.  
**Decision:** Refuse as proposed.

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**Application #32106-3**

**Applicant:** Wilmar Holdings Ltd

**Decision Date:** March 20, 2003  
**Proposal:** To finalize the exclusion.  
**Decision:** THAT the request to reconsider the application to exclude land from the ALR be approved subject to compliance with all other legislation and subject to the following:

The retention in the ALR of an area to be developed for agricultural purposes as agreed with the applicant in accordance with the following requirements:

- ú The creation of one parcel for the ALR block,
- ú The dedication of the existing water licenses totaling 75 acre feet to the ALR parcel,
- ú The modification of the area to remain in the ALR, the total extent of which is to be not less than 14.4. ha, to include those areas of highest agricultural potential generally located to the south of the area identified in the reconsideration request and the exclusion of those areas located north of the proposed access road ,
- ú The clearing, de-stumping and seeding of the area added in terms of the above modification,
- ú The provision of fencing and the retention of trees and the registration of a no-build covenant 30 metre wide along the southern, eastern and northern boundaries (with the exception of the access road) of the ALR block,
- ú Widening of the access road to take place on its northern side so as not to affect areas to be retained within the ALR,
- ú The commitment of the District of Invermere to the closure of the section of Johnson Road between Westside Road and the point at which it is joined by the proposed access road once alternative access has been provided for properties taking access from Johnson Road.

In respect of the proposal to extend the boundaries of the District of Invermere that the District be informed that that the Commission has no objection

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

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**Application #35965-0**

**Applicant:** 1129759 Alberta Ltd  
**Decision Date:** May 13, 2005  
**Proposal:** To exclude 267 ha of the subject property from the ALR in order to develop approximately 600+ units of recreational and residential homes. It is anticipated that a significant portion of the Property purchasers will use their properties on an intermittent basis as secondary homes and recreational properties.  
**Decision:** Allow exclusion as proposed on the grounds the subject area has low agricultural capability and that the proposed development would take further pressure off other agricultural land in the area.

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**Application #35965-1**

**Applicant:** 1129759 Alberta Ltd  
**Decision Date:** December 21, 2005  
**Proposal:** To reconsider the application based on the view by Zehnder Farms Ltd. that the subject lands within the ALR have potential for farm use, as evidenced by the use of the subject property for grazing purposes by Zehnder for many years.

**Decision:** The Commission reconsidered the application in the light of the request by the Zehnder. It determined that the new evidence did not justify a change of decision but emphasis was placed on the need to encourage a land use planning process by the RD and for agricultural interests to be at the table.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional Board**

The Regional Board adopted a resolution in support of the application for exclusion.

**Advisory Planning Commission**

The APC for Areas F & G support the application.

**STAFF COMMENTS:**

Staff recommends that the Commission consider the following:

- The Commission has allowed exclusion of land from the ALR on adjacent properties to the west, east and south with similar agricultural capability.
- The boundaries of the District of Invermere surround the subject site on three sides. It seems reasonable to extend the boundaries of the District to include the subject site.
- The Commission refused exclusion of a portion of District Lot 7158 in application # L-32106 due to agricultural capability considerations. An on-site inspection will enable the Commission to assess the agricultural capability of the subject site.

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**END OF REPORT**

Signature



Date

*Feb 21/06*