



Agricultural Land Commission
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June 16, 2006

Please reply to the attention of Roger Cheetham

Brian & Anne O'Leary
12916 Canso Place
Calgary, AB T2W 3A8

Dear Sir/Madam:

RE: Application #L-36490

PID: 011-896-507

District Lot 7154, Kootenay District, EXCEPT Plans 5506, 6208 and NEP71659

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the property to create a 0.8 ha lot fronting Windermere Loop Road. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission writes to advise that it approved your application. The Commission did not consider that the property had any agricultural potential having regard to the physical separation of the proposed subdivision from the bulk of the property and in view of other residential subdivisions in the area.

The approval is 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 East Kootenay Regional District at your earliest convenience.

The decision noted above is recorded as Resolution # 279/2006.

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,

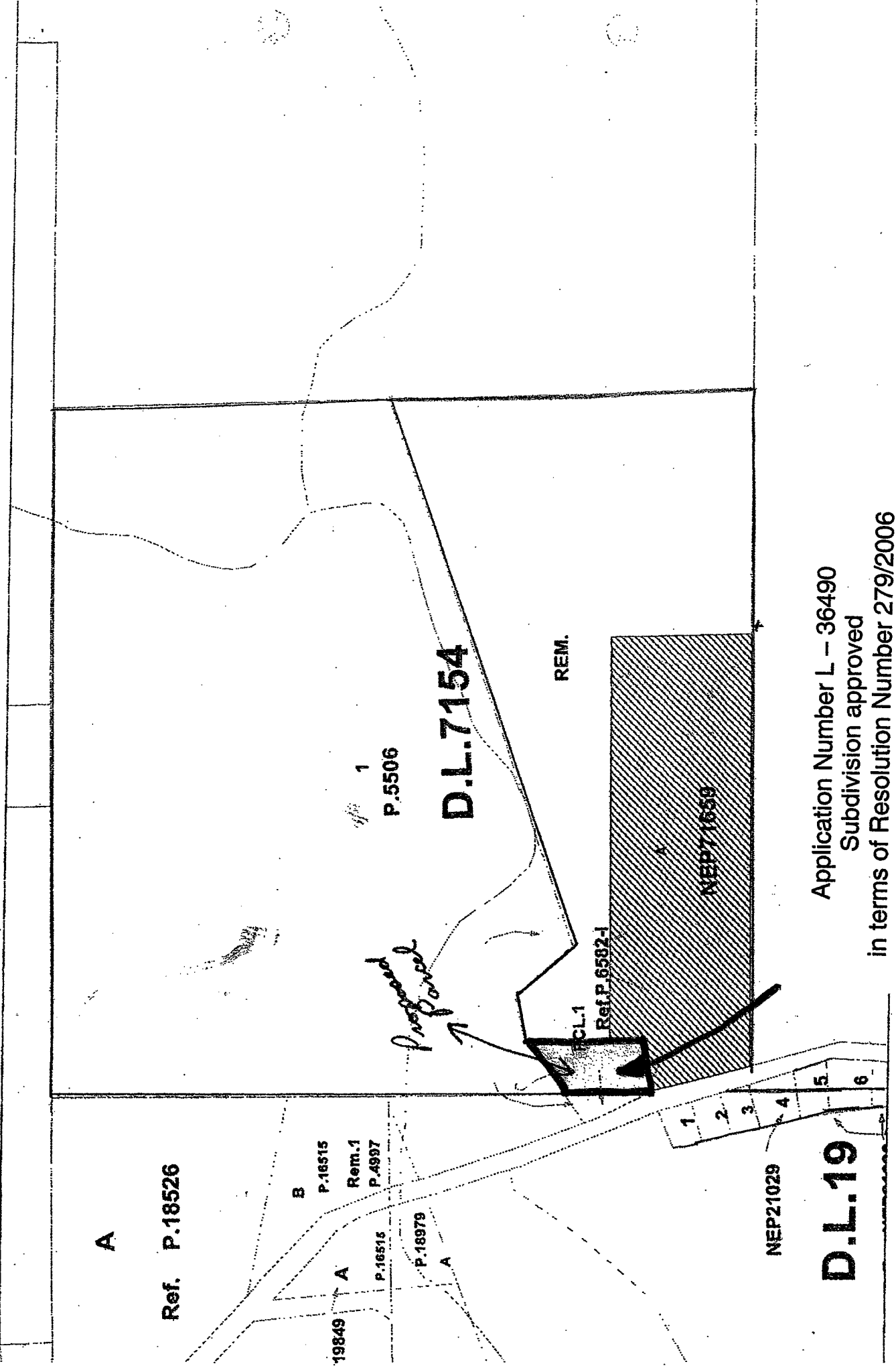
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Kansen, Chair

pc: Regional District of East Kootenay (#P-705-571)

RC/lv/Encl./36490d1.



Ref. P.18526

A

B

P.18515

Rem.1

P.4997

19849

A

P.18516

P.18979

A

1

P.5506

D.L.7154

REM.

CL-1

Ref.P.6582-1

NEP71650

1

2

3

4

5

6

NEP21029

D.L.19

Application Number L - 36490
Subdivision approved
in terms of Resolution Number 279/2006

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 31st 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 Ron Wallace dated 11th May 2006 regarding application #L- 36490.

Site Inspection

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

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Roger Cheetham, Planning Officer
- Commission Chair Erik Karlsen as an observer.

The Commission noted that the proposed subdivision affected a small area with no significant agricultural potential that is physically separated from the bulk of the property.

The site inspection lasted from approximately 12:45 p.m. to 12:55 p.m.

Commission Discussion In view of the physical separation of the proposed subdivision from the bulk of the property and in view of other residential subdivisions in the area the Commission did not consider that the property had any agricultural potential.

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 – 36490
Applicant: Brian & Anne O'Leary

DATE PREPARED: May 11, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide a 0.8 ha lot on the west side of the property fronting Windermere Loop Road. There was a former residence at this location and it was recently demolished. The objective is to build a new dwelling on the proposed site and reside there.

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

BACKGROUND INFORMATION:

The subject property was created as a result of previous application # 33831, outlined below.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

1. PID: 011-896-507
District Lot 7154, Kootenay District, EXCEPT Plans 5506, 6208 and NEP71659

Purchase Date:

April 13, 2005

Location of Property:

1710 Windermere Loop Road, Windermere.

Size of Property:

14.6 ha

ALR Area:

±7 ha

Present use of the Property:

There are no buildings on the property. It is used as recreational property.

Surrounding Land Uses:

WEST: Residence
SOUTH: Residence, golf course
EAST: Residence
NORTH: Bed and Breakfast

Agricultural Capability:

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

Official Community Plan and Designation:

None

Zoning Bylaw and Designation:

Rural Residential (Country) Zone, 8.0 ha minimum lot size

PREVIOUS APPLICATIONS:

Application #33831-0

Applicant: Anderson, Thomas
Decision Date: June 29, 2001
Proposal: To subdivide 8 ha off the subject property, containing the newer house, for domestic reasons. The remnant parcel would contain the older house and be used for hobby farming.
Decision: Refuse.

Application #33831-1

Applicant: Anderson, Thomas
Decision Date: November 02, 2001
Proposal: To subdivide 8 ha off the subject property for a family member and to establish a small hobby farm on the remnant.
Decision: Allow as requested.

Application #33831-2

Applicant: Anderson, Thomas
Decision Date: October 29, 2003
Proposal: The request is to make DL 7154 an 8 ha parcel and NEP71659 an 14.6 ha parcel as outlined on the plan attached to this letter noted above.
Decision: Allow as requested

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board adopted a resolution in support of the application for subdivision subject to consolidation of the remainder with Plan NEP71659 to the south.

Advisory Planning Commission

The APC for Areas F & G members were not clear on parcels to be consolidated. No recommendation was given because of lack of information.

STAFF COMMENTS:

Staff has the following comments:

- The eastern half of the property lies outside of the ALR. The portion of the property within the ALR is narrow and would be difficult to farm.
- There appears to be little merit in this application for the creation of a rural residential lot within the ALR.

END OF REPORT


Signature

19 May 2006
Date