



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 20, 2006

Please reply to the attention of Roger Cheetham

L. Sholinder
PO Box 158
Windermere, BC V0B 2L0

Dear Sir:

RE: Application #L-36491
PID: 010-124-250
Lot B, District Lot 1093, Kootenay District, Plan 14518

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide your property into two parcels. 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 31st May 2006. The Commission found the meeting and site visit informative. In particular, the Commission noted that the proposal was consistent with existing subdivisions along Swansea Road and was physically separated from the adjoining properties by Windermere Loop Road and a steep bank to the east. It concluded that the application would not have any significant impact on agriculture. It also noted that the Regional Board and the Advisory Planning Committee for Areas F and G supported the application.

Accordingly 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 # **281/2006**.

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 (#P791 518)

RC/lv/Encl./36491d1

**PLAN OF PROPOSED SUBDIVISION
OF LOT B, D.L. 1093 KOOTENAY DISTRICT
PLAN 14518**

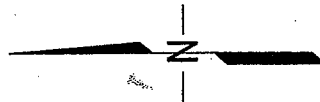


SCALE 1 : 1000

LEGEND

Distances and areas are approximate and are subject to change upon legal survey.

All distances are in metres.



This plan lies within the
Regional District of East Kootenay

FOCUS

Engineering · Planning · Geomatics
906B - 8 AVENUE, P.O. BOX 608, INVERMERE, BC V0A 1K0
Telephone: (250)342-9767 Fax: (250)342-8862

PLAN 7131

153.40

①

AREA=1.44ha

D. L. 1093

83.72

PLAN 11986

69.59

191.68

PLAN 14518

②

AREA=1.44ha

223.50

WINDERMERE LOOP ROAD

92.09

SWANSEA ROAD

78.53

71134-PSUB
DATE: MAY 26, 2004

Application Number L - 36491
Subdivision approved
in terms of Resolution Number 281/2006

RECEIVED
LAND COMMISSION
FEB 17 2005

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 12th May 2006 regarding application #L- 36491.

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 (observing only): Erik Karlsen
- Larry Sholinder, Applicant

The Commission noted that the proposed subdivision was consistent with subdivisions along Swansea Road and was physically separated from the adjoining properties by Windermere Loop Road and a steep bank.

The site inspection lasted from approximately 1:15 p.m. to 1:30 p.m.

Commission Discussion In the light of the site inspection the Commission considered that the application would not have any significant impact on agriculture. It also noted that the Regional Board and the Advisory Planning Committee for Areas F and G supported the application.

IT WAS

MOVED BY: Commissioner C. Purdy

SECONDED BY: Commissioner M. Marshall

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 – 36491
Applicant: L Sholinder

Agent: Larry Sholinder

DATE PREPARED: May 12, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide the 2.88 ha property into two equal parcels to provide a separate lot for each of the applicants.

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

BACKGROUND INFORMATION:

There have been four previous applications involving the subject property. The first was #02-L-84-18306 in which the current owners requested permission to exclude the subject lot and an adjacent one lying to the north. Exclusion was refused, but the subdivision of the northerly lot into 5 sections was approved.

The next application was #21-L-86-20336. The Commission approved the proposal to develop the property as a golf course on the condition that the two lots involved be consolidated, no new structures are built and the previous decision was to be rescinded. A request to drop the consolidation requirement was turned down.

The third application, #02-L-87-21654, requested exclusion of the property for the development of a museum and par 3 golf course. This was refused and the applicants were reminded of the Commission's previous decisions.

The fourth previous application was #21-L-91-26191, requesting permission to develop a mobile home park on the property consisting of 19 pads. The Commission conducted an on-site of the property and felt the commercial venture would be detrimental to the land for future agricultural use and to the surrounding agricultural community by increasing the residential density and possibly creating urban conflicts.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

1. PID: 010-124-250

Lot B, District Lot 1093, Kootenay District, Plan 14518;

Location of Property:

The property is located at the corner of Windermere Loop Road and Swansea Road.

Size of Property:

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

Present use of the Property:

Storage site.

Surrounding Land Uses:

WEST: Residential
SOUTH: Agricultural
EAST: Agricultural
NORTH: Residential

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:

there is no Community Plan for the area.

Zoning Bylaw and Designation:

Small Holding Residential Zone, 0.4 ha minimum lot size

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board adopted a resolution in support of the application in support of the application for subdivision within the ALR.

Advisory Planning Commission

The APC for Areas F & G support the application.

Local Government Staff

The Planning Staff commented on the agricultural capability of the property and indicated that no changes to the zoning are required with this subdivision proposal.

STAFF COMMENTS:


Staff has the following comments:

- There are a number of smaller lots to the north of the subject property. Further subdivision could be seen as being consistent with those smaller lots to the north.
- However, the proposal to create an additional residential lot would further limit the agricultural potential of the property and possibly be detrimental to the ranching operation to the east and south by increasing the residential density of the area.

END OF REPORT



Signature



Date