



**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

December 20, 2006

Reply to the attention of Gordon Bednard  
ALC File: #L-36873

Elkhorn Ranch Ltd.  
P.O. Box 128  
Windermere, BC V0B 2L0

**Attention: Mr. Hans Leverkus**

Dear Mr. Leverkus:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 609/2006 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plan to this office. If acceptable, the Commission will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P706-539)

GB/lv/Encl.: Minutes/Sketch Plan  
36873d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

---

**A meeting was held by the Provincial Agricultural Land Commission on October 19, 2006 at Cranbrook, B.C.**

**PRESENT:**     Monika Marshall                                     Chair, Kootenay Panel  
                  Carmen Purdy   Commissioner  
                  Erik Karlsen   Chair, ALC  
                  Gordon Bednard                                     Staff, ALC

### **For Consideration**

Application:       # L - 36873  
Applicant:         Elkhorn Ranch Ltd  
Proposal:          To subdivide 1.0 ha from the 129 ha property.  
Legal:             PID: 006-618-987  
                      District Lot 7155, Kootenay District, EXCEPT Plans 16981,  
                      NEP61971 and NEP77357  
Location:          Elkhorn Ranch, Windermere

### **Site Inspection**

A site inspection was conducted on October 19, 2006. Those in attendance were:

Monika Marshall     Chair, Kootenay Panel  
Carmen Purdy        Commissioner  
Erik Karlsen         Chair, ALC  
Gordon Bednard     Staff, ALC  
Stan Combs          Staff, Ministry of Agriculture and Lands  
Hans Leverkus       Owner

The Commission discussed the application with the owner and viewed the area under application.

The Commission also recalled the broader scale development objectives approved under applications #-L-34347 and #L-36094.

### **Discussion**

The Commission does not believe the creation of one more lot will compromise the agricultural potential of the Elkhorn and Alpine Ranch lands especially considering the terms and conditions established for the overall development as stipulated in Resolution #'s 575/2005 and 231/2006. The additional lot is a logical extension of the previously approved small lot subdivision to the east.

**IT WAS**

**MOVED BY:** Commissioner Purdy

**SECONDED BY:** Commissioner Marshall

THAT the application be allowed subject to the subdivision plan being in substantial compliance with the plan submitted with the application.

AND THAT the terms and conditions established for the balance of the development as stipulated in Resolution #'s 575/2005, 231/2006 and subsequent amendments, remain applicable except as modified by this approval.

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.

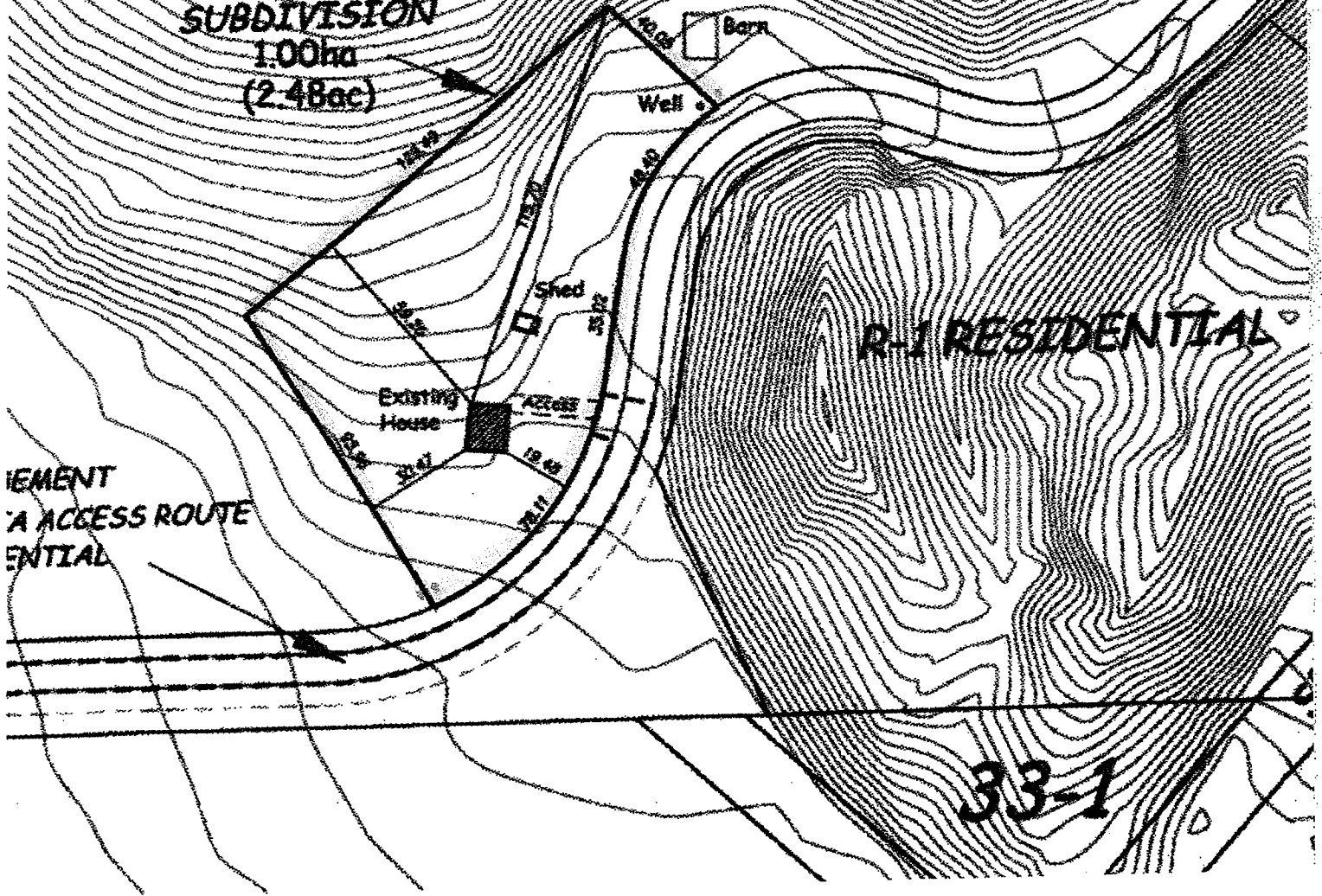
**CARRIED**

**Resolution # 609/2006**

D.L. 7155

TREED HILLSIDE

PROPOSED  
SUBDIVISION  
1.00ha  
(2.48ac)



**Provincial Agricultural Land Commission**

Application: # 36873

Resolution # 609/2006



Approved subdivision. Lots remain within the ALR.



**Staff Report**  
**Application # L – 36873**  
**Applicant: Elkhorn Ranch Ltd.**  
**Agent: Southwell Planning Ltd.**

**DATE RECEIVED:** August 16, 2006

**DATE PREPARED:** September 13, 2006

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

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

**PROPOSAL:** To subdivide 1.0 ha from the 129 ha property.

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

**BACKGROUND INFORMATION:**

This file is a continuation of previous Elkhorn Ranch applications that the Commission has dealt with for the past number of years (Applications #25915, #30682 and #34347). The intention is to subdivide the existing ranch home from the remainder of the property in advance of tying the titles of the Ranch together as a condition of previous Commission approval for non-farm development.

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

PID: 006-618-987

District Lot 7155, Kootenay District, Except Plans 16981, NEP61971 and NEP77357

**Purchase Date:**

1985

**Location of Property:**

Elkhorn Ranch, Windermere

**Size of Property:**

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

**Present use of the Property:**

Residence, garden area, well and farm buildings

**Surrounding Land Uses:**

**WEST:** Hayfields  
**SOUTH:** Columbia Lake Band Reserve Lands  
**EAST:** Residential  
**NORTH:** Natural treed area

**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:**

Upper Columbia Valley Zoning Bylaw No. 900 designates the property as A-2 Rural Residential (Country).  
Minimum Lot Size: 8.0 ha

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

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

**Advisory Planning Commission:** The APC for Area F supports the application

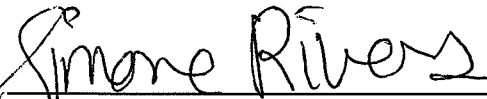
**Local Government Planning Staff:** Planning Staff support the application and note that a zoning amendment will be required to accommodate the subdivision.

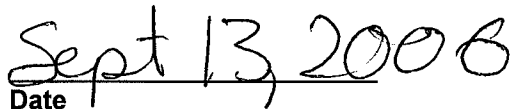
**ATTACHMENTS:**

- ALC Context Map: 82J/5 1:50,000 (created by ALC Staff)
- Proposal: Description of proposed subdivision and rationale (2 pages) (Submitted by agent for the applicant)

---

**END OF REPORT**

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date