



**Agricultural Land Commission**  
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May 14, 2008

Reply to the attention of Jennifer Carson  
ALC File: L-38044

Valerie Huether  
RR3 - 954 Swansea Road  
Invermere, BC V0A1L3

Dear Ms. Huether:

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

Please find attached the Minutes of Resolution # 239/2008 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it 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 (P-707-576)

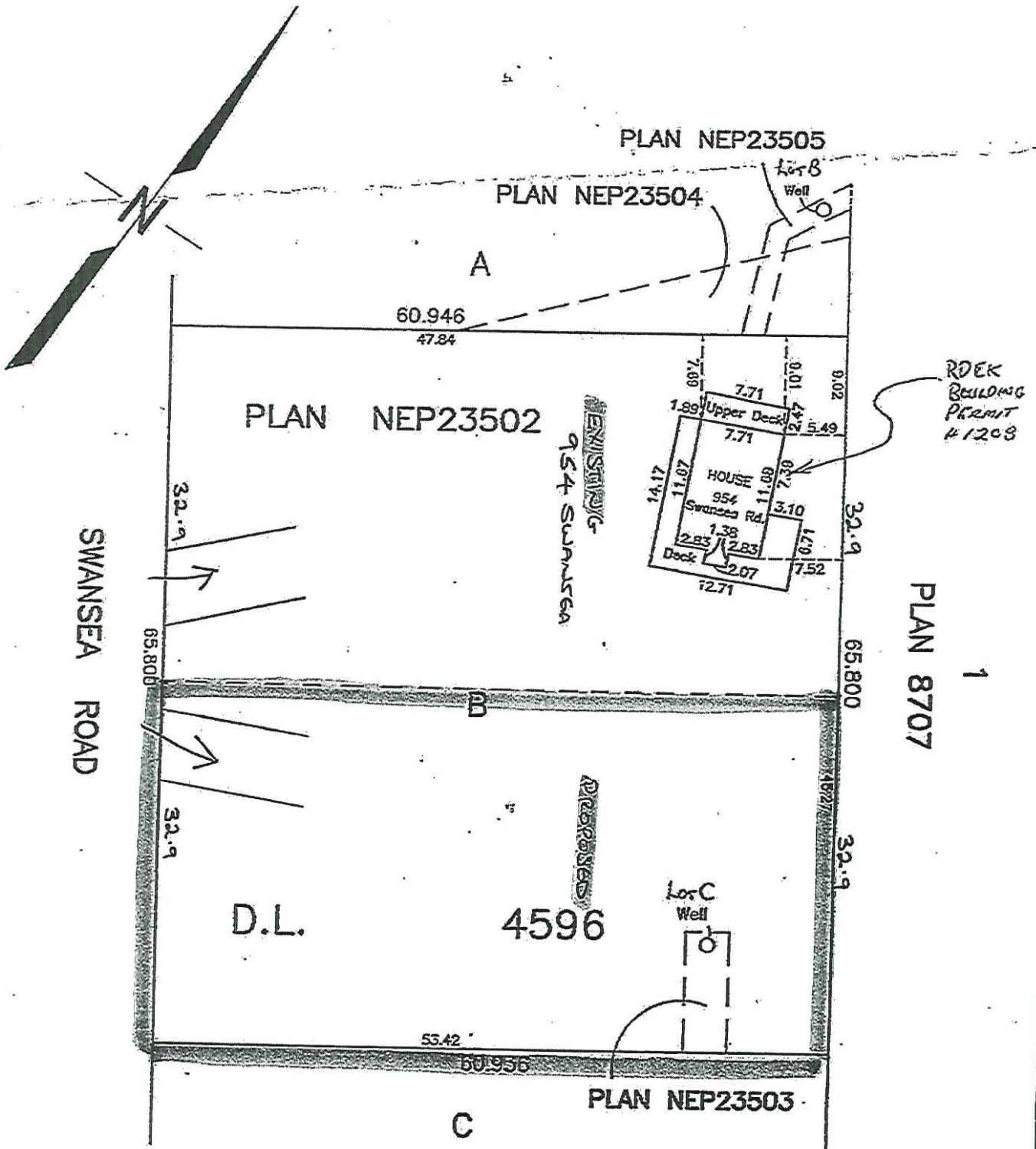
Enclosure: Minutes/Sketch Plan

JC/38044d1

**B.C. Land Surveyor's Certificate of Location**  
**LOT B PLAN NEP23502**  
**D.L. 4596 KOOTENAY DISTRICT**

Showing the location of the house situate thereon.

SCALE: 1:500 Metric





## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on May 6, 2008 in Invermere, B.C.

**PRESENT:**     Monika Marshall                                     Chair, Kootenay Panel  
                  Carmen Purdy   Commissioner  
                  D. Grant Griffin                                    Commissioner  
                  Jennifer Carson                                    Staff

### For Consideration

Application:       # L- 38044  
Applicant:         Valerie Huether  
Proposal:          To subdivide the 0.4 ha subject property into two (2) lots for residential use.  
Legal:             PID: 023-593-628  
                      Lot 8, District Lot 4596, Kootenay District, Plan NEP23502  
Location:         954 Swansea Road, Windermere

### Site Inspection

A site inspection was conducted on May 6, 2008. Those in attendance were:

- Monika Marshall             Chair, Kootenay Panel
- Carmen Purdy                Commissioner
- D. Grant Griffin             Commissioner
- Jennifer Carson              Staff
- Darrell Smith                Regional Agrologist
- Roy Jennix                    Friend of Applicant

The Commission met with Mr. Jennix to discuss the application and view the subject property. He indicated that all the wells are shifted down the road and as a result each parcel's well is on the adjacent lot, however, a water line and sewer line is coming through in the near future to service the area. Mr. Jennix noted the topographic limitations of the property and indicated that he is in the process of clearing up dead brush.

### Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

## **Discussion**

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission considered that the area is already residential and believes the proposal would not adversely impact existing or potential agricultural use of surrounding lands.

### **Conclusion**

That the proposal will not adversely impact agriculture.

### **IT WAS**

**MOVED BY:** Commissioner Purdy

**SECONDED BY:** Commissioner Griffin

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 239/2008**