



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

March 16, 2006

Reply to the attention of Ron Wallace

Helmut & Lisa Demski
6405 Sleepy Hollow Road
Grand Forks, BC V0H 1H5

Dear Sir/Madam:

Re: **Application # Q-36401**
Lot F, District Lot 1027, Similkameen Division of Yale District, Plan 17794

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted property into two lots of ± 5.2 ha and ± 2.6 ha. 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 28 February 2006.

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 Kootenay Boundary at your earliest convenience.

The decision noted above is recorded as Resolution **#85/2006**.

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:

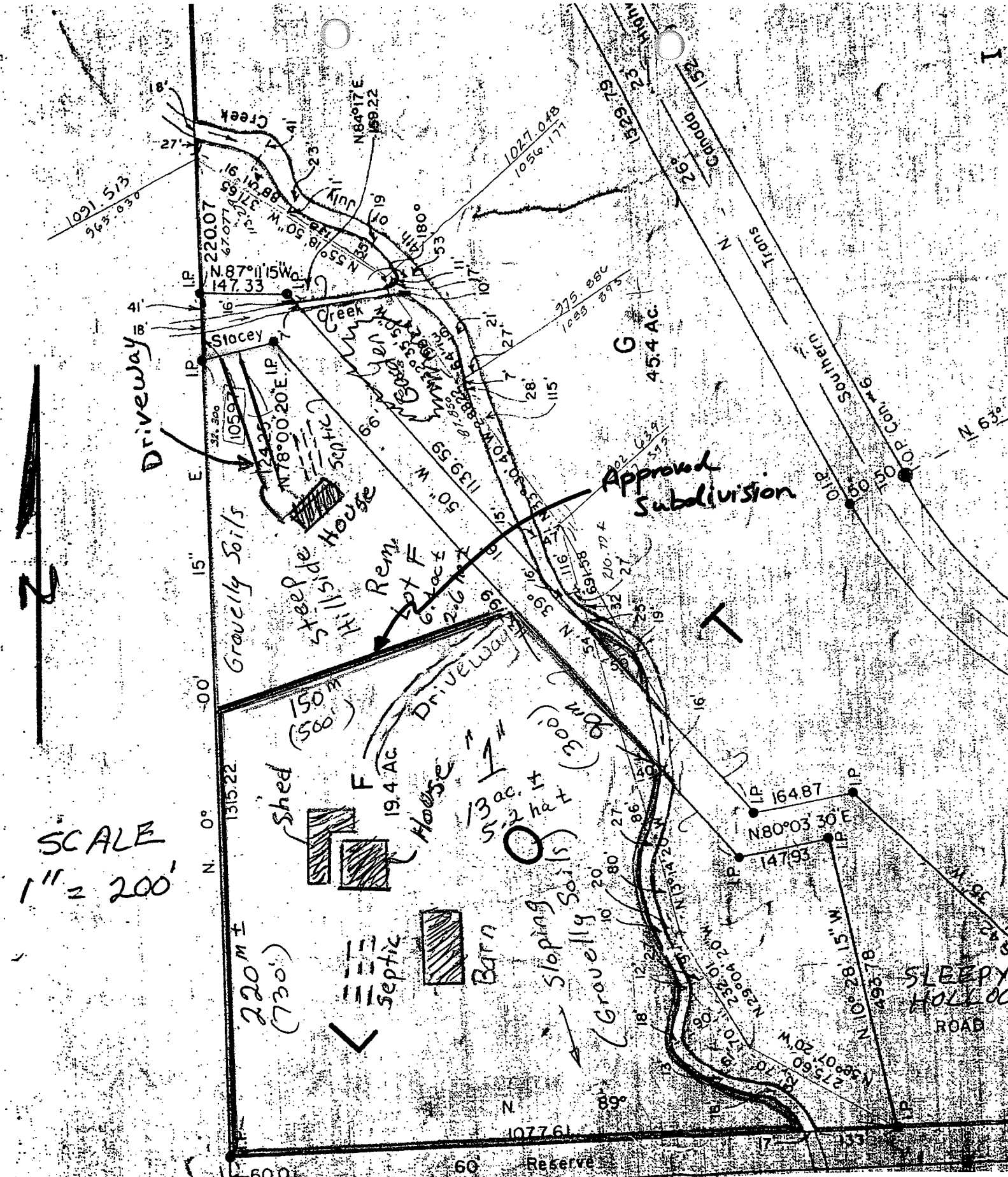
Erik Karlsen, Chair

cc: Regional District of Kootenay Boundary – D-1027-04566-600

RW/lv/Encl.
36401d1



SCALE
1" = 200'



Provincial Agricultural Land Commission
Application: Q-36401
Resolution #85/2006

 Subject property.

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 2 February 2006 regarding application #Q-36401, Helmut Demski. The application is to subdivide the property so that each of the two existing houses will have separate title. The proposed lots sizes will be 5.2 ha and 2.6 ha.

Site Inspection

A site inspection was conducted on 28 February 2006. Those in attendance were:

- Commissioners Marshall, Huscroft & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer
- Applicants Helmut Demski and Lisa Demski (daughter)

The site inspection lasted from 4:15 p.m. to 4:45 p.m.

Commission Discussion

It was noted from the on-site that the property has steep topography and rocky soil characteristics and is thus limited for agriculture.

IT WAS

MOVED BY: Commissioner M. Marshall
SECONDED BY: Commissioner C. Huscroft

THAT the staff report be received and the application for subdivision be approved as proposed on the grounds that the property has limited agricultural potential due to steep topography and rocky soil characteristics.

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

CARRIED



Staff Report
Application # Q – 36401
Applicant: Helmut Demski

Agent: Lisa Demski

DATE PREPARED: February 2, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide the property so that each of the two existing houses will have separate title. The proposed lots sizes will be 5.2 ha and 2.6 ha. The applicants' state that the proposed lot line follows the base of a steep hillside, and in their opinion will not adversely affect the agricultural capability of the remainder of the land.

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

BACKGROUND INFORMATION:

The Commission reviewed a similar application for subdivision on the subject property that was refused in 1980 (see below under previous applications).

Local Government:

Regional District of Kootenay-Boundary

Legal Description of Property:

1. PID: 008-350-752
Lot F, District Lot 1027, Similkameen Division of Yale District, Plan 17794;

Purchase Date (m/d/y):

06/13/1979

Location of Property:

6405 Sleepy Hollow Road, Grand Forks

Size of Property:

7.8 ha

ALR Area:

±7.5 ha

Present use of the Property:

The property is used for residential purposes with two houses and various out buildings.

Surrounding Land Uses:

WEST: Residential
SOUTH: US border
EAST: Residential
NORTH: Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E/2
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

The property is designated 'Agricultural Resource' within the RDKB Area 'D' OCP.

Zoning Bylaw and Designation:

Agricultural Resource 1, 8 ha minimum lot size

PREVIOUS APPLICATIONS:

Application #11366-0

Applicant: Snidal, Peter
Decision Date: November 12, 1980
Proposal: To subdivide the subject 7.8 ha lot into 2 lots (2.9 & 4.9 ha in size).
Decision: Refused.

RELEVANT APPLICATIONS:

Application #27335-0

Applicant: Shields, Mary
Decision Date: April 29, 1993
Proposal: Subdivide off a 6 ha lot located on the NE corner of the property of which 5 ha is in the ALR.
Decision: Refused but offered registered lease by explanatory plan.

Application #31340-0

Applicant: Shields, Mary
Decision Date: May 29, 1997
Proposal: Subdivide off a 20.3 ha lot from the subject 65 ha parcel of land. Approximately 2.8 ha of the proposed lot is in the ALR. New lot is for the owner's son (L. Shields) who is proposing to build a new home on the proposed lot.
Decision: Allow as requested.

Application #32822-0

Applicant: Regan, Jack
Decision Date: July 22, 1999
Proposal: Establish and operate a sawmill on the property (already operating).
Decision: Allow on a temporary basis until Oct 31/99. On site to be conducted by Commissioner Nowlin.

Application #32822-1

Applicant: Regan, Jack
Decision Date: September 27, 1999
Proposal: Portable sawmill.
Decision: Allow sawmill subject to: submission of a detailed plan; (2) Posting of a \$10,000 security to ensure rehabilitation and (3) Term of 5 years. Said use to be reviewed after the 5 year term.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board supports the application to create two lots so that the two existing dwellings will have separate title.

Local Government Staff

The planning staff made the comment that although the application does not meet the minimum parcel size, it is permitted pursuant to Section 306(3) of the Area 'D' Zoning Bylaw, which states that parcels upon which there are located two or more legally constructed buildings containing a dwelling unit may be subdivided such that the above mentioned buildings are located on separate parcels.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- The same owner made an application in 1980 to subdivide the property in a similar way to this application. The details of this application are noted above.
- The Agricultural Capability Mapping for the area indicates that the southerly portion of the subject property is 60% Class 3 with moisture and stoniness as limiting factors, and 40% Class 2 with minor cumulative limitations. It appears that much of the land proposed to be the remainder is Class 6 or 7 with topography and bedrock as limiting factors.

END OF REPORT

Signature



Date

