



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

May 3, 2006

Reply to the attention of Ron Wallace

Luci Skaken
9360 Toby Hill Road
Invermere, BC V0A 1K5

Dear Madam:

Re: **Application # L-36424**
Lot 43, District Lot 375 & 376, Kootenay District, Plan 1232
Lot 44, District Lot 375 & 376, Kootenay District, Plan 1232

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted lots into three parcels of a minimum of 8 ha and an area for a road right-of-way. 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 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 #183/2006.

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:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Regional District of East Kootenay – P-705-563
Focus, PO Box 608, 712D – 10th Street, Invermere, BC V1K 1K0

RW/lv/Encl.
36424d1

PLAN OF PROPOSED SUBDIVISION OF
 LOT 43 AND PART OF LOT 44
 D.L.'s 375 AND 376 KOOTENAY-DISTRICT,
 PLAN 1232



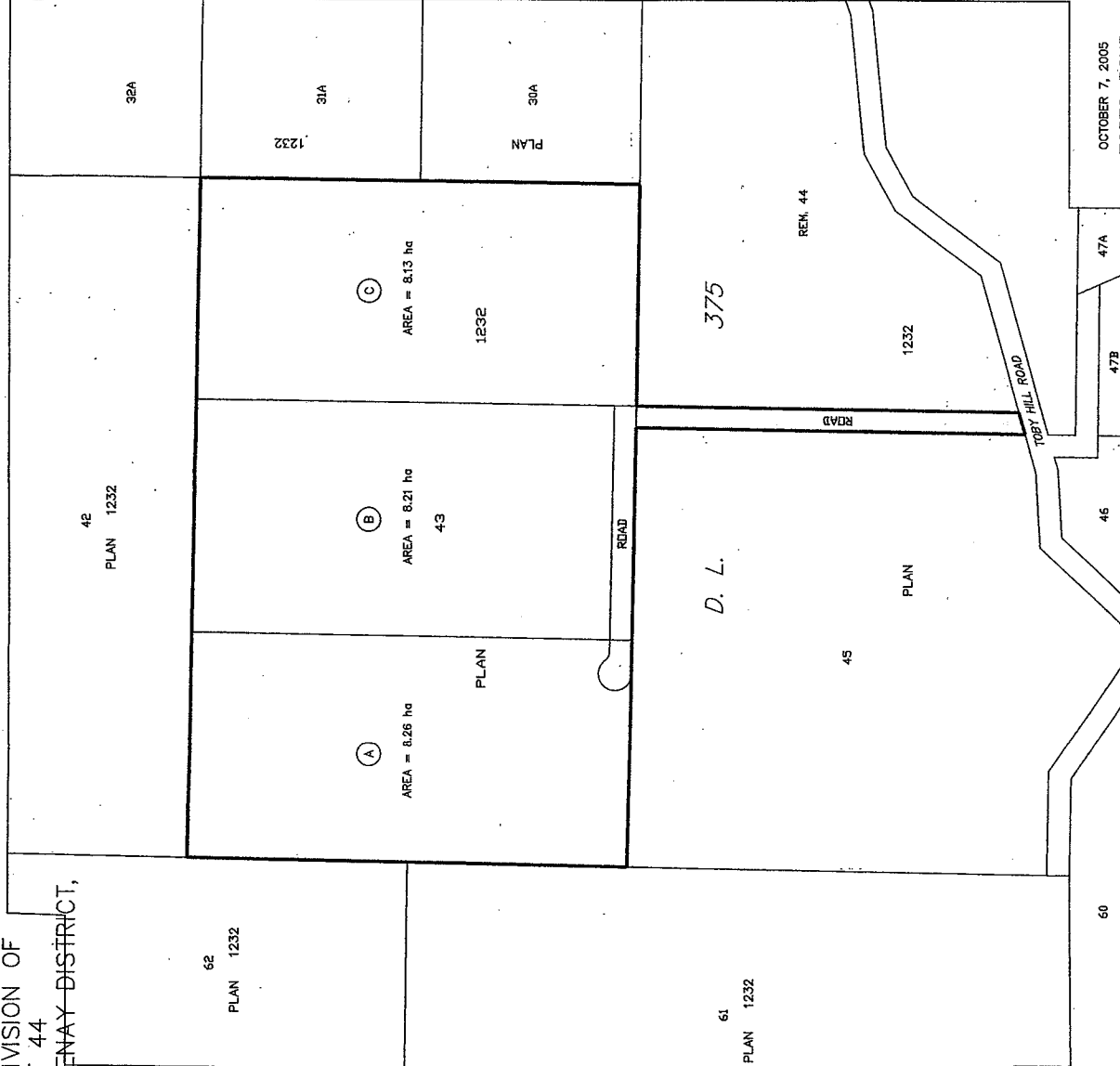
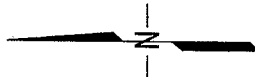
SCALE 1 : 2500

LEGEND

All distances are in metres.

Dimensions and areas shown hereon are derived from Land Title Office plan records and are subject to change upon legal survey.

This plan lies within the
 Regional District of East Kootenay



FOCUS

ENGINEERING - PLANNING - GEOMATICS
 7120 - 10th STREET, P.O. BOX 606, INVERBURGH, BC V1A 1W0
 Telephone: (250)342-9787 Fax: (250)342-9682

OCTOBER 7, 2005
 72578-PSUB

Provincial Agricultural Land Commission
 Application: L-36424
 Resolution #183/2006

Approved subdivision within the ALR.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 5 April 2006 via telephone conference.

PRESENT:	Monika Marshall	Chair
	Cheryle Huscroft	Commissioner
	Carmen Purdy	Commissioner

For Consideration

The Commission reviewed the staff report dated February 21, 2006 regarding application #L- 36424, Luci Skaken. The application is to subdivide Lot 43 into three parcels of a minimum of 8.0 ha and an area for a road right-of-way. Lot 44 is included in the application to provide a 20 m road right-of-way from the south property line of Lot 43 along the west property line of Lot 44 to Toby Hill Road. This road ROW is required to provide legal access to the proposed three parcels on Lot 43.

Site Inspection

No site inspection was conducted on the subject property.

Commission Discussion

It was noted that the Commission endorsed the Toby Benches Land Use Strategy in October 2004 via Resolution #535/2004. This application was approved as it falls within the parameters of the previously endorsed Land Use Strategy.

IT WAS

MOVED BY: Commissioner M. Marshall

SECONDED BY: Commissioner C. Purdy

THAT the staff report be received and the application to subdivide the two subject lots as proposed 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 – 36424
Applicant: Luci Skaken

Agent: Focus

DATE PREPARED: February 21, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide Lot 43 into three parcels of a minimum of 8.0 ha and an area for a road right-of-way. Lot 44 is included in the application to provide a 20 m road right-of-way from the south property line of Lot 43 along the west property line of Lot 44 to Toby Hill Road. This road ROW is required to provide legal access to the proposed three parcels on Lot 43.

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

BACKGROUND INFORMATION:

There have been no previous applications involving this property, but there have been other similar applications in the local area.

The Toby Benches Land Use Strategy covers the area included in this proposal and is consistent with the long term objective of the area: "to provide for a range of parcel sizes which reflect the needs and lifestyle of the local residents and respects the capacity of the land to sustain development."

Local Government:

Regional District of East Kootenay

Legal Description of Property:

1. PID: 015-874-818
Lot 43, District Lot 375 & 376, Kootenay District, Plan 1232;
2. PID: 015-874-826
Lot 44, District Lot 375 & 376, Kootenay District, Plan 1232;

Purchase Date (m/d/y):

07/15/1993 04/15/2002

Location of Property:

9360 Toby Hill Road, south of Wilmer

Size of Property:

Lot 43 is 25.13 ha
Lot 44 is 15.10 ha

Both lots are entirely in the ALR.

Present use of the Property:

There is a residence on both parcels.

Surrounding Land Uses:

WEST: Rural residential
SOUTH: Vacant
EAST: Vacant
NORTH: Rural residential

Agricultural Capability:

Data Source: Agricultural Capability Map #82K/9
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Toby Benches Land Use Strategy

Zoning Bylaw and Designation:

Rural Residential (Country), 8.0 ha minimum lot size

RELEVANT APPLICATIONS:

Application #30472-0

Applicant: Dick, Robert & Wendy
Decision Date: May 16, 1996
Proposal: The applicants propose to exclude the property and to subdivide it into 3.0 to 4.0 ha parcels for rural residential/hobby farms
Decision: Refuse, as the lands have potential for grazing purposes and subdivision into rural residential parcels would eliminate this agricultural use.

Application #31134-0

Applicant: Carey, Frank
Decision Date: March 25, 1997
Proposal: No previous application. Sec 20(1) - S/D of a 30.7 hectare parcel into two 15.35 ha parcels.
Decision: The Commission refused application on grounds that it sets a precedent for other parcels in vicinity to subdivide into smaller hobby farms. In addition, a recent application to exclude and subdivide a nearby property for rural residential hobby farms was refused by the Commission. The lands in question have potential for grazing and allowing the application would eliminate this agricultural use.

Application #31866-0

Applicant: BC Hydro and Power Authority
Decision Date: March 23, 1998

Proposal: Proposal to register a License of Occupation of an area of .081 ha of a 8 ha parcel of crown land for an electrical distribution line.
Decision: Allowed.

Application #30472-1

Applicant: Dick, Robert & Wendy
Decision Date: October 26, 2000
Proposal: To subdivide the subject properties into seven parcels ranging in size from 8 ha to 9 ha. The purpose of this subdivision is to create small rural holdings which could be economically cleared, seeded and provided with a source of irrigation water (well w
Decision: Refuse reconsideration.

Application #30472-2

Applicant: Dick, Robert & Wendy
Decision Date: October 29, 2004
Proposal:
Decision: Allow subdivision as requested.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

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

Advisory Planning Commission

The APC for Areas F & G support the application.

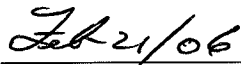
STAFF COMMENTS:

Staff recommends support for the proposed subdivision as it is consistent with the Toby Benches Land Use Strategy adopted for the area.

END OF REPORT



Signature



Date