



Agricultural Land Commission
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April 20, 2007

Reply to the attention of Terra Kaethler
ALC File: # L - 37120

FOCUS
PO Box 608, 712D-10th Street
Invermere, BC V1K 1K0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 123/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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-706-615)

Enclosure: Minutes/Sketch Plan

TK/lv
37120d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 21, 2007 Cranbrook, B.C.

PRESENT:	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff

For Consideration

Application: # L - 37120
 Applicant: Robert and Brenda Lamoureux
 Agent: Focus
 Proposal: To subdivide the subject property as divided by Toby Hill Road creating two (2) parcels, 9.69 ha and 4.70 ha in size.
 Legal: PID: 015-874-826
 Lot 44, District Lot 375 and 376, Kootenay District, Plan 1232
 Location: Toby Hill Road, Toby Benches

Site Inspection

A site inspection was conducted on March 21, 2007. Those in attendance were:

- Bob Lamoureux Applicant
- Kathleen Wilker Agent, Focus
- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff

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

The Commission recalled that they endorsed the Toby Benches Land Use Strategy in October 2004 (Resolution # 535/2004.) The portion of the property located to the north of Toby Hill Road falls within the Rural designation within which a minimum lot size of 8 ha is applicable. The southern portion falls within the Toby Creek Road and south side of Toby Hill Road Corridor area wherein a minimum of 2 ha applies subject to a number of requirements. Therefore, the Commission had no objection to the application.

IT WAS

MOVED BY: Commissioner Marshall
SECONDED BY: Commissioner Purdy

THAT the application be approved

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 # 123/2007



Staff Report
Application # L – 37120
Applicant: Robert and Brenda Lamoureux
Agent: Focus

DATE RECEIVED: December 11, 2006

DATE PREPARED: March 7, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide the 14.4 ha subject property as divided by Toby Hill Road creating two (2) parcels, 9.7 ha and 4.7 ha in size.

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

BACKGROUND INFORMATION:

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 015-874-826
Lot 44, District Lot 375 and 376, Kootenay District, Plan 1232

Purchase Date:

April 2002

Location of Property:

Toby Hill Road, Toby Benches

Size of Property:

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

Present use of the Property:

Vacant, on buildings

Surrounding Land Uses:

WEST: Vacant
SOUTH: Rural Residential
EAST: Vacant, Rural Residential
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:

Upper Columbia Valley Zoning Bylaw No. 900
Designation: A-2 Rural Residential (Country) Zone
Minimum Lot Size: 8.0 ha

RELEVANT APPLICATIONS:

Application #36424-0

Applicant: Skaken, Luci

Decision Date: April 5, 2006

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.

Decision: Allowed on the grounds that the application was consistent with the Toby Benches Land Use Strategy which had been endorsed by the Commission in 2004.

Note: The proposed road right-of-way was through the current subject property.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

STAFF COMMENTS:

Land Use Planner and Regional Planner:

The Commission endorsed the Toby Benches Land Use Strategy in October 2004 (Resolution # 535/2004.) The portion of the property located to the north of Toby Hill Road falls within the Rural designation within which a minimum lot size of 8 ha is applicable. The southern portion falls within the Toby Creek Road and south side of Toby Hill Road Corridor area wherein a minimum of 2 ha. applies subject to a number of requirements. In this light, subject to the site visit, it is recommended that the application be approved.

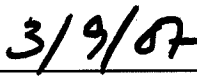
ATTACHMENTS:

- Pages 3-5 of a report written by Focus in support of this application
- Sketch of the proposed subdivision (submitted by Focus)
- ALC Context Map - Regional District of East Kootenay Constituent Map 10 - 1:10,000 (created by ALC Staff)
- Air photo

END OF REPORT



Signature



Date