



Agricultural Land Commission
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www.alc.gov.bc.ca

March 14, 2008

Reply to the attention of Jennifer Carson
ALC File: L-37734

Mark & Robin Shmigelsky
9455 Toby Ridge Road
Invermere, BC
V0A 1K4

Dear Mrs. And Mr. Shmigelsky:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 88/2008 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 (P707-561)

Enclosure: Minutes/Sketch Plan



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 11, 2008 via conference call.

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

For Consideration

Application: # L- 37734
Applicant: Mark & Robin Shmigelsky
Proposal: To create one 2.1 ha lot and leave a remainder lot of approximately 4.3 ha.
Legal: PID: 015-879-097
Lot 47A, District Lot 375, Kootenay District, Plan 1232, Except Plan NEP67333
Location: 9455 Toby Ridge Road

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 property is within the Toby Benches Land Use Strategy area and is located on the south side of Toby Hill Corridor which means that it is designated as being subdividable down to a minimum parcel size of 2.0 ha. As a result, the proposed subdivision conforms with the land use strategy. The Commission endorsed this land use strategy on October 29, 2004.

IT WAS

MOVED BY: Commissioner Purdy

SECONDED BY: Commissioner Marshall

THAT the application be allowed.

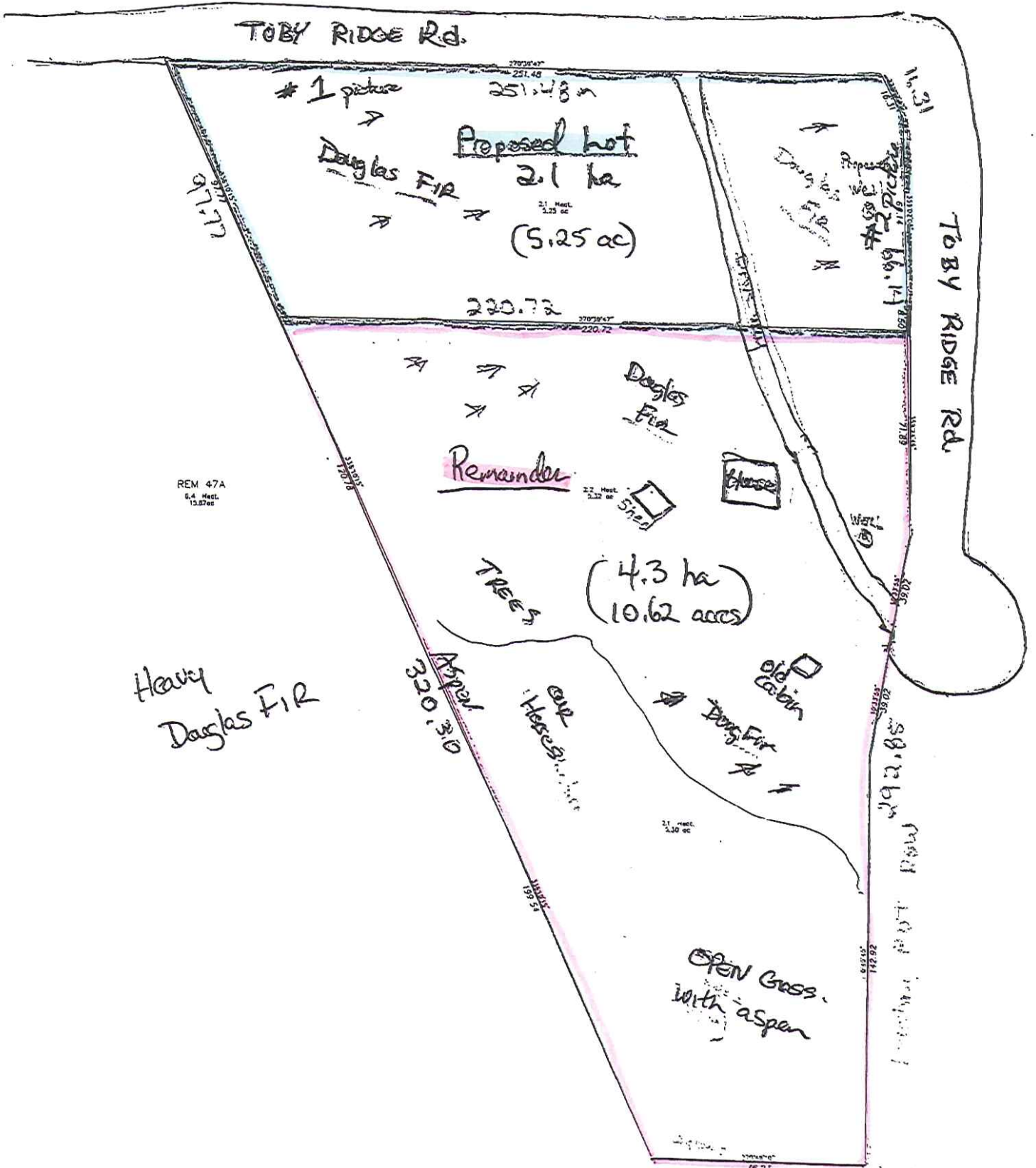
AND THAT the approval is subject to the following conditions:

- the preparation of a subdivision plan to delineate the area to be subdivided per the drawing 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 # 88/2008



Toby Ridge Rd.

Toby Ridge Rd.

1 picture

251.48 m

Proposed hot

Douglas FIR

2.1 ha

(5.25 ac)

917.72

220.72

Douglas Fir

Remainder

House

Shed

4.3 ha (10.62 acres)

Trees

Heavy Douglas FIR

Aspen

Maple
Horse...

Old Cabin

Dogs Fir

21 feet 2.50 ac

Open Grass with aspen

REM 47A
5.4 Hect.
13.37 ac

Sageb