



**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

July 26, 2011

Reply to the attention of Lily Ford  
ALC File 52312

Mark and Robin Shmigelsky  
9455 Toby Ridge Road  
Invermere, BC  
V0A 1K5

Dear Mr. and Ms. Shmigelsky:

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

Please find attached Minutes of Resolution # 273/2011 outlining the Commission's decision as it relates to the above noted application. A copy of the sketch plan submitted with your application, and referenced in the minutes, is also enclosed.

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.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

  
Richard Bullock, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay

LF/52312d1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on July 26, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.**

### FOR CONSIDERATION

#### **Application:**

*(Submitted pursuant to section 21(2) of the Agricultural Land Commission Act)*

Application: 52312  
Applicant: Mark & Robin Shmigelsky  
Agent: N/A  
Proposal: Request to subdivide a 4.3 ha parcel into one 2.1 ha parcel and one 2.2 ha parcel.  
Legal: Lot 47A, District Lot 375, Kootenay District, Plan 1232 Except Plan NEP67333 and EPP 1644  
Location: 9455 Toby Ridge Road, Invermere  
Background: The proposal is consistent with the Toby Benches Land Use Strategy, which allows subdivision down to 2 ha in the subject area. The Commission endorsed the Toby Benches Land Use Strategy on October 29, 2004.  
A previous subdivision in 2008 created the subject lot and an additional 2.1 ha lot (ALC Resolution #88/2008).  
Attachment: Resolution #016N/2011

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### DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27, 2011 the Commission delegated decision-making to the CEO by Resolution #016N-2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following applications may be decided by the CEO.

#### **Criterion 2**

Exclusion, subdivision, non-farm use and inclusion applications that are consistent with a specific planning decision of the Commission made by resolution (e.g.: Peace River- Fort St. John Comprehensive Development Plan).

#### **DECISION:**

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 2 of Resolution #016N/2011 and approve the application on behalf of the Commission.

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.

**RESOLUTION # 273/2011**

**I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION**

A handwritten signature in black ink, appearing to read 'Richard Bullock', written over a horizontal line.

**Richard Bullock, Chief Executive Officer**

2011

A  
PLAN EPP 5817

TOBY RIDGE Rd.

A  
Wilson's  
2.1 Hect.  
5.25 ac  
PLAN EPP 1644



220.72  
220.72

Remainder  
2.2 h

2.2 Hect.  
5.32 ac



LOT 47A

270°48'10"  
165.50

LOT 47B

Proposed Lot

2.1 Hect.  
5.30 ac

2.1 h Horse

OPEN

PINE  
GRASS

ASPEN



RECEIVED

FEB 22 2011

Regional District  
of East Kootenay  
Columbia Valley Office

76.03

POW

142.92

39.02

71.89

14.71

10.11

10.11

270°38'47"  
251.48

33.815

120.78

149.54

142.92

39.02

103.78

10.11

10.11

10.11

10.11

10.11

10.11