



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

April 9, 2013

ALC File: #53077

Kootenay Planning Consultants
1350 Canyon View Road
Invermere, BC V0A 1K4

Attention Kathleen Wilker

Dear Ms. Wilker:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #82/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly. The Commission has also attached a sketch plan depicting the decision.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey (lindsay.mccoubrey@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a light blue horizontal line.

Brian Underhill, Executive Director

Enclosures: Minutes of Resolution #82/2013
Sketch Plan

cc: Regional District of East Kootenay (File: P 712 531)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 21, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53077.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Land Use Planner
Eamonn Watson	Land Use Planner
Colin Fry	Executive Director

PROPOSAL

To subdivide the 15.9 ha subject property along Houlgrave Road to create one 0.5 ha lot and one 15.4 ha lot.

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

PROPERTY INFORMATION:

Owner: Alison Candy and William Swan

Legal: PID: 014-283-379
Lot 94, District Lot 376, Kootenay District, Plan 1232, Except Part Included in Statutory Right of Way Plan 15119

Location: Toby Bench, Regional District of East Kootenay

Size: 15.9 ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) 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.

COMMISSION CONSIDERATION

The property is situated within the Toby Benches Land Use Strategy Area and is located on the Toby Hill Corridor which has a designated minimum lot size of 2.0 ha. The Commission endorsed the Toby Benches Land Use Strategy on October 29, 2004. The Commission has no objection to the proposal as it conforms to the Toby Benches Land Use Strategy.

Although the proposed subdivision is smaller than the 2.0 ha threshold noted above, the Commission notes that the 0.5 ha is isolated from the main parcel by Houlgrave Road, and that within the Regional District's *Toby Benches Land Use Strategy* document in section 1.3 (g) it states:

"The subdivision of a parcel isolated from the remainder of the original parcel by a physical constraint such as a dedicated and constructed road or topographic constraint is permitted, even if the remainder is less than the minimum lot size required by the zoning bylaw, subject to approval by other agencies, as may be applicable, throughout the plan area."

IT WAS

MOVED BY: **Commissioner Thibeault**
SECONDED BY: **Commissioner Dempsey**

THAT the proposal to subdivide the 15.9 ha subject property into one 0.5 ha lot and one 15.4 ha lot be conditionally approved.

AND THAT the final approval is subject to:

1. The applicant submitting the following documentation for Commission review and approval prior to final approval:
 - a. The Preliminary Layout Approval (PLA) specifying the requirements for subdivision identified by the Approving Officer from the Ministry of Transportation and Infrastructure;
 - b. The requirements for subdivision specified by the local government that are not identified in the PLA; and
 - c. The requirements for subdivision specified by any other person or body having jurisdiction over the land under an enactment.

The Commission will be primarily concerned with any conditions of approval it believes will result in either a substantial deviation from the plan submitted with the application and to which

this preliminary approval is granted or conditions it believes are inconsistent with the purposes of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.

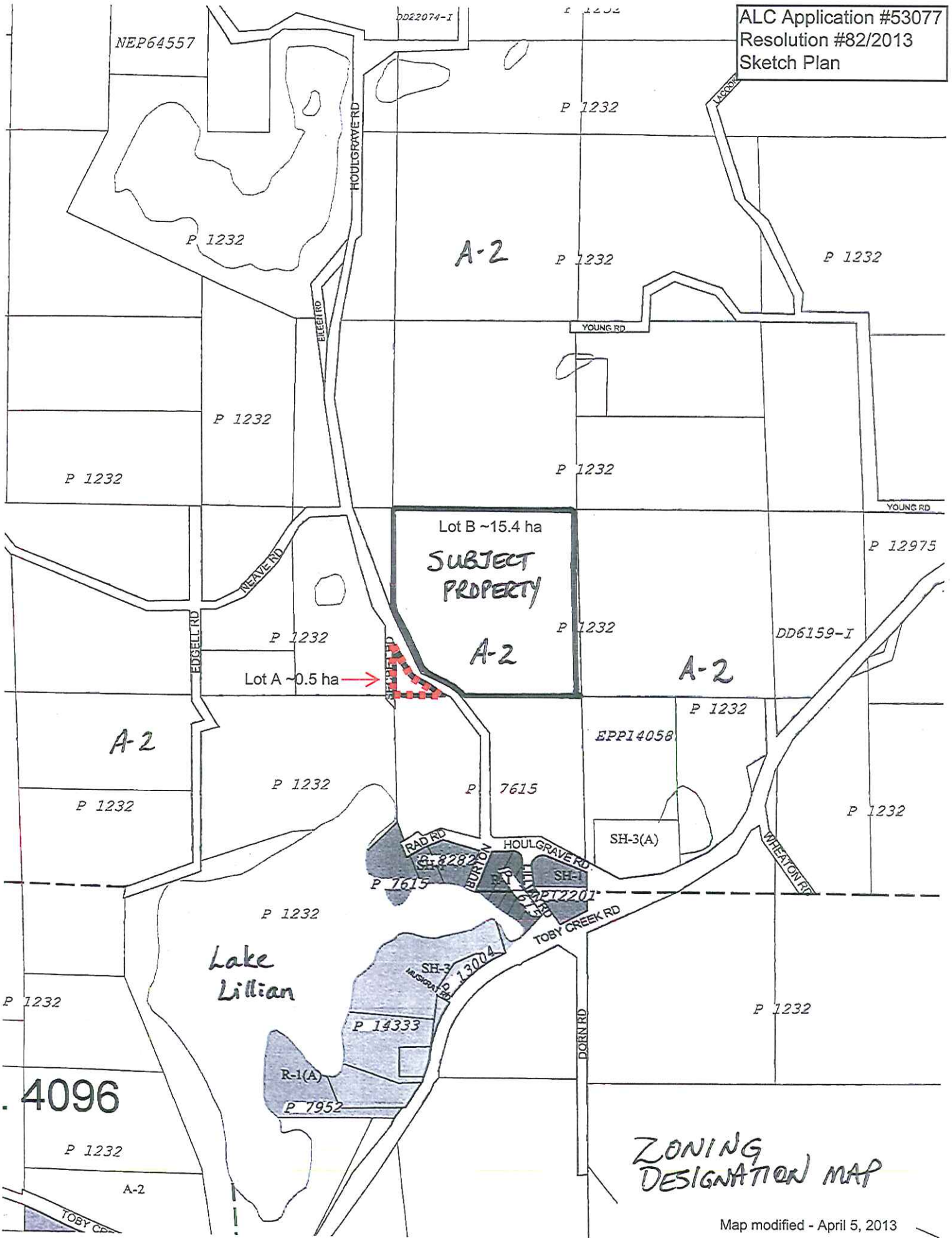
Final approval is contingent on the Commission's acceptance of the conditions of approval. The final survey plan should not be prepared in advance of receiving the Commission's written acceptance of the conditions of approval.

2. The subdivision plan must be completed within three (3) years from the date of this decision;

AND FINALLY THAT 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 #82/2013

ALC Application #53077
Resolution #82/2013
Sketch Plan



ZONING
DESIGNATION MAP

Map modified - April 5, 2013