



Agricultural Land Commission
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November 9, 2005

Reply to the attention of Ron Wallace

Joseph and Janet Kazakoff
5850 Kenmore Road
Grand Forks, BC – V0H 1H0

Dear Sir/Madam:

Re: **Application # Q-36209**
Lot 6, District Lot 152, Block 1, Similkameen Division Yale District, Plan 888

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted property into properties of 2 ha each. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on October 8, 2005.

The Commission writes to advise that it approved your application to subdivide the subject property into two parcels provided the subdivision is reconfigured to parcel sizes of 1 ha and 3 ha as per the Regional Board's recommendation.

This decision is subject to 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 Kootenay Boundary at your earliest convenience.

The decision noted above is recorded as Resolution **#574/2005**.

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:

Erik Karlsen, Chair

cc: Regional District of Kootenay Boundary – D-152-01836-000

RW/lv
36209d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on October 12, 2005 in castlegar, B.C.

PRESENT: Monika Marshall Chair
 Cheryle Huscroft Commissioner
 Carmen Purdy Commissioner

STAFF: Ron Wallace, Regional Research Officer

For Consideration

Ron Wallace presented the staff report dated September 29, 2005 regarding application #Q-36209, Joseph and Janet Kazakoff. The application is to subdivide the 4.0 ha property into two properties of 2 ha each.

Site Inspection

A site inspection was conducted on October 8, 2005. Those in attendance were:

- Commissioner Marshall
- Applicants Joseph and Janet Kazakoff

Commissioner Eligible to Vote

Commissioners Huscroft and Purdy were not present at the site inspection and confirm that they are eligible to vote on the application as they were given a summary of the site inspection.

Commission Discussion

Commissioner Marshall informed the panel about her onsite inspection of the subject property. Upon review it was felt that subdivision could be supported in light of there being two homes on the property that pre-date the ALR. The Commission would support the application as per the Kootenay Boundary Regional District Board that the subdivision be reconfigured to two lots of 1 ha and 3 ha.

IT WAS

MOVED BY: Commissioner Huscroft

SECONDED BY: Commissioner Marshall

THAT the staff report be received and the application to subdivide the subject property into two parcels be approved provided the subdivision is reconfigured to parcel sizes of 1 ha and 3 ha as per the Regional Board's recommendation.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # Q – 36209
Applicant: Joseph & Janet Kazakoff

DATE PREPARED: September 29, 2005

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 4.0 ha property into two properties of 2 ha each.

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

BACKGROUND INFORMATION:

The applicants wish to subdivide the property, which already contains two houses so that they can sell one lot to their son. Both homes pre-date the ALR.

The Planning Director advised that although the proposed parcel sizes are below the 8 ha minimum, the proposal is currently permitted pursuant to Section 306(3) (see local government recommendation). However this exception has been eliminated in the text of the new Area 'D' Zoning Bylaw, thereby eliminating the possibility of permitting future small-lot subdivisions in the ALR. The revised bylaw should be adopted by the end of 2005.

Local Government:

Regional District of Kootenay-Boundary

Legal Description of Property:

PID: 011-991-119

Lot 6, District Lot 152, Block 1, Similkameen Division Yale District, Plan 888

Purchase Date:

April 1985

Location of Property:

5850 Kenmore Road, Grand Forks

Size of Property:

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

Present use of the Property:

Hay Field, 2 houses, 1 barn, 2 garages and associated outbuildings

Surrounding Land Uses:

WEST: Municipal Airport (ALR)
SOUTH: Hay field (ALR)
EAST: Hay field (ALR)
NORTH: Grass field (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E/1
The majority of the property is identified as having mixed prime and secondary ratings.

Official Community Plan and Designation:

Area 'D' OCP Bylaw No. 852, 1999 designates this area as "Agricultural Resource"

Zoning Bylaw and Designation:

Zoning Bylaw No. 620, 1989 designates the parcel as "Agricultural Resource."
Minimum Parcel size 8 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Kootenay Boundary Regional Board: The Regional Board supports this application subject to reconfiguration of the parcel sizes to 1 ha and 3 ha rather than 2 parcels of 2 ha.

Advisory Planning Commission Area "D": no objections

Planning Department: The local planning department notes the following, that the proposed parcel sizes do not meet the minimum parcel size of 8 ha in the AGR1 zone, however, the subdivision is permitted under Section 306(3) of the Area 'D' Zoning Bylaw No. 620 which states that:

Parcels upon which there are located two or more legally constructed buildings containing a dwelling unit or units, as of the date of adoption of this bylaw may be subdivided such that the above mentioned buildings are located on separate parcels, with the minimum parcel area being 1 ha where dependent on a private water source.

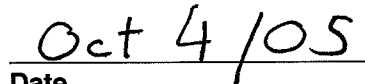
STAFF COMMENTS:

Staff recommend that the Commission consider the following: the subject property is bigger than surrounding parcels however, it is already half the size at 4 ha of the minimum lot size requirement of 8 ha.

END OF REPORT



Signature



Date