



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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Fax: 604-660-7033
www.alc.gov.bc.ca

October 11, 2007

Reply to the attention of Terra Kaethler
ALC File: # F - 37560

Jason & Lisa Stooshnoff
PO Box 182
Winlaw, BC V0G 2J0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 508/2007 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:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (4035-20-A-0717Hs-203)

Enclosure: Minutes/Sketch Plan

TK/lv
37560d1.

Provincial Agricultural Land Commission

Application # 37560

Resolution # 508/2007



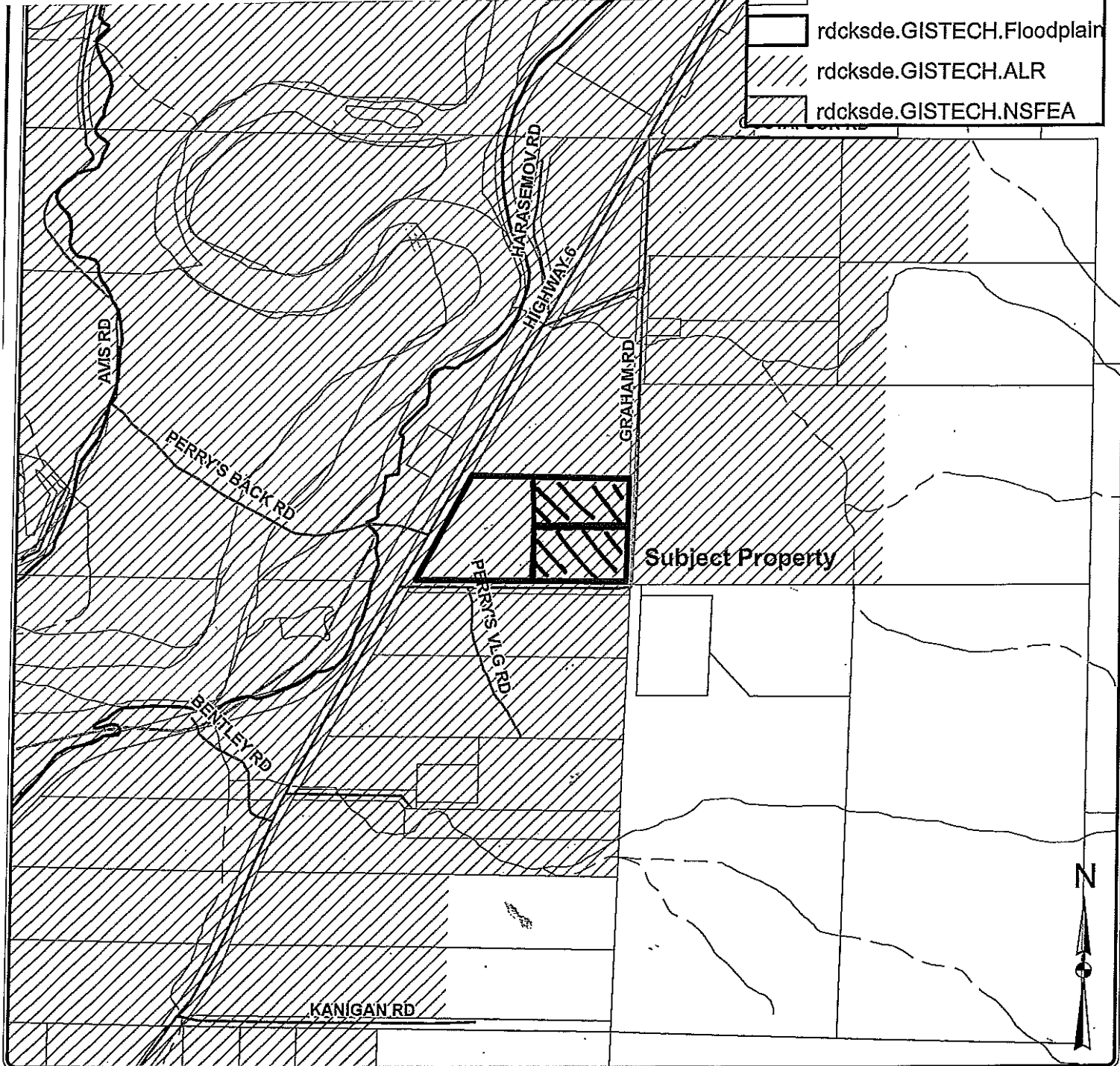
Subject Property



Approved two (2) lots of approximately 1.0 ha each

Legend

- rdcksde.GISTECH.Creeks
- rdcksde.GISTECH.streets
- rdcksde.GISTECH.Cadastre
- rdcksde.GISTECH.Floodplain
- rdcksde.GISTECH.ALR
- rdcksde.GISTECH.NSFEA



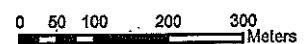
Box 690, 202 Lakeside Drive, Nelson, BC V1L 6R4
 Phone: (250) 352-6885 Toll-Free 1-800-268-7325 (BC)
 Fax: (250) 352-9300 Internet: www.rdck.bc.ca

The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not

**ALR Application for Subdivision
 Stooshnoff
 PID 011-407-492**

**Lot 5, District Lot 383, KD Plan 12944
 7103 Graham Road, Winlaw, Area Hs**

Map Scale:



Map Projection: UTM Zone 11 Map Datum: NAD83
 Date Plotted: 2006

Mapsheet:

82F063.3.2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 5, 2007 in Nelson, B.C.

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

For Consideration

Application: # F- 37560
Applicant: Jason & Lisa Stooshnoff
Proposal: To subdivide the 6.2 ha subject property to create 3 lots of 1.0 ha and a remainder of 3.2 ha.
Legal: PID: 011-407-492
Lot 5, District Lot 383, Kootenay District, Plan 12944
Location: Winlaw

Site Inspection

A site inspection was conducted on September 5, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Darryl Smith Aerologist, Ministry of Agriculture and Lands
- Jason Stooshnoff Applicant

The Commission met with the applicant and viewed the property. The applicant noted that the property had been in the family for a number of generations. The Commission noted that the property was steeply sloped and swampy in some areas.

The applicant confirmed that the staff report dated August 17, 2007, was received and no errors were identified.

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

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The ratings range from Class 1 (high agricultural capability) to Class 7 (no agricultural capability).

The agricultural capability of the soil of the subject property is rated as improvable to 20 % Class 4, 50% Class 3 and 30% Class 2 with limitations of topography, moisture deficiency and a combination of other soil factors.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Although identified as having ratings of significant agricultural capability, upon the site visit, the Commission viewed the back portion of the property to be subdivided and found that the steep terrain and swampy conditions were significant limitations to agriculture. The Commission does not believe the proposal to subdivide the back portion of the property would impact existing or potential agricultural use of the subject property or surrounding lands.

However, the Commission believed that the front portion of the property would have significant agricultural potential if retained as a single unit and did not believe subdivision of this portion to be warranted.

Therefore, the Commission discussed that it would have no objection to the subdivision of two (2) 1.0 ha lots on the eastern side of the property as proposed, but was not prepared to allow subdivision of the proposed 1.0 ha lot in the SW corner of the property.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Marshall

SECONDED BY: Commissioner Griffin

THAT the application be refused as proposed, but that two (2) lots of approximately 1.0 ha each be allowed.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the attached plan
- the subdivision must be completed within three (3) years from the date of this decision.

Page 3 of 3 Resolution # 508/2007
Application # F-37560

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 # 508/2007



Staff Report
Application # F – 37560
Applicant: Jason & Lisa Stooshnoff

DATE RECEIVED: July 16, 2007

DATE PREPARED: August 17, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To subdivide the 6.2 ha subject property to create 3 lots of 1.0 ha, and a remainder of 3.2 ha.

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

BACKGROUND INFORMATION:

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 011-407-492
Lot 5, District Lot 383, Kootenay District, Plan 12944

Purchase Date:

2006-11-01

Location of Property:

Winlaw

Size of Property:

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

Present use of the Property:

Residence, hay field, water boxes, Christian Creek, forest area, steep and rocky

Surrounding Land Uses:

WEST: Highway 16
SOUTH: Graham Road/Undeveloped
EAST: Graham Road, steep hill and undeveloped
NORTH: Hobby Farm

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/12
The majority of the property is identified as having Prime Dominant ratings. The soil capability ratings are improvable to 50% Class 3, 30% Class 2 and 20% Class 4 with limitations of topography, moisture deficiency and a combination of soil factors.

Official Community Plan and Designation: N/A

Zoning Bylaw and Designation: N/A

PREVIOUS APPLICATIONS:

Application #09965-0

Applicant: Stooshnoff/Poznikoff,
Decision Date: April 22, 1980
Proposal: To divide the 12 ha parcel into 2 lots of 6 ha each
Decision: Allowed.

Note: This subdivision created the subject property currently under application.

Application #75-0397-0

Applicant: Stooshnoff, J
Decision Date: June 19, 1975
Proposal: To subdivide into 6 lots.
Decision: Refused, but would allow subdivision of 1.5 ha of northerly portion of property.

RELEVANT APPLICATIONS:

Application #37327-0 (To South)

Applicant: Frith, Margaret
Decision Date: July 13, 2007
Proposal: To subdivide the 7.2 ha subject property into two (2) lots.
Decision: Refused as proposed on the grounds that the proposal would split the area of the property with good agricultural capability. Allowed alternative proposal of 1.0 ha in the wooded area of the property.

Application #36060-0

Applicant: Ferguson, Peter & Mona
Decision Date: August 10, 2005
Proposal: To subdivide the 30.4 ha subject property into three (3) parcels - approximately 17.0 ha, 8.9 ha and 4.5.
Decision: Approved as the proposed subdivision is located in an area of slope that transitions between the lower fields adjacent to the Slovan River and the upper bench, in a location where there will be no impact on agriculture

Application #34379-0

Applicant: Miller, Linda
Decision Date: June 28, 2002
Proposal: Linda Miller is requesting the exclusion of her 5.1 ha parcel for proposed residential use.

Refuse exclusion - property has good agricultural capability. The application was reconsidered February 05, 2003 to subdivide the 5.1 ha property along Bentley Road to create two lots, and refused.

Application #75-0227-0 (To South)

Applicant: Shlakoff, Polly

Decision Date: April 23, 1975

Proposal: To subdivide the subject property into 3 parcels

Decision: Refused. An alternate proposal to subdivide 0.8 ha lot was reconsidered and refused, April 13, 1978. On November 24, 1978 the Commission reconsidered and approved the request of a lifetime lease for the applicant.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District Board: No comments or recommendations

Local Government Staff: No objections to the proposed subdivision as there is currently no OCP or zoning regulation guiding development in this area.


STAFF COMMENTS:

- Applications for subdivision have consistently been refused by the Commission in this area.
- The majority of surrounding parcels are of equal size or larger than the current subject property.
- A site visit may help to determine the impact of the proposal on the agricultural use of the property and surrounding lands,

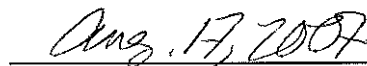
ATTACHMENTS:

- ALC Context Map
- ALC Aerial Photo
- Applicant's Proposal
- Proposal sketch

END OF REPORT



Signature



Date