



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: L-37677

December 18, 2007

Timothy and Margaret Kazakoff
2334 Kootenay #3 Road
Windermere, BC V0B2L0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 682/2007 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: 

Erik Karlsen, Chair

cc: Regional District of East Kootenay (P-707-541)

Enclosure: Minutes/Sketch Plan

TK/37677d1.doc



A meeting was held by the Provincial Agricultural Land Commission on November 1, 2007 in Cranbrook, B.C.

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

For Consideration

Application: # L- 37677
Applicant: Timothy and Margaret Kazakoff
Proposal: To subdivide the 1.6 ha subject property and create one (1) 0.4 ha lot
 and leave a 1.2 ha remainder.
Legal: PID: 016-328-141
 Parcel A, Sublot 111, District Lot 4586, Reference Plan 737751,
 Kootenay District, Plan X32, EXCEPT Part Included in Plan 7541
Location: 2334 Kootenay Road #3, Windermere

Site Inspection

A site inspection was conducted on October 31, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff
- Darrell Smith Agrologist, Ministry of Agriculture and Lands
- Tim Kazakoff Applicant

The Commission met with the applicant and walked the property. The Commission noted that the property was small and adjacent to small parcel sizes. The applicant confirmed that the staff report dated October 19, 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

The Commission's assessment of the proposal included consideration of details such as property size, surrounding land use and other limitations to agriculture. It was noted that the subject parcel is small and in an area of small residential lots. Further, that the property is in close proximity to the proposed residential development of Elkhorn Ranch. As such, the Commission believed the property had limited suitability for agricultural use.

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission did not believe the proposal would impact existing or potential agricultural use of the property or surrounding lands.

Conclusions

1. That the land under application is not suitable for agricultural use.
2. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Marshall
SECONDED BY: Commissioner Purdy

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the construction of a fence along the northern and eastern boundary of the property
- 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 # 682/2007

Provincial Agricultural Land Commission
Application # 37677
Resolution #682/2007



Subject Property



Approved subdivision of 0.4 ha

