



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

September 8, 2005

Reply to the attention of Ron Wallace

Alec Osachoff
42 Mirador
Irvine, California, USA
92612

Dear Sir:

RE: **Application #F-35914**
PID: 016-024-630
Lot 20, District Lot 7065, Kootenay District, Plan 848

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the subject property into three parcels. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on May 11, 2005. The Commission found the site to have reasonable agricultural potential with water available. The Commission considered that the proposed subdivision of the property into three would have a negative impact on such potential and would create a precedent for further subdivision in the area. For these reasons, the Commission refused your application as proposed.

The decision noted above is recorded as Resolution # 458/2005.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

pc: Harry Osachoff - 1478 - 2nd Avenue, Trail, BC, V1R 1M2
Olga Kabatoff - 1487 - Highway 3A, Thrums, BC, V1N 4M7
Regional District of Central Kootenay - A0507Hs-08359-000

RW/dy/35914d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of meetings held by the Provincial Agricultural Land Commission (the "Commission") on May 11, 2005 at the Prestige Inn, Nelson and on August 10, 2005 at the Kuskanax & Tenderfoot Lodge, Nakusp, B.C.

PRESENT: Monika Marshall Chair
 Cheryle Huscroft Commissioner
 Carmen Purdy Commissioner

STAFF: Ron Wallace, Regional Research Officer at the May 11, 2005 meeting
 Roger Cheetham, Planning Officer at the August 10, 2005 meeting

For Consideration

Ron Wallace presented his staff report dated April 27, 2005 regarding application #F-35914, Alec Osachoff at the 11th May 2005 meeting. The application is to subdivide the 4.0 ha property into two (2) parcels of 1 ha each and one parcel of 2 ha.

Site Inspection

A site inspection was conducted on May 11, 2005. Those in attendance were:

- Commissioners Marshall, Huscroft & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer
- Applicants Alec Osachoff, Harry Osachoff et al.

The Commission walked the property and noted that portions of the property have sloping/steep topography and naturally wet spots. Overall, it was also noted that the property in general has good agricultural potential. After walking the property the Commission discussed the proposed subdivision with the applicants. The Commission discussed that it would be reluctant to create smaller lots out of a property with reasonably good agricultural potential.

The site inspection lasted from approximately 12:15 p.m. to 12:45 p.m.

Commission Discussion: At the meeting on May 11, 2005 the Commission was inclined to refuse the application in the light of the site inspection. However it was decided to defer a decision until the next meeting to enable consideration to be given to the Slocan Valley Agricultural Land Reserve Review undertaken in 1991 by the Staff Agrologist, Brian McBride. The Commission accordingly gave further consideration to the application in the light of the review at its meeting on August 10, 2005. The Commission noted that the review excluded this property, as it was considered to be correctly placed within the ALR. The Commission, in noting that water was available to the subject property, concluded that it had reasonably good agricultural potential and that the subdivision of the property into three would have a negative impact on such potential and would create precedent for further subdivision in the area. .

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IT WAS

MOVED BY: Commissioner Huscroft

SECONDED BY: Commissioner Purdy

THAT the staff report be received and the application be refused.

CARRIED

458/2005



Staff Report
Application # F – 35914-0
Applicant: Alec Osachoff

Agent: Harry Osachoff

DATE PREPARED: April 27, 2005

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide the 4 ha property into two (2) parcels of 1 ha each and one parcel of 2 ha. The proposal is part of the applicants estate planning.

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

BACKGROUND INFORMATION:

There are no previous applications involving the subject property. Included below are three previous applications for subdivision on surrounding properties.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 016-024-630
Lot 20, District Lot 7065, Kootenay District, Plan 848;

Purchase Date (m/d/y):

09/07/2000

Location of Property:

South of Winlaw, BC

Size of Property:

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

Present use of the Property:

There is a log house, a small storage building, wood frame barn, and a bath house. There is no agriculture.

Surrounding Land Uses:

NORTH: Residential
EAST: Residential
SOUTH: Residential
WEST: Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/12
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

N/A

Zoning Bylaw and Designation:

N/A

RELEVANT APPLICATIONS:

Application #30872-0

Applicant: Conkin, Carol
Decision Date: October 31, 1996
Proposal: To subdivide the 4.1 ha property into three lots. One 0.6 ha lot, a 1.8 ha lot and a 1.7 ha lot. The purpose of the subdivision is to provide a lot for each of the applicant's children.
Decision: The Commission allowed the subdivision proposal as requested because of the poor agricultural capability of the land, and because the applicant qualified for consideration under Homesite Severance Policy. No further consideration will be provided under the policy.

Application #22195-0

Applicant: Kubelka, V. & I.
Decision Date: June 14, 1988
Proposal: To subdivide the 4.6 ha property into three lots. The sizes are 1.4 ha, 2.6 ha and 0.4 ha.
Decision: The Commission refused the three lot subdivision but allowed a two lot subdivision with access from Slocan Park Road.

Application #32382-0

Applicant: Verigin, Marie
Decision Date: November 24, 1998
Proposal: Propose to subdivide the 0.8 ha property into 4 lots so that the applicant can give each child a lot.
Decision: Refused on the grounds of agricultural capability and impact.

Application #32382-1

Applicant: Verigin, Marie
Decision Date: October 20, 1999
Proposal: Original request to s/d the 0.8 ha property into 4 lots for each of the applicant's children was refused on the grounds of agricultural capability and increased parcelization. The request for reconsideration is a 2 lot subdivision of the property.
Decision: Allowed subdivision into two lots to accommodate existing dwellings based on the small size of the existing lot.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

No comment or recommendation.

STAFF COMMENTS:

Staff recommends that the Commission consider the follow comments:

- The property has an improved agricultural capability rating of 50% Class 3M (moisture limitation) 30% Class 2X (minor adverse soil characteristics) and 20% Class 5IM (inundation and moisture limitations)
- The property is among numerous other rural residential properties of similar or smaller sizes. Subdivision could encourage other similar requests.
- The property has a square configuration (unlike some other adjacent properties that are long and narrow or triangular etc) that would be beneficial for agricultural use.

END OF REPORT

Signature

Date
