



Staff Report
Application # F – 38750
Applicant: Polly Zaytsoff
Agent: Norm Zaytsoff

DATE RECEIVED: January 12, 2009

DATE PREPARED: February 9, 2009

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide the 3.9 ha subject property to create a 0.5 ha parcel and 3.4 ha remainder. The 0.5 ha proposed lot is proposed for the expansion of the Co-op store on the adjacent property to the south which would indicate a non farm use. Furthermore, the applicants propose to dedicate some land to the Ministry of Transportation in order to permit access to both the proposed lot and the remainder. This application is made pursuant to section 20(3) & 21(2) of the *Agricultural Land Commission Act* as well as Part 4 Section 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*).

BACKGROUND INFORMATION:

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 013-050-222
Lot 2, District Lot 7065, Kootenay District, Plan 9939

Purchase Date:

Prior to 1945

Location of Property:

3018 Highway 6, Slocan Park

Size of Property:

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

Present use of the Property:

Single family residence, with detached garage, implement shed, wood shed and storage building

Surrounding Land Uses:

WEST: single family residence, Slocan Park Community Hall
SOUTH: Slocan Valley Co-op
EAST: single family residence
NORTH: single family residence

Agricultural Capability:

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

Official Community Plan and Designation:

none

Zoning Bylaw and Designation:

none

PREVIOUS APPLICATIONS:

Application #00756-0

Applicant: Zaytsoff, Nick
Decision Date: March 05, 1976
Proposal: To make a boundary adjustment between two lots. One lot is 4 acres, the other 10 acres. The resulting lots would be the same size but configured differently.
Decision: Allowed as proposed.

RELEVANT APPLICATIONS:

Application #35914-0

Applicant: Osachoff, Alec
Decision Date: August 10, 2005
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.
Decision: Refused as would be prejudicial to agriculture and would create a precedent.

Application #35914-1

Applicant: Osachoff, Alec
Decision Date: July 25, 2006
Proposal: Reconsideration of subdivision.
Decision: Reconsideration request for two subs refused as presented but an alternative proposal approved that provides two subs one with the higher capability areas and one with the lower capability land.

Application #37975-0

Applicant: Ryder, Deborah
Decision Date: June 3, 2008
Proposal: Subdivide for a Relative: To subdivide the 3.0 ha subject property to create one new 1.1 ha lot for the applicant to build a small retire home on, so that the applicant's son could take over the farm in the remaining 1.9 ha parcel.
Decision: Refused due to the property having good agricultural capability.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

none

STAFF COMMENTS:

It is recommended that the Commissioners consider the following:

- The applicants have owned the property since before 1945.
- The agricultural capability of the subject property is improvable to Class 2, 3 and 5 with limitations of inundation, moisture deficiency and combination of soil factors.
- As the purpose of the application appears to be in order to facilitate the expansion of the Co-op, perhaps considering a boundary adjustment would be more appropriate. Also to consider is whether the expansion of the Co-op will have an impact on the present or potential future agricultural activities in the area. It is also noted in the letter from the Co-op that it is not yet sure whether it will be able to acquire the land adjacent to its store.
- Also for consideration is the portion of the application where the dedication of a portion of the property for a road which appears to service not only the subject property but the Co-op and Credit Union as well.
- A site visit will help to determine whether or not this proposal will have an impact on agriculture.

ATTACHMENTS:

1. ALC Context Maps (2 pages)
2. Aerial Photograph
3. Agricultural Capability Map
4. Local Government Map
5. Sketches of proposal (2 pages)
6. Letter from applicant (2 pages)
7. Local Government Staff Report
8. Letter from Slocan Co-operative Association
9. Photographs

END OF REPORT

Signature

Date