



Agricultural Land Commission
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November 20, 2006

Reply to the attention of Gordon Bednard
ALC File: F-36809

Paul Wyatt and Beverly Patterson
PO Box 134
Burton, BC V0G 1E0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 554/2006 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 Central Kootenay(A0615K-02635100)

Encl.: Minutes/Sketch Plan
GB/eg/36809d1

D. L. 6550



5 PLAN 1333

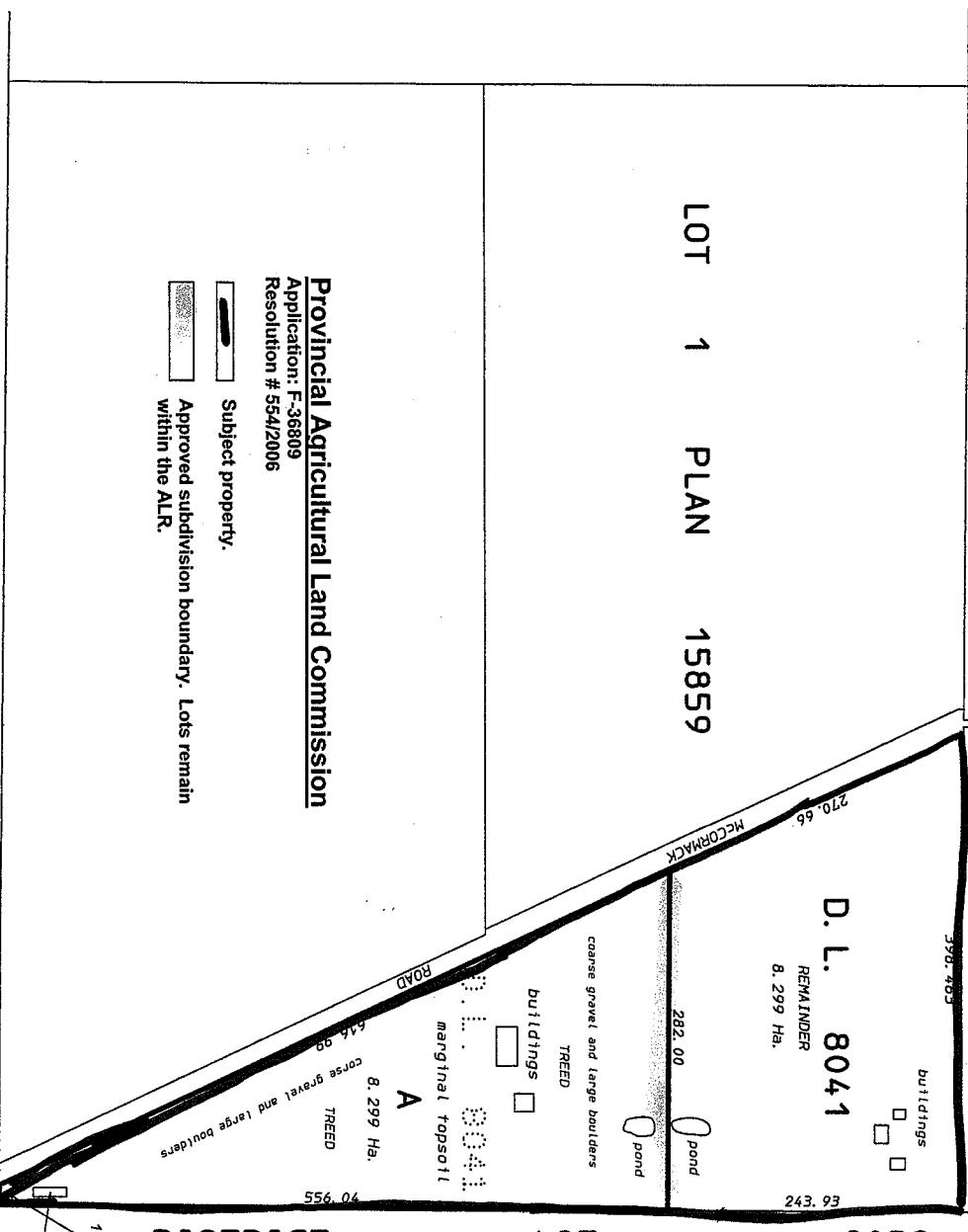
LOT 1 PLAN 15859

D. L. 8041
REMAINDER
8.299 Ha.

8038

Provincial Agricultural Land Commission
Application: F-36809
Resolution # 554/2006

-  Subject property.
-  Approved subdivision boundary. Lots remain within the ALR.



PLAN

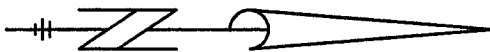
862

DISTRICT

LOT

PLAN OF PROPOSED SUBDIVISION OF PART OF:
D. L. 8041 KOOTENAY DISTRICT EXCEPT
(1) REFERENCE PLAN 72021 AND (2)
PLANS 12491 AND 15859

DATE : 5 May 2006	DRAWN : RCP
SCALE : 1:4000	FILE : 83730.PRE
CLIENT : WYATT	



R. C. POWER & ASSOCIATES
2916 29TH STREET, VERNON, B. C. V1T5A6
PHONE : (250) 542-1235
FAX : (250) 542-7472

Assessment of Impact on Agriculture

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

Conclusions

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

IT WAS

MOVED BY: Commissioner Carmen Purdy

SECONDED BY: Commissioner Monika Marshall

THAT the application be allowed as presented for the above reasons.

AND THAT the subdivision be in substantial compliance with the plan submitted with the application;

AND THAT the approval is granted to the applicant only and is valid for 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 # 554/2006



Staff Report
Application # F – 36809
Applicant: Paul Wyatt and Beverly Patterson
Agent: RC Power & Associates

DATE RECEIVED: July 11, 2006

DATE PREPARED: September 5, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide the 16.6 ha property into two 8.3 ha lots.

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

BACKGROUND INFORMATION:

The applicants state that they wish to subdivide because the area is unsuitable for farming. They further state that the area is treed and the surface material is comprised of coarse gravel and large boulders with this topsoil cover.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 016-434-609
District Lot 8041, Kootenay District, Except (1) Parcel 1 (Reference Plan 72021) and (2) part included in Plans 12491 and 15859;

Purchase Date:

December 1994

Location of Property:

Burton, BC

Size of Property:

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

Present use of the Property:

Residential, outbuildings, small planer mill



Surrounding Land Uses:

WEST: Large holdings, woodlot
SOUTH: Sawmill on large lot
EAST: Large holdings, tree farm
NORTH: Large holdings, partly cleared, some cattle

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/13
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Area K Rural Land Use Bylaw No. 1248 (1997)
Designates the property as (AG) Agriculture
Minimum Lot Size: 8 ha

PREVIOUS APPLICATIONS:

Application #27334-0

Applicant: Beverly Patterson and Paul Wyatt
Decision Date: April 7, 1992
Proposal: To subdivide the 16.8 ha property into two equal sized lots.
Decision: Refused on the grounds that subdivision of the property would not be in the best interests of agriculture.

Application #14996-0

Applicant: Paul Wyatt
Proposal: To subdivide along the ALR boundary
Decision: Allowed subdivision along the road of a 24 ha lot and an 18 ha lot. All of the 18 ha parcel is within the ALR.
Note: This application created the subject property.

Application #11322

Applicant: Paul Wyatt and Beverly Patterson
Decision Date: November 12, 1980
Proposal: To subdivide two 4 ha parcels from that portion of the property lying west of McCormack Road
Decision: Refused on the grounds that the land has high agricultural potential capability rating and subdivision would limit its agricultural potential

Application #07810

Applicant: Paul Wyatt and Beverly Patterson
Decision Date: March 7, 1979
Proposal: To subdivide a 4.4 ha parcel from the subject property.
Decision: Refused

Application #08139

Applicant: Wyatt, Tomlinson and MacRae
Decision Date: February 3, 1978
Proposal: To subdivide along the ALR boundary to create a 20.8 ha property outside of the ALR.
Decision: Allowed



ATTACHMENTS:

- ALR Context Map - BCGS 82F.091 - 1:20,000 (Created by ALC Staff)
- Orthophoto (Submitted by Central Kootenay Regional District)
- Plan of Proposed Subdivision (Submitted by the applicant)
- Minutes and Decision Letter : Agricultural Land Commission Application # F-27334

END OF REPORT

Simone Rivers

Signature

Sept 12, 2006

Date