



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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December 14, 2006

Reply to the attention of Gordon Bednard  
ALC File: L-36929

John and Valerie Nielsen  
9938 Pattinson Road  
Cranbrook, BC V1C 7C5

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 611/2006 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 East Kootenay (P706-323)  
Armstrong and Nelson Engineers and Land Surveyors, 34 - 11th Avenue S  
Cranbrook, BC V1C 2P1

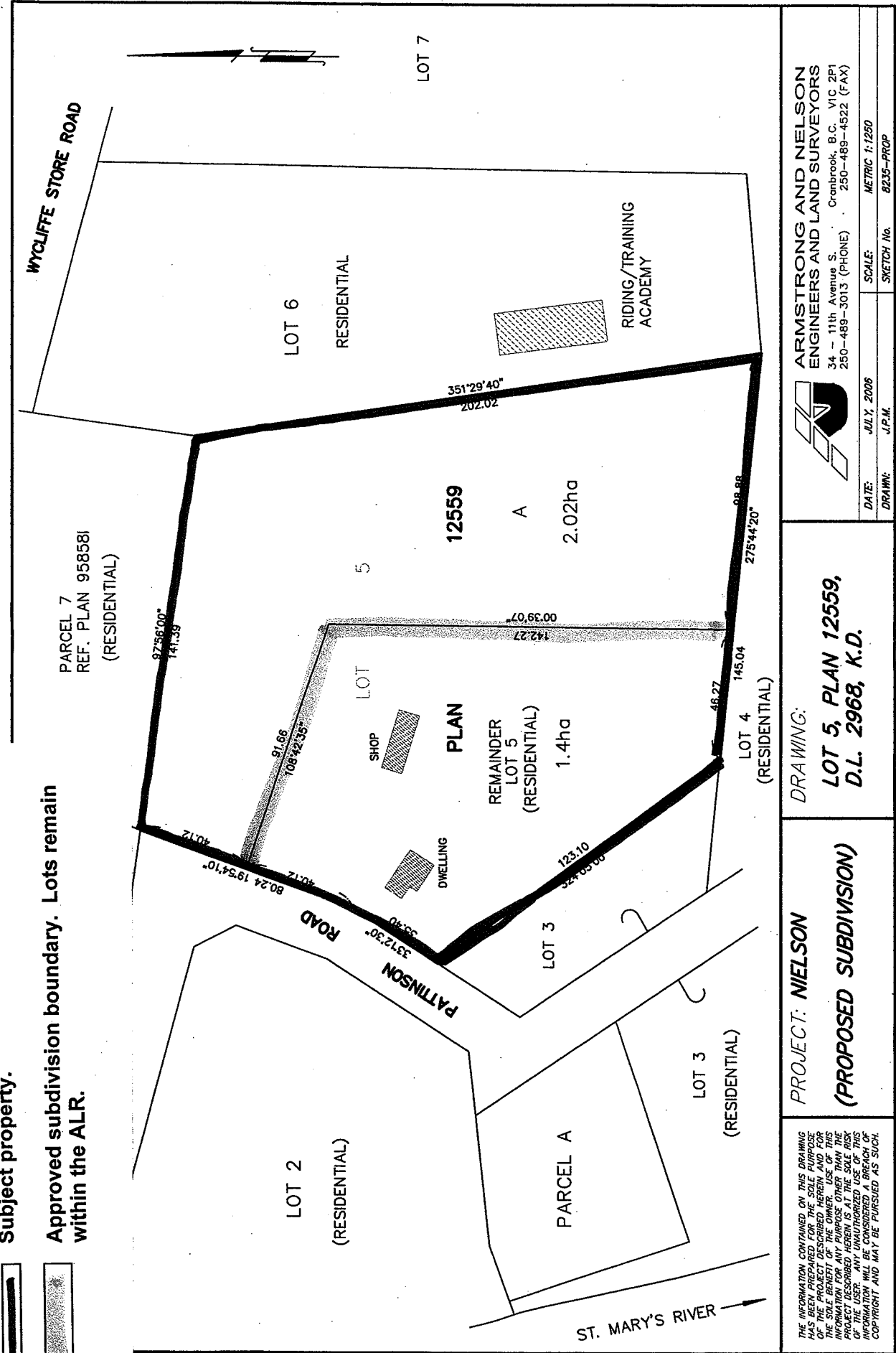
GB/lv/Encl.: Minutes/Sketch Plan  
36929d1

# Provincial Agricultural Land Commission

Application: L-36929  
 Resolution # 611/2006

Subject property.

Approved subdivision boundary. Lots remain within the ALR.



THE INFORMATION CONTAINED ON THIS DRAWING HAS BEEN PREPARED FOR THE SOLE PURPOSE OF THE PROJECT DESCRIBED HEREIN AND NO INFORMATION FOR ANY PURPOSE OTHER THAN THE PROJECT DESCRIBED HEREIN IS AT THE SOLE RISK OF THE USER. ANY UNAUTHORIZED USE OF THIS INFORMATION WILL BE CONSIDERED A BREACH OF COPYRIGHT AND MAY BE PURSUED AS SUCH.

PROJECT: NIELSON  
 (PROPOSED SUBDIVISION)

DRAWING:  
 LOT 5, PLAN 12559,  
 D.L. 2968, K.D.

ARMSTRONG AND NELSON  
 ENGINEERS AND LAND SURVEYORS  
 34 - 11th Avenue S. Cranbrook, B.C. VIC 2P1  
 250-489-3013 (PHONE) 250-489-4522 (FAX)

DATE: JULY, 2006  
 DRAWN: J.P.M.  
 SCALE: METRIC 1:1250  
 SKETCH No. 8235-PROP



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on October 18, 2006 at Cranbrook, B.C.

<b>PRESENT:</b>	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Erik Karlsen	Chair, ALC
	Gordon Bednard	Staff, ALC

### For Consideration

Application: # L - 36929  
Applicant: John and Valerie Nielsen  
Proposal: To subdivide a 1.4 ha lot from the 3.4 ha subject property.  
Legal: PID: 006-769-802  
Lot 5, District Lot 2968, Kootenay District, Plan 12559  
Location: 9938 Pattinson Road - Wycliffe Core Area

### Site Inspection

A site inspection was conducted on October 17, 2006. Those in attendance were:

Monika Marshall	Chair, Kootenay Panel
Carmen Purdy	Commissioner
Erik Karlsen	Chair, ALC
Gordon Bednard	Staff, ALC
Valerie Nielsen	Owner

The Commission toured the property and the area, and discussed the proposal with the applicant.

### 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

#### **Assessment of Agricultural Capability**

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. In the case of this subject property, the capability rating was improved class 4 (secondary) due to high stoniness.

**Assessment of Agricultural Suitability**

The Commission next assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission believes there are external factors that render the land unsuitable for agricultural use. The property is located in an area which is highly fragmented and used for residential and some light industrial purposes. The Commission felt that these two factors render the property less suited to future agricultural use.

**IT WAS**

**MOVED BY:** Commissioner Carmen Purdy  
**SECONDED BY:** Commissioner Monika Marshall

THAT the application be approved.

AND THAT the approval is subject to the subdivision be in substantial compliance with the plan submitted with the application.

AND THAT 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 # 611/2006**



**Staff Report**  
**Application # L – 36929**  
**Applicant: John and Valerie Nielsen**  
**Agent: Armstrong and Nelson Engineers and Land Surveyors**

**DATE RECEIVED:** September 7, 2006

**DATE PREPARED:** October 6, 2006

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To subdivide a 1.4 ha lot from the 3.4 ha subject property.

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

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

PID: 006-769-802  
Lot 5, District Lot 2968, Kootenay District, Plan 12559

**Purchase Date:**

January 1988

**Location of Property:**

9938 Pattinson Road - Wycliffe Core Area

**Size of Property:**

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

**Present use of the Property:**

Residential, wood frame shed

**BACKGROUND INFORMATION (continued):**

**Surrounding Land Uses:**

**WEST:** Road then residential  
**SOUTH:** Residential  
**EAST:** Residential and horse riding/training academy  
**NORTH:** Residential

**Agricultural Capability:**

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

**Official Community Plan and Designation:**

OCP: Bylaw No. 873 (1989)  
Designation: RR-1 Rural Residential

**Zoning Bylaw and Designation:**

N/A  
Minimum Lot Size: 1 ha

**RELEVANT APPLICATIONS:**

**Application #27230-0**

**Applicant:** Randy & Robin Kulyk  
**Decision Date:** March 11, 1993  
**Proposal:** To subdivide the 62 ha property into 2 lots of 27.6 and 34.6 ha as divided by the highway.  
**Decision:** Refused - on the grounds that it did not want to parcelize a large parcel of agricultural land.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**East Kootenay Regional District Board:** Forwarded the application with a recommendation of support.

**Area 'C' Advisory Planning Commission:** Recommends approval as subdivision is the best use of the land, which is generally poor.

**Planning Staff:** Recommend support.

**Agricultural Advisory Commission:** Accepted application, proposal fits into existing rural residential area and does not affect agriculture.

**STAFF COMMENTS:**

Staff suggests the Commission consider the following:


- If allowed, the subdivision would create one 1.4 ha property and one 2 ha property. As parcels get smaller, the agricultural suitability decreases and the number of residents in the agricultural area increases (potentially leading to conflict).

**ATTACHMENTS:**

- ALR Context Map
- Proposed subdivision plan (supplied by agent)
- Airphoto (supplied by Regional District)

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**END OF REPORT**

  
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**Signature**

Oct 6, 06  
\_\_\_\_\_  
**Date**