



**Agricultural Land Commission**  
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August 8, 2007

Reply to the attention of Terra Kaethler  
ALC File: # L - 37422

Sue Pattinson  
9524 Pighin Road  
Cranbrook, BC V1C 6C9

Dear Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 376/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'EKARLSEN', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P-707-309)

Enclosure: Minutes

TK/lv/37422d1.



A meeting was held by the Provincial Agricultural Land Commission on 13<sup>th</sup> July 2007 at the offices of the Integrated Land Management Bureau, Ministry of Agriculture and Lands, Cranbrook, B.C.

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

**For Consideration**

Application: # L - 37422  
Applicant: Thomas and Adel MacDonald  
Agent: Sue Pattinson  
Proposal: Subdivision for a Relative: The proposal is to subdivide a 65 ha parcel to create 4 lots for family members: a 10 ha lot, two (2) 12 ha lots, and a remainder lot of 30 ha.  
Legal: PID: 011-848-006  
Sublot 4, District Lot 341, Kootenay District, Plan X40  
Location: 9524 Pighin Road, Wycliffe Area

**Site Inspection**

A site inspection was conducted on July 12, 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
- Sue Pattinson Agent (current resident of property)

The Commission met with the agent and viewed the area to be subdivided. The Commission noted that the property was surrounded by ranch lands. The agent informed the Commission that she is the current resident of the property and the applicants are her children. The proposed subdivision would facilitate separate parcels for the agent and her children.

The agent confirmed that the staff report dated June 26, 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**

### **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.

The agricultural capability of the soil of the subject property is:

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

### Subclasses

M	soil moisture deficiency
P	stoniness
T	topography

Given the large size of the property, the Commission considered the agricultural capability of the property to be reasonably high, particularly for ranching or grazing activity. Further, the Commission considered that the agricultural capability ratings for this property are similar to, or higher than, surrounding lands in the area which are used for extensive ranching operations.

Therefore the Commission determined that maintaining the property as a large parcel would have more potential for agriculture.

### **Assessment of Agricultural Suitability**

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The subject property is in a ranching area of predominantly large parcels. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

### **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 believes the proposal would impact existing or potential agricultural use of surrounding lands.

In the Commission's view, the reduction of parcel size reduces the available options for agricultural use, and as such, the subject parcel has more agricultural value as a single unit. The Commission believed that the proposed subdivision would negatively impact agricultural opportunities in the long-term.

### **Assessment of Other Factors**

While the Commission is sympathetic to the family circumstances cited by the agent during the onsite inspection, these cannot be considered by the Commission as reasons for subdivision of agricultural land. The Commission is not in favour of the creation of additional residential lots as these are seen by the Commission as having the potential to negatively impact present and future agricultural activity in the area.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

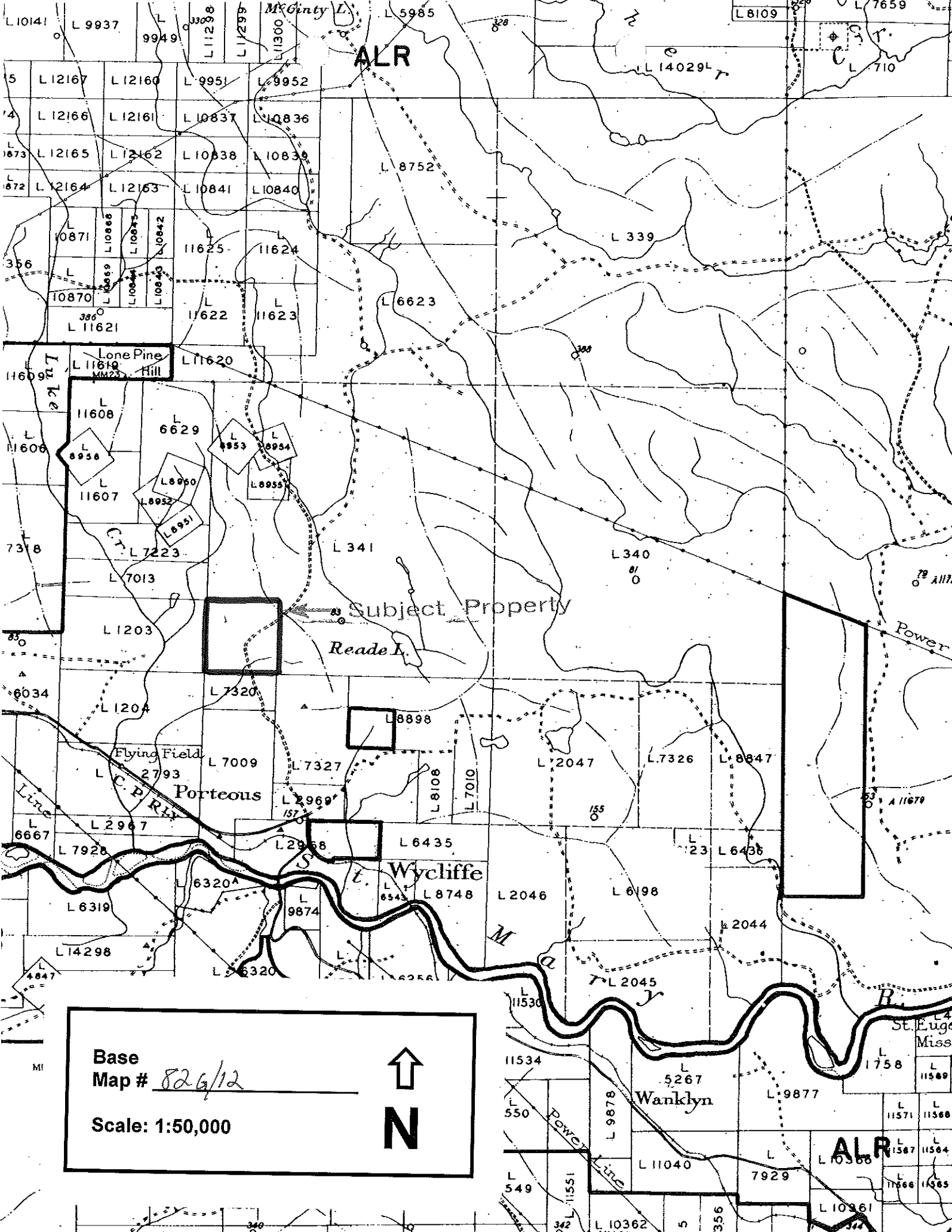
**MOVED BY:** Commissioner Griffin

**SECONDED BY:** Commissioner Purdy

THAT the application be refused.

### **CARRIED**

**Resolution # 376/2007**



Base  
 Map # 826/12  
 Scale: 1:50,000



Subject Property

Reade R.

Flying Field  
 C.P.R.  
 Porteous

Wycliffe

Wanklyn

St. Eugene  
 Miss

ALR



**Staff Report**  
**Application # L – 37422**  
**Applicant: Thomas and Adel MacDonald**  
**Agent: Sue Pattinson**

**DATE RECEIVED:** May 10, 2007

**DATE PREPARED:** June 26, 2007

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

**FROM:** Terra Kaethler, Land Use Planner

**PROPOSAL:** Subdivision for a Relative: To subdivide a 65 ha parcel to create 4 lots for family members: a 10 ha lot, two (2) 12 ha lots, and a remainder lot of 30 ha.

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: 011-848-006  
Sublot 4, District Lot 341, Kootenay District, Plan X40

**Purchase Date:**

1986-03-01

**Location of Property:**

9524 Pighin Road, Wycliffe Area

**Size of Property:**

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

**Present use of the Property:**

Homestead and some minor outbuildings, no existing agricultural use on remaining lands.

**BACKGROUND INFORMATION (Cont.):**

**Surrounding Land Uses:**

**WEST:** Grazing Lands  
**SOUTH:** Hobby Farm  
**EAST:** Grazing/Farm Equipment Storage  
**NORTH:** Alhalfa fields/Water Rights to St. Marys River for Irrigation

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82G/12  
The majority of the property is identified as having Mixed Prime and Secondary ratings. The majority of the property is identified as being improvable to Class 4. Limitations include moisture deficiency, stoniness and topography.

**Official Community Plan and Designation:**

Wycliffe Land Use Bylaw No. 873 (1989)  
Designation: RR-60 Rural Resource

**Zoning Bylaw and Designation:** N/A  
Minimum Lot Size: 60 ha

**PREVIOUS APPLICATIONS:**

**Application #19577-0**

**Applicant:** Buddenhagen, RV  
**Decision Date:** November 18, 1985  
**Proposal:** To subdivide the subject property into 6 parcels of 8 ha each.  
**Decision:** Refused on the grounds that introducing smaller parcels into this area would have a negative impact on agriculture.

**Application #15621-0**

**Applicant:** Buddenhagen, Ron  
**Decision Date:** November 16, 1982  
**Proposal:** To subdivide three (3) 2.0 ha lots  
**Decision:** Refused on the grounds that introducing small residential lots into this area would negatively impact agriculture.

**RELEVANT APPLICATIONS:**

**Application #36875-0 (Adjacent corner East)**

**Applicant:** Van Steenburg, Raymond  
**Decision Date:** October 17, 2006  
**Proposal:** To subdivide a 4.5 ha property from the 83.1 ha property. The applicants are offering to tie the remainder of the 83.1 ha property to an adjacent 24.3 ha property.  
**Decision:** Allow, subject to receipt of proof of binding of titles covenant - granted in lieu of Homesite Severance in future.

**Application #36539-0**

**Applicant:** Johnson, Barry & Maureen  
**Decision Date:** June 27, 2006  
**Proposal:** To subdivide approximately 4.5 ha off the subject property as divided by Wycliffe

**Decision:** Cherry Creek Road.  
Refuse as the Commission did not wish to introduce a rural residential lot into an agricultural area.

**Application #36619-0**

**Applicant:** Ryan, Patricia M. and James Gordon

**Decision Date:** June 27, 2006

**Proposal:** To subdivide a 7.9 ha parcel from the 160 ha subject property as divided by a road

**Decision:** Allow the proposed subdivision as it was demonstrated that the area north of the road was not useful for the operation of the whole farm. This decision was subject to the applicants' proposal to use the proceeds of the subdivision to pay for a water system to enhance their existing cattle operation.

**Recon:** March 26, 2007: To remove the condition of approval to improve the irrigation system to enhance the existing cattle operation, as it was economically unfeasible. Allowed.

**Applicant:** Sawley, Brad & Janis

**Decision Date:** May 24, 2001

**Proposal:** To subdivide off approximately 6 ha in the southwest corner of the subject property which is divided by Highway 95 and CPR line. This portion of the property is difficult to access and would be sold to generate funds to purchase hay land nearby.

**Decision:** Allow as requested.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**East Kootenay Regional District Board:**

The Regional Board forwarded the application with a recommendation of support for subdivision into three (3) lots as physically divided by McClure and Pighin Roads, and registration of a covenant prohibiting sale of lots for 5 years.

**Advisory Planning Commission:**

Supports subdivision with the provision that the property be subdivided into three (3) parcels, not four (4), as bounded by roads.

**Agricultural Advisory Committee:**

Accepted as presented.

**Electoral Area Director:**

Supports application, subject to a covenant prohibiting sale of lots for 5 years. Does not see much difference between subdividing into 3 or 4 lots.

**Local Government Staff:**

Supports subdivision of three (3) lots only on the grounds that the land use bylaw will accommodate subdivision to create lots using existing roads as a dividing feature; creation of the 4<sup>th</sup> lot would require a bylaw amendment which may set a precedence for introducing smaller parcels in an area which consists of large farm holdings.



**STAFF COMMENTS:**

Staff recommend that the Commission consider the following:

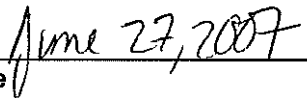
- The parcel is in an agricultural area of which the majority are large parcels. Introducing smaller residential lots into this area may negatively impact agriculture. A site visit will help to determine the impact of the proposal on agricultural use of the property and surrounding areas.

**ATTACHMENTS:**

- Brief from Applicant, 2 p. ("Schedule A")
- ALC Map 82G/12
- Land Use map of surrounding area
- ALC Airphoto Map
- Aerial Photo (Supplied by applicant)
- Aerial Sketch of Proposal
- ALC Agricultural Capability Map 82G/12
- Soil Map and information on conditions, 3 p. (Supplied by applicant)

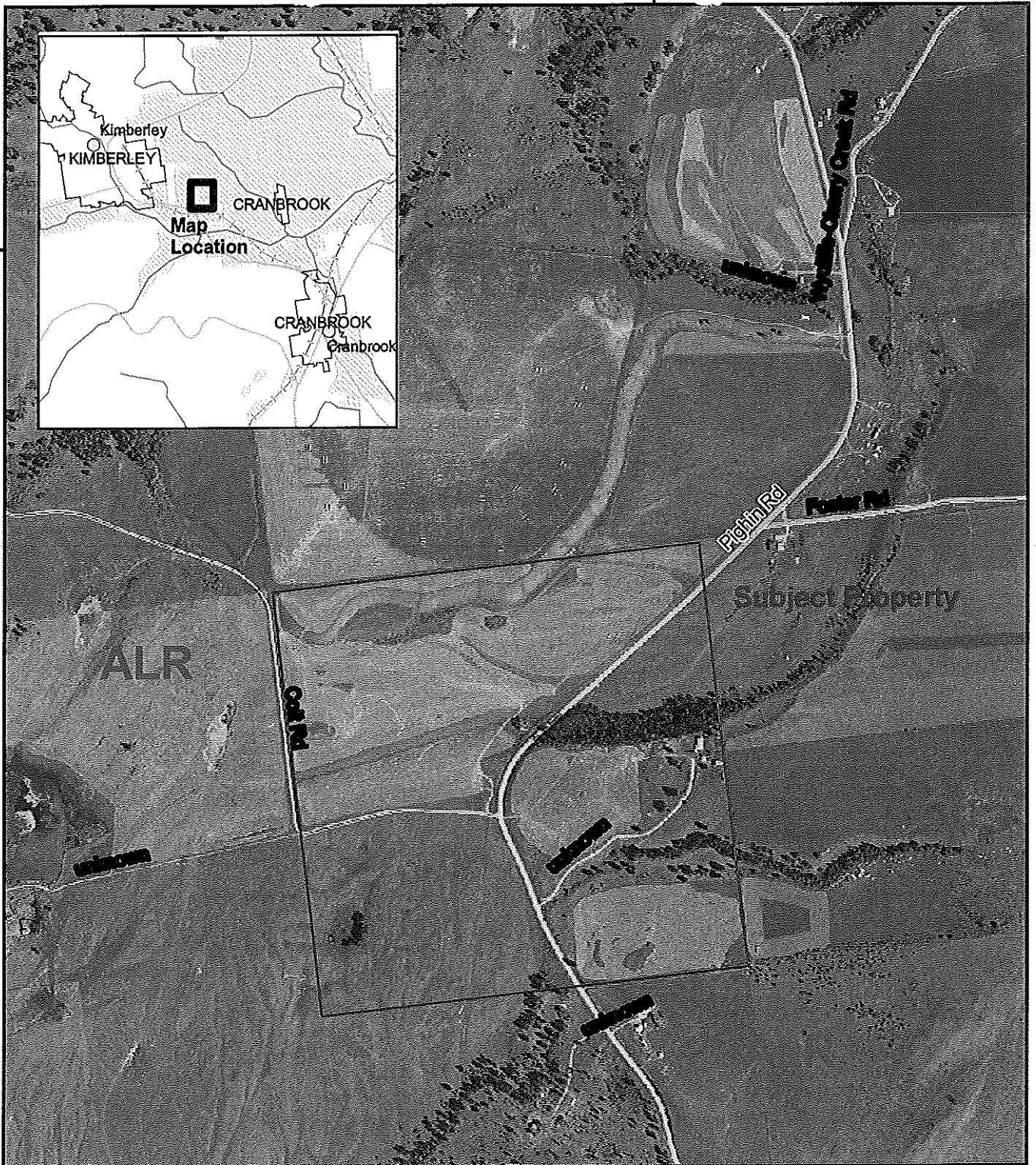
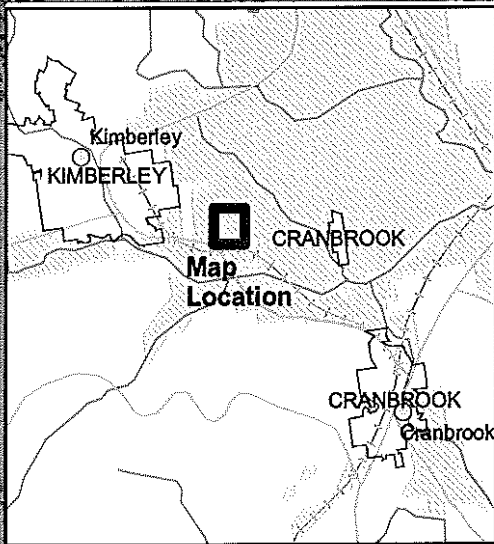
**END OF REPORT**

  
Signature

  
Date

115°52'0"W

49°35'0"N



115°52'0"W



Airphoto Map

Map Scale: 1:10,000



ALC File #: 21-07-37422

Mapsheet #: 82G.061

Map Produced: June 7, 2007

Regional District: East Kootenay