



Agricultural Land Commission
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August 14, 2007

Reply to the attention of Terra Kaethler
ALC File: # F - 37435

Barry and AlmaLynn Morcom
3308 – 5th Avenue A. South
Lethbridge, AB T1J OJ5

Dear Sir/Madam:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 371/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#A0713A-05811-100)

Enclosure: Minutes/Sketch Plan

TK/lv/37435d1



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

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

For Consideration

Application: # F - 37435
Applicant: Barry and AlmaLynn Morcom
Proposal: Non-farm use to construct a second dwelling on the subject property.
Legal: PID: 026-441-179
Lot 1, District Lot 7458, Kootenay District, Plan NEP78981
Location: Highway 3A, Kootenay Lake

Site Inspection

No site inspection was conducted.

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

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. In 2003, the Commission reviewed the ALR areas in Boswell and Gray Creek and determined there was no significant agricultural potential. Therefore the Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

IT WAS

MOVED BY: Commissioner Marshall

SECONDED BY: Commissioner Purdy

THAT the application be approved;

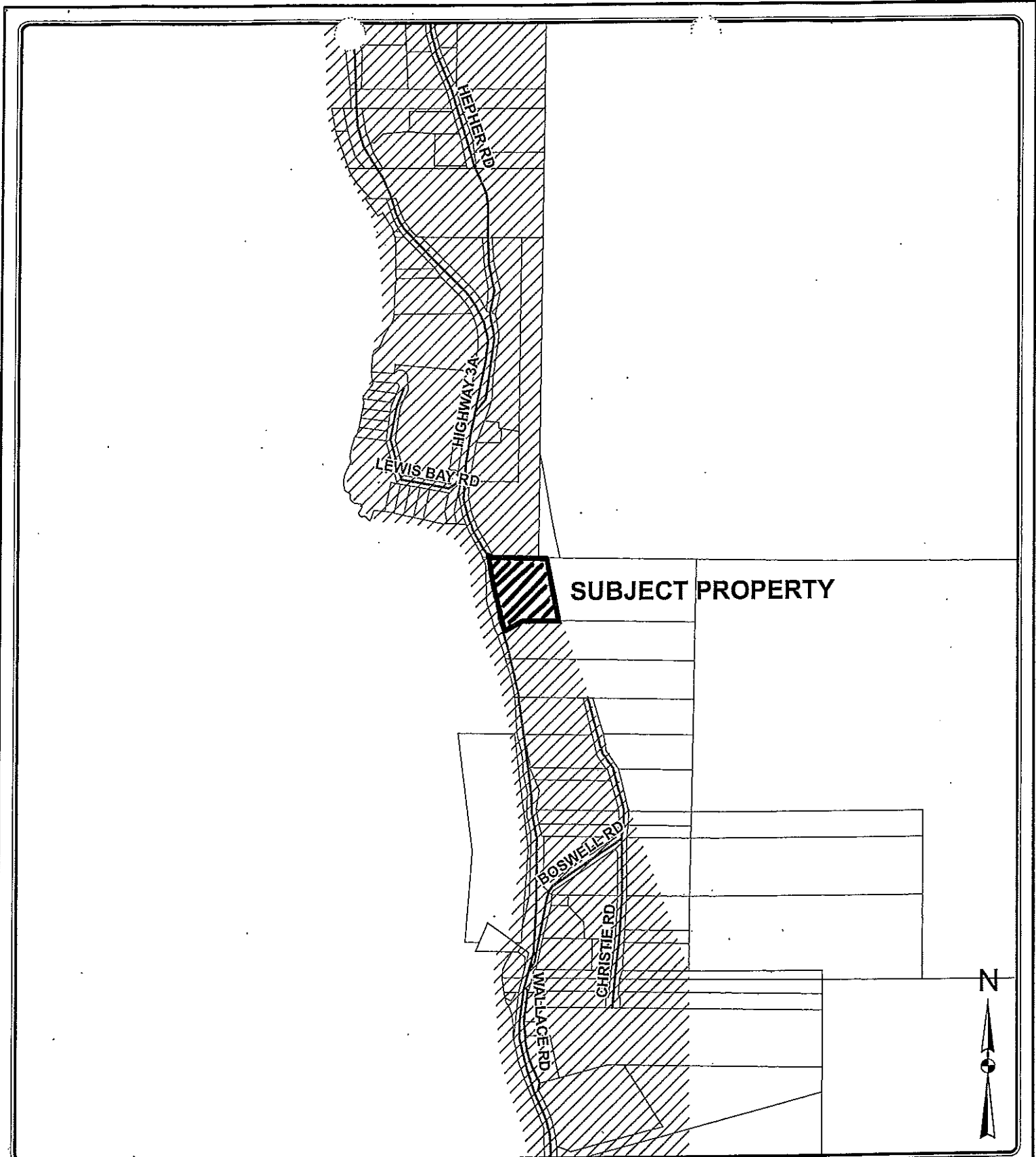
AND THAT the approval is subject to the following conditions:

- Construction of the additional dwelling must be completed within two (2) years from the date of this decision. If this decision is not acted upon within this time frame, the approval will expire.
- Submission of photographs confirming construction of the additional dwelling.

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 # 371/2007



Provincial Agricultural Land Commission
 Application # 37435
 Resolution #371/2007



Approved for second dwelling

Morcom)
11.100
Property

Map Scale:



Map Projection: UTM Zone 11 Map Datum: NAD83
 Date Plotted: 2006

Mapsheet:

82F047.3



Staff Report
Application # F – 37435
Applicant: Barry and AlmaLynn Marcom

DATE RECEIVED: May 17, 2007

DATE PREPARED: June 28, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: Non-farm use to construct a new home on the subject property. This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 026-441-179
Lot 1, District Lot 7458, Kootenay District, Plan NEP78981

Purchase Date:

November 1998

Location of Property:

Highway 3A, Kootenay Lake

Size of Property:

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

Present use of the Property:

Vacant Land

Surrounding Land Uses:

WEST: Kootenay Lake
SOUTH: Residential
EAST: Crown Land
NORTH: Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/7
The majority of the property is identified as having Prime Dominant ratings.

RELEVANT APPLICATIONS:

Application #36557-0

Applicant: Conrad, Howard and Gail
Decision Date: May 30, 2006
Proposal: To retain an existing double wide mobile home on the 3.2 ha property for someone other than a family member. The second dwelling had originally been occupied by the applicant's now deceased mother.
Decision: Approved in the light of the limited agricultural potential of the ALR in the Boswell area.

Application #36590-0

Applicant: Moreau, Joe
Decision Date: May 30, 2006
Proposal: To subdivide 7 lots from the 4.6 ha subject property. The lots vary in size from 0.1 ha to 0.9 ha, leaving a 1.2 ha remainder.
Decision: Approved in view of limited agricultural potential

Application #36591-0

Applicant: Mackie, William
Decision Date: May 30, 2006
Proposal: To subdivide a 0.5 ha lot from the 4.5 ha subject property.
Decision: Approved in view of limited agricultural potential

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Staff:
Have no objection to the proposed non farm use.

ATTACHMENTS:

1. Sketch of Proposal
2. Agricultural Capability Map
3. Base Map
4. Aerial Photograph

END OF REPORT


Signature

June 29, 2007
Date