



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

April 11, 2012

Reply to the attention of Lily Ford
ALC File 52438

Alfred and Margaret Trentham
Box 147
Morrin, AB
T0J 2B0

Dear Mr. and Ms. Trentham:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached Minutes of Resolution #110/2012 outlining the Commission's decision as it relates to the above noted application. Please also find a copy of the staff report that was presented to the Commission prior to the meeting.

If you have any questions, please do not hesitate to contact us.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Colin Fry, Executive Director

Enclosure: Minutes
Staff Report

cc: Regional District of East Kootenay

LF/52438d1

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission considered the size and agricultural capability of the property, noting its suitability for livestock grazing and forage crops, and found that approval of the proposed subdivision would reduce the agricultural potential of the property. In making its decision, the Commission acknowledged that the applicants are bona fide farmers who have made significant improvements to their property and an adjacent 93 ha Crown Land parcel, and that the applicants are now grazing horses and cattle on the property. The Commission also acknowledged that the purpose of the proposal was to allow the applicants' son to live on the property and assist with the emerging ranching operation. In the latter regard, the Commission noted that ALC Policy #8/2003 allows placement of a second home on ALR parcels, provided it is a manufactured home and is occupied by an immediate family member. For these reasons, the Commission concluded that proposed subdivision would have a significant impact on the agricultural potential of the property, and that alternatives exist that would allow the applicants' son to reside independently on site.

Other Factors

- On August 5, 2011, the Regional District of East Kootenay adopted Resolution 42525 in support of the proposal.
- The Advisory Planning Commission for Electoral Area "E" supports the proposal.
- Ministry of Agriculture Resource Stewardship Agrologist Darrell Smith provided the following comments:

Agriculture potential is limited due to the high water which seems to occur every few years. The best use would be a perennial forage crop that keeps the soil together. However, the amount one could produce would be limited on high water years. The subdivision would decrease agriculture potential in that more land is needed to make any sort of agriculture income. As parcels get smaller options become limited. However, more intensive type agriculture that occurs on a smaller footprint would still be an option.

DECISION:

IT WAS

MOVED BY: Commissioner Jim Collins
SECONDED BY: Commissioner Sylvia Pranger

THAT the application as proposed be refused for the following reasons:

1. The subject property has agricultural capability.
2. The proposed subdivision would have a significant impact on the agricultural potential of the property.

3. Alternatives exist that would allow the applicants' son to live on site in order to help with the ranching operation.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED
Resolution # 110/2012