



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

July 12, 2006

Reply to the attention of Ron Wallace

Dean & Jodi McLean  
PO Box 131  
Fauquier, BC V0G 1K0

Dear Sir/Madam:

Re: **Application #F - 36629**  
**Lot 2, District Lot 7604, Kootenay District, Plan 918**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the ALR portion of the above noted property from the ALR. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on June 26, 2006.

The Commission writes to advise that it approved your application. The above noted property shown on the attached map is excluded from the Agricultural Land Reserve Plan of the Regional District of Central Kootenay. By way of a copy of this letter the Registrar of Land Titles has been apprised of this decision and authorized to remove the ALR notation from the Certificate of Title.

The decision noted above is recorded as Resolution **#353/2006**.

It is a condition of this approval that the owner or occupier must 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. The Commission suggests you contact the Regional District of Central Kootenay at your earliest convenience.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

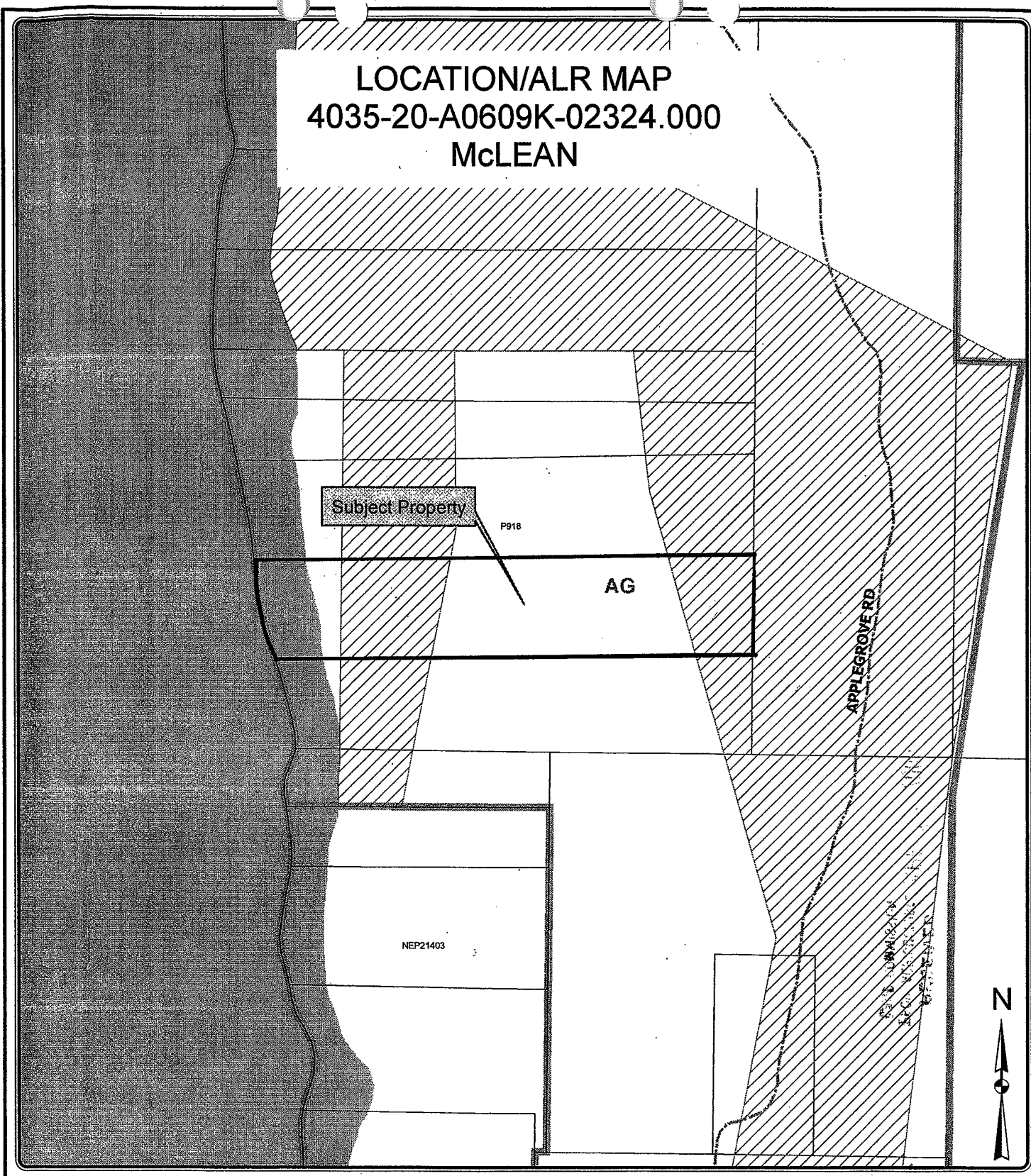
Per:

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (# A0606K-02324-000)  
Land Title Office - Kamloops

RW/lv/Encl.  
36629d1.

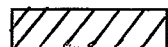
LOCATION/ALR MAP  
4035-20-A0609K-02324.000  
McLEAN



Provincial Agricultural Land Commission  
Application: F-36629  
Resolution #353/2006



Subject property.



±6.7 ha area approved for exclusion from the ALR.

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 26 June 2006 in Nelson, B.C.**

**PRESENT:**     Monika Marshall                             Chair  
                  Carmen Purdy                                 Commissioner

**STAFF:**       Ron Wallace, Land Use Planner

**For Consideration**

Ron Wallace presented the staff report dated May 18, 2006 regarding application #F-36629, Dean and Jodi McLean. The application is to exclude the 6.7 ha ALR portion of the 19.3 ha subject property from the ALR.

**Site Inspection and Exclusion Meeting**

A site inspection was conducted on June 26, 2006. Those in attendance were:

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Land Use Planner
- Applicants Dean and Jodi McLean

The Commissioners drove to the property and discussed the proposed exclusion with the applicants. It was noted that the property is "cut-up" by very steep topography and is generally unsuitable for agricultural use.

The site inspection lasted from 4:30 p.m. to 5:15 p.m.

**Commission Discussion**

It was determined from the on-site inspection that the subject property is unsuitable for agricultural use due to its steep topography and rocky soil conditions.

**IT WAS**

**MOVED BY:**             Commissioner C. Purdy  
**SECONDED BY:**       Commissioner M. Marshall

THAT the staff report be received and the application to exclude the 6.7 ha ALR portion of the 19.3 ha subject property from the ALR be approved as proposed.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



**Staff Report**  
**Application # F – 36629**  
**Applicant: Dean & Jodi McLean**

**DATE PREPARED:** May 18, 2006

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

**FROM:** Ron Wallace, Regional Research Officer

**PROPOSAL:** To exclude the 6.7 ha ALR portion of the 19.3 ha subject property from the ALR.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The majority of the ALR portion of the property has clay soils with an agricultural capability rating of Class 3. However, it is divided by the non-ALR portion of the property which is very rocky, has bedrock outcroppings, slopes from 10-55%, high concentrations of gravel and sand.

A petition in support of the removal of the ALR portion of the property was signed by 22 individuals. One letter was received opposing the exclusion of the property, stating that the land is being farmed and is home to several livestock.

**Local Government:**

Regional District of Central Kootenay

**Legal Description of Property:**

PID: 010-889-001  
Lot 2, District Lot 7604, Kootenay District, Plan 918

**Purchase Date:**

November 2005

**Location of Property:**

Applegrove Road, Fauquier

**Size of Property:**

19.3 ha (6.7 ha is in the ALR).

**BACKGROUND INFORMATION (continued):**

**Present use of the Property:**

Forested, vacant

**Surrounding Land Uses:**

**WEST:** Lower Arrow Lakes  
**SOUTH:** Undeveloped, seasonal residence  
**EAST:** Gravel pit, minimal grazing  
**NORTH:** Owned by the Land Conservancy of BC

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E/16  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

Rural Land Use Bylaw No. 1248  
Designation: Agriculture (AG)  
Minimum lot size: 8 ha

**PREVIOUS APPLICATIONS:**

**Application #12977-0**

**Applicant:** Farrer Holdings  
**Decision Date:**  
**Proposal:**  
**Decision:**

**RELEVANT APPLICATIONS:**

**Application #35630-0**

**Applicant:** Irene Olsen  
**Decision Date:** October 29, 2004  
**Proposal:** To exclude the subject property from the ALR in order to subdivide it for family matters. The property lies within the town of Fauquier, the northwest corner of the property is already outside the ALR and the soil capability characteristics are limited by undesirable structure (clay pockets), sloping topography and stoniness.  
**Decision:** Allowed.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional District of Kootenay Boundary:** Forwarded without comment.

**STAFF COMMENTS:**

There has been one previous application involving this property. The details of this application will be made available for the Panel to review before the scheduled on-site meeting.

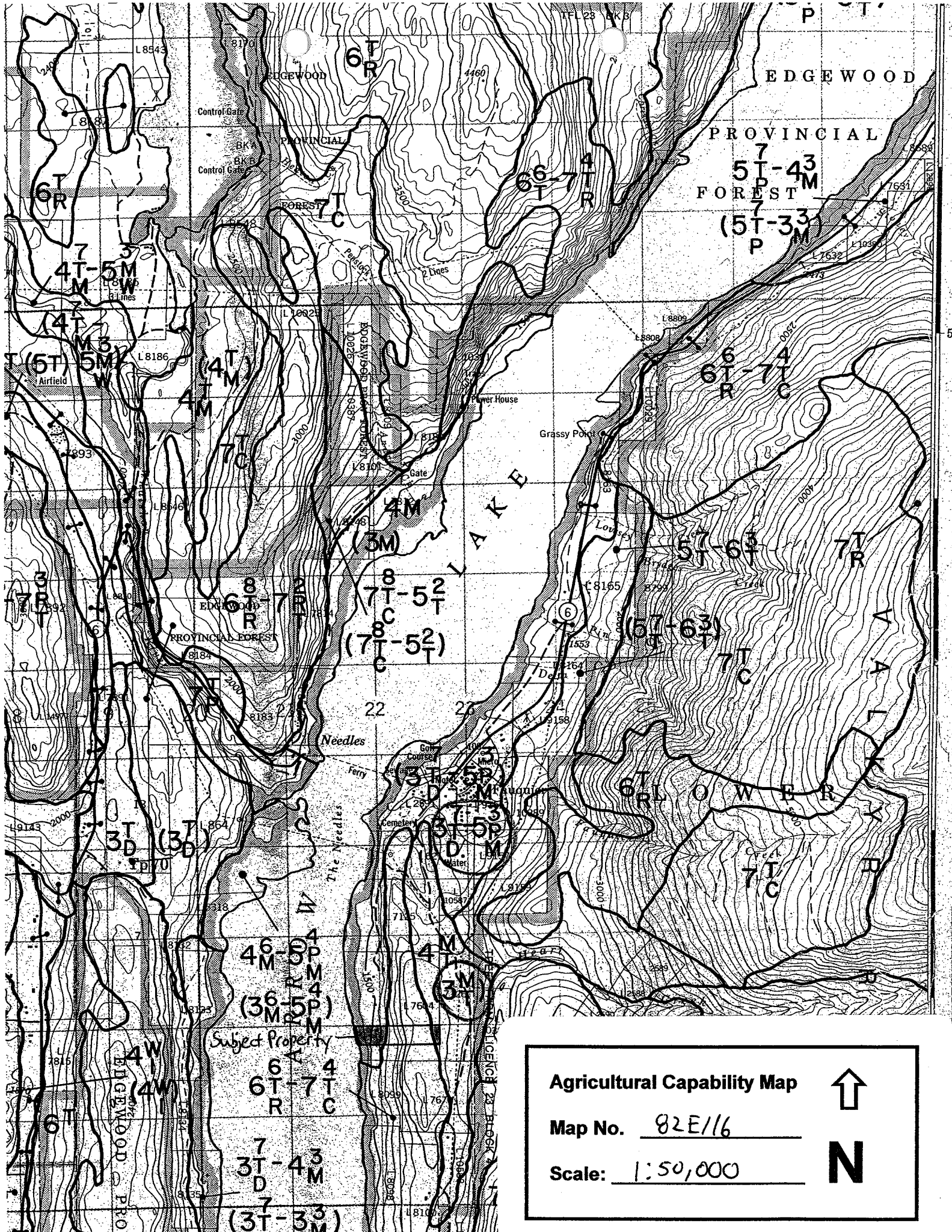
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**END OF REPORT**



\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**



**Agricultural Capability Map** 

**Map No.** 82E/16

**Scale:** 1:50,000 