



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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September 28, 2007

Reply to the attention of Terra Kaethler
ALC File: #F - 37404

Michael & Fay Mys
PO Box 119, 548 Willow Street
Fauquier, BC V0G 1K0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 462/2007 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:

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

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (A0710K-03007-000)

Enclosure: Minutes/Sketch Plan

TK/lv
37404d1.

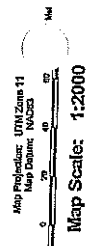


REGIONAL DISTRICT OF
CENTRAL KOOTENAY

LEGEND

- District Lot
- Right-of-Way
- Easement
- Platimetry
- Other data that may be present on the map
- Unsurveyed Roads
- Contours (20 metre intervals)
- Zoning
- Agricultural Land Reserve
- Contour Elevation
- Zoning Classification

LEGAL DESCRIPTION
GUIDELINE
 L 10220 (Parcel Lot)
 S1.12 (Sublot Lot)
 Bk. 7 (Block Lot)
 NEP68178 (Primary Plan)
 Lot 2 (Lot Number)



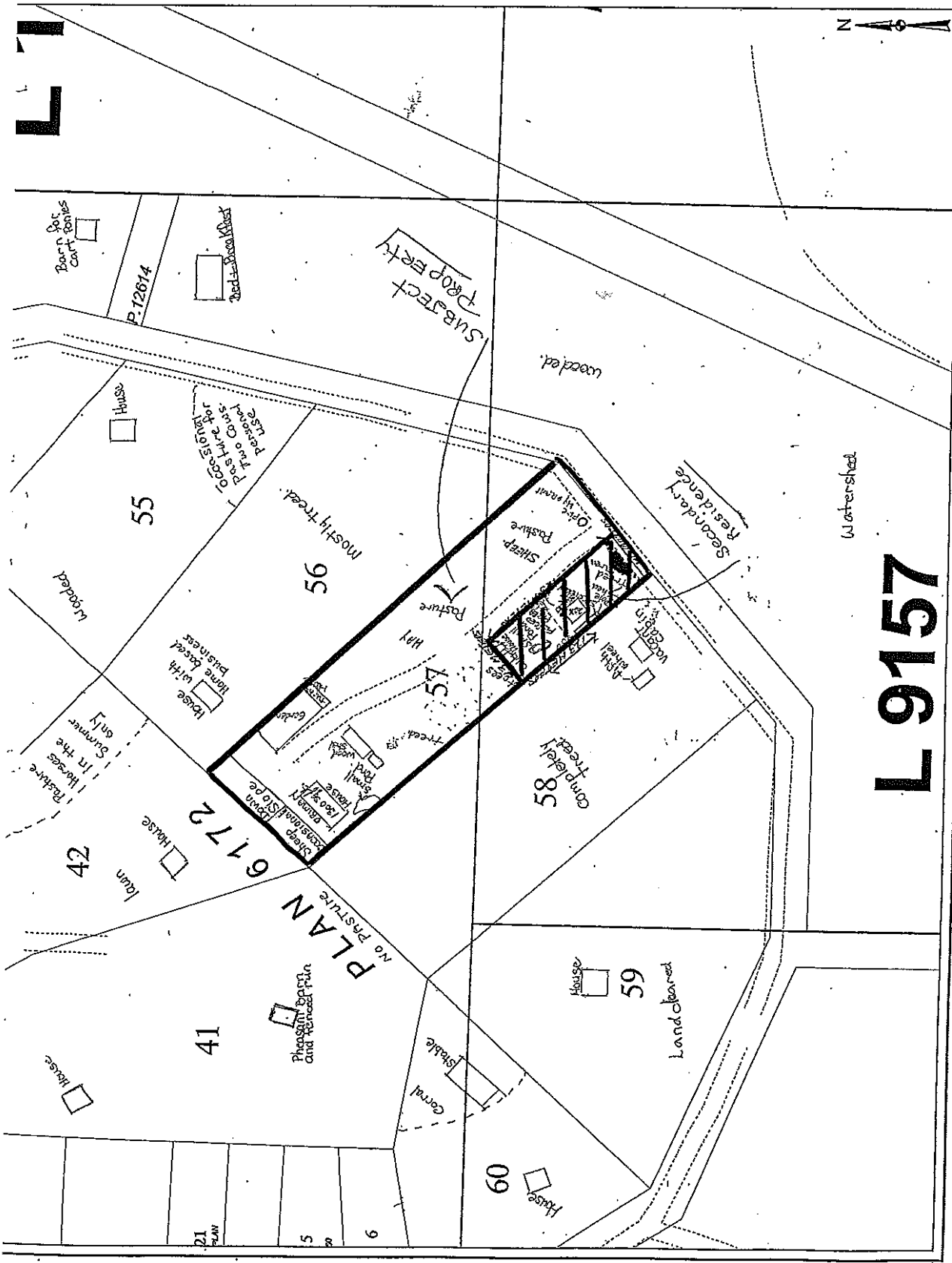
DATA SOURCES

The following sources of data are updated as changes occur:
 District Lot - Surveyed Subdivisions of Land (Green Land Registry Services and BCDC)
 Right-of-Way - BCDC, Planning Services
 Easements - BCDC, Planning Services
 Contours - British Columbia, Geomatics, BCDC
 Zoning - BCDC, Planning Services
 Agricultural Land Reserve - BCDC, Planning Services
 Contour Elevation - BCDC, Planning Services
 Zoning Classification - BCDC, Planning Services
 The map(s) information shown are approximately as indicated and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

BCGS INDEX MAP

82E090.3.4	82E090.4.3	82E090.4.4
82E090.3.2	82E090.4.1	82E090.4.2
82E090.1.4	82E090.2.3	82E090.2.6

BCGS MAPSHEET:
82E090.4.1



Provincial Agricultural Land Commission
 Application # 37404
 Resolution # 462/2007

- Subject Property
- Approximate area of approved subdivision

L 9157



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 06, 2007 in Nelson, B.C.

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

For Consideration

Application: # F- 37404
Applicant: Michael & Fay Mys
Proposal: To subdivide the subject property into two (2) parcels. The applicants want to relocate on the property to the smaller secondary residence and to sell the principle residence.
Legal: PID: 014-228-106
 Lot 57, District Lot 9156 & 9157, Kootenay District, Plan 6172
Location: 548 Willow Street, Fauquier

Site Inspection

A site inspection was conducted on September 5, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler ALC Staff
- Darryl Smith Agrologist, Ministry of Agriculture and Lands
- Michael and Faye Mys Applicants

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. The Commission considered that the size of the property was small and that the second dwelling was already in place. The proposal would not change the current use of the property. Further the Commission noted that the property was connected to town water and sewer, and that the majority of surrounded properties were used for residential purposes. Therefore, the Commission does not believe the proposal would impact existing or potential agricultural use of the subject property or surrounding lands.

Conclusions

That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Purdy

SECONDED BY: Commissioner Griffin

THAT the application to subdivide a parcel around the existing second dwelling, of approximately 0.4 ha be approved;

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- 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 # 462/2007



Staff Report
Application # F – 37404
Applicant: Michael & Fay Mys

DATE RECEIVED: May 07, 2007

DATE PREPARED: June 28, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide the subject property into two (2) parcels. The applicants want to relocate on the property to the smaller secondary residence and to sell the principle residence. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 014-228-106
Lot 57, District Lot 9156 & 9157, Kootenay District, Plan 6172

Purchase Date:

September 1997

Location of Property:

548 Willow Street, Fauquier

Size of Property:

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

Present use of the Property:

Residence, shop building with residential suite, pasture for sheep, fenced chicken yard, small tool shed, two small portable chicken pens

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:

Designation: AG - Agriculture

Zoning Bylaw and Designation:

Electoral Area K The Arrow Lakes Rural Land Use Bylaw No. 1248
Minimum Lot Size: 8 ha

RELEVANT APPLICATIONS:

PREVIOUS

Application #34536-0

Applicant: Mys, Michael & Fay

Decision Date: October 10, 2002

Proposal: To legalize the existence of a residential suite located in a workshop structure. Intended use is by applicant's daughter and husband.

Decision: Permitted the secondary dwelling in the workshop subject to the condition that it not be expanded beyond the existing area.

Application #34866-0

Applicant: Fauquier & District Golf Club

Decision Date: August 27, 2003

Proposal: To utilize 0.195 ha of the subject property as a campground and recreational vehicle (RV) commercial site with parking.

Decision: Allowed as requested.

Application #35630-0

Applicant: Olsen, Irene

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 as requested.

Application #36629-0

Applicant: McLean, Dean & Jodi

Decision Date: June 26, 2006

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

Decision: Allowed exclusion of the subject property from the ALR due to its unsuitability for agricultural use.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Staff:

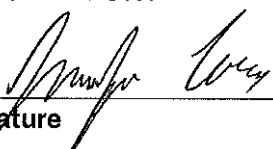
Have no objection to the proposed subdivision subject to compliance with Subdivision Bylaw 1321 and Rural Land Use Bylaw 1248 (Section 5.4) minimum parcel size of 0.4 ha.

ATTACHMENTS:

1. Letter from Applicant
2. Sketch of Proposal
3. Agricultural Capability Map
4. Base Map
5. Aerial Photograph

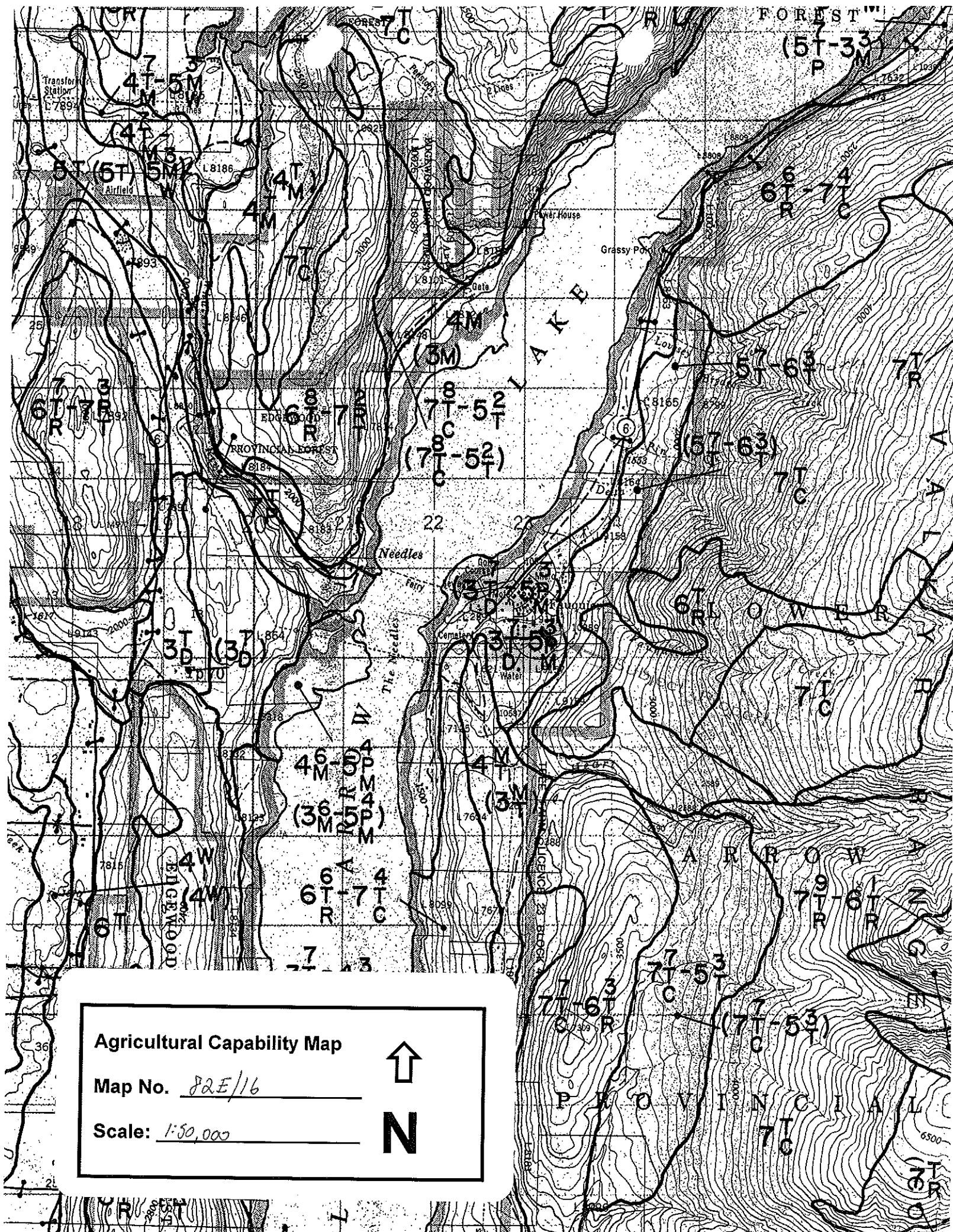
END OF REPORT

Signature



Date

June 29, 2007



Agricultural Capability Map

Map No. 82E/16

Scale: 1:50,000

