



Agricultural Land Commission
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August 18, 2006

Reply to the attention of Brandy Ridout
ALC File #H-36786

Nick Lebessis & Joanna Leedis
PO Box 2004
Golden, BC V0A 1H0

Dear Sir and Madam:

Re: Application for subdivision and exclusion from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #409/2006 outlining the Commission's decision as it relates to the above noted application.

If you wish to proceed with the Commission's alternate approval, 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

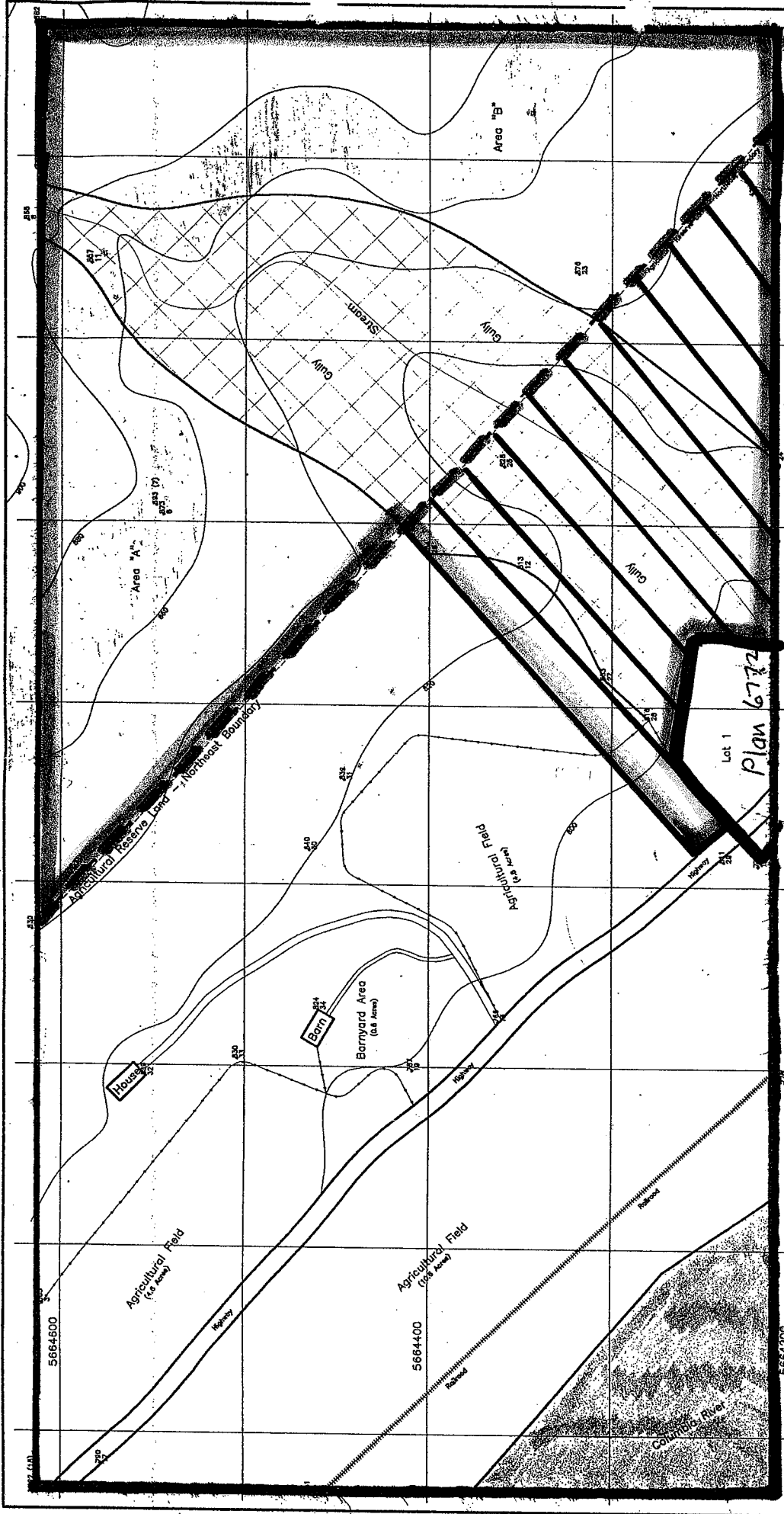
Per

Erik Karlsen, Chair

cc: Regional District of Columbia Shuswap (LC2338-A)

BR/lv/Encl.: Minutes
Sketch Plan

36786d1



LEBESSIS / LEEDIS PROPERTY -	
N 1/2 SW 1/4 SEC. 16 TP. 25 R 20	Project No.
Design: N. A. Kosobudnik S.E.	1
Review: DMPT	Date: 27/04/03
Draw: N. A. Kosobudnik	Scale: 1:2500


MAP 1
517800
EXISTING SITUATION


518000
Existing ALR Boundary

518200
Existing Boundaries

518400

Provincial Agricultural Land Commission
Application #H-36786
Resolution #409/2006

 area approved for subdivision

 area approved for exclusion from the ALR

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 1, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23rd Street, Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff

For Consideration

Application #	H-36786
Applicants	Nick Lebessis & Joanna Leedis
Proposal	To subdivide a 16.4 ha lot from the 32 ha subject property and exclude 5.1 ha from the ALR (also see application #H-36787).
Legal	PID: 016-526-538 The North ½ of the South West ¼ Section 16, Township 25, Range 10, W5M, Kamloops Division Yale District, Except (1) part outlined pink on RW1155 and (2) part included in Plan 6772
Location	2581 Highway 95 at Carbonate Creek, near Parson

Site Inspection

A site inspection was conducted on May 25, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Applicant: Nick Lebessis

Mr. Lebessis confirmed that he had received the draft staff report dated May 18, 2006 and did not identify any errors.

Discussion

The Commission discussed that the creek gully essentially divides the eastern portion of the subject property from the remainder. The Commission believed that the exclusion of the creek and the portion of the property lying to the east of the creek would have no impact on agriculture. However, it noted that the land being proposed for exclusion lying to the west of the creek appeared to have some agricultural capability.

The Commission noted that the portion of the property being proposed for inclusion is 80% Class 6 and 20% Class 7 and had been excluded under a previous application. The Commission did not believe that inclusion of the 0.5 ha area would benefit agriculture.

IT WAS

MOVED BY:	Commissioner McCoubrey
SECONDED BY:	Commissioner Irvine

THAT the application be refused as proposed

AND THAT the Commission would approve the subdivision of the property along the western edge of the creek and exclusion of the resulting area lying to the east subject to the subdivision being in substantial compliance with the attached sketch.

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 #409/2006**



Staff Report
Application #H-36786
Applicant: Nick Lebessis & Joanna Leedis
Location: south of Golden

DATE RECEIVED: June 29, 2006

DATE PREPARED: July 20, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide a 16.4 ha lot from the 32 ha subject property and exclude 5.1 ha from the ALR.

This application is made pursuant to section 17(3) and 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Under an associated application, #H-36787, the applicants have proposed to include 0.5 ha into the ALR in exchange for the exclusion of the 5.1 ha area. The applicants state that the proposal would be the exchange of non-ALR land with agricultural potential for ALR land with little or no agricultural potential and would result in the creation of one 16.4 ha ALR lot and one 15.6 ha non-ALR lot.

A large portion of the property, comprising the lands around the flow of Carbonate Creek, is a huge canyon reaching depths of 200 metres.

If the application is successful, the applicant intends to develop the new non-ALR lot for future residential/recreational development.

Local Government:

Columbia Shuswap Regional District

Legal Description of Property:

PID: 016-526-538

The North ½ of the South West ¼ Section 16, Township 25, Range 10, W5M, Kamloops Division Yale District, Except (1) part outlined pink on RW1155 and (2) part included in Plan 6772

Purchase Date:

January 1993

Location of Property:

2581 Highway 95 at Carbonate Creek, near Parson

BACKGROUND INFORMATION (continued):

Size of Property:

32.0 ha

Present use of the Property:

Hayfield and pasture: 8.1 ha – grazing and occasional hay harvesting
Remainder of property: 34.3 ha – forested, gullied, unimproved
Buildings: house, barn

Surrounding Land Uses:

WEST: Grazing between Highway 97 and CPR
SOUTH: Farming along and north of Highway 97
EAST: Forested, logging
NORTH: Forested, some logging

Agricultural Capability:

Data Source: Agricultural Capability Map # 82 N/2
The majority of the property is identified as having secondary ratings (approximately 50% 4 limited by low fertility and topography, 40% Class 6 limited by topography and stoniness, and 10% Class 7 limited by topography).

Official Community Plan and Designation:

No OCP or zoning exists in this area.

PREVIOUS APPLICATIONS:

Application # H-15506

Applicant: Columbia Shuswap Regional District
Decision Date: July 31, 1985
Proposal: To exclude approximately 2,494 ha of land from the Nicolson Harrogate area located near Golden and to include approximately 452 ha of land into the ALR. Joint Application.
Decision: Allowed by Cabinet.
The northeast portion of the current subject property was excluded in this application.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Columbia Shuswap Regional District Board: Recommend concurrence with Development Services' staff report.

Development Services: Recommend approval. Where larger blocks of land have Class 5, 6 and 7 soils, they may be used for natural grazing lands and therefore should be retained in large blocks are remain in the ARL. However, where lands are compromised by topography such as ravines and gullies, natural grazing may not be an option. If access is moved to along the northwestern portion of the property to limit any potential compromise to Carbonate Creek, it would involve more agricultural land than the current proposal.

OTHER COMMENTS:

Two letters were received regarding the application.

One from neighbours who indicated that they are in support of the application as it will leave all the hayfields in the ALR and will take out the wooded hillside and the steep-sided draw that includes Carbonate Creek. However, they are concerned about the environmental impacts of the proposed access road being located right next to Carbonate Creek.

The second was part of the supporting information provided by Rod Drown, who is assisting the applicants. It included the following points:

- The applicant is willing to do an exchange of land – removing some marginal land from the ALR and including some other land of higher potential agricultural value into the ALR.
- The applicant is proposing to subdivide the land according to agricultural suitability.
- The location of the proposed boundary between the two lots is necessary to ensure that there is enough space for switchbacks should the applicant wish to construct a road of manageable grade to the top of the northern-most portions of the property.

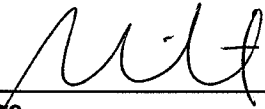
STAFF COMMENTS:

Staff suggests the Commission consider the following:

- The area east of the creek appears to be quite limited in agricultural capability.
- The area west of the creek appears to have better agricultural capability and a portion is currently used for grazing/hay production.
- The 0.5 ha portion being proposed for inclusion was excluded under application #H-15506.

END OF REPORT

Signature



Date

July 20, 06