



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

May 22, 2014

ALC File: #53431

Paul Nenasheff and Elisha Stebbings  
1640 Deep Creek Road  
Enderby, B.C. V0E 1V3

Dear Mr. Nenasheff and Ms. Stebbins:

**Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #115/2014 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

By way of a copy of this letter, the Commission is advising the Registrar of Land Tittles of its order and confirming that the ALR notation is to be removed from Certificate of Title # CA1287631.

Further correspondence with respect to this application is to be directed to Ron Wallace.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Colin J. Fry', is written over a horizontal line.

Colin J. Fry, Chief Tribunal Officer

Enclosures: Minutes of Resolution #115/2014  
Sketch plan

cc: Columbia Shuswap Regional District (File: LC2484)  
BC Land Title and Survey - Kamloops

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 26, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application # 53431.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

### COMMISSION STAFF PRESENT:

Ron Wallace	Planner
Colin Fry	Chief Tribunal Officer

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**PROPOSAL** (Submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

To exclude the 2.2 ha ALR portion of the subject property. A father and his daughter own the property and they wish to subdivide the property so they can have separate parcels.

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### PROPERTY INFORMATION:

**Owners:** Paul Nenasheff and Elisha Stebbings

**Legal:** PID: 006-591-868  
Lot A, Section 30, Township 18, Range 9, West of the 6<sup>th</sup> Meridian, Kamloops  
Division, Yale District, Plan 23031

**Location:** 1640 Deep Creek Road, Enderby

**Size:** 3.3 ha

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### SITE INSPECTION

A site inspection was conducted on March 5, 2014. Those in attendance included Commissioners Bullock, Miles and Johnson, ALC Planner Ron Wallace, Paul Nenasheff and Elisha Stebbings.

It was observed that approximately the western third of the subject property lies outside of the ALR as it is steep hillside with no capability for agriculture. The remaining eastern portion of the property lies within the ALR and contains a single family dwelling, one cabin and several outbuildings including a chicken coop and barn. It was noted that the ALR portion of the

property is significantly limited for agricultural use due to its relatively small size (i.e. 2.2 ha) and given that there is a large rocky outcropping located towards the southeast portion of the property.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. Commissioners Miles, Johnson and Bullock gave a verbal summary of the site inspection to all Commission members recorded above.

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#### LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
  - (c) 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.

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#### COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The Commission noted that the subject property, located west of Deep Creek Road, is on the western edge of the ALR boundary in the Ranchero/Deep Creek area with a portion of the property (i.e. approximately a third of the area) lying outside of the ALR; and that the majority of the best agricultural land in the area lies east of Deep Creek Road. While the Commission acknowledges the recommendation by the Columbia Shuswap Regional Board to refuse the proposed exclusion of ALR land from the subject property, it believes the subject property has significant limitations for agricultural use.

The Commission noted at the site inspection, that while the ALR portion of the property along Deep Creek Road is relatively flat, there is a large rocky outcropping located towards the southeast portion of the property; that together with the relatively small area of ALR land, significantly limits the capability and suitability for agriculture.

#### **Conclusion:**

That the proposed exclusion is supportable due to the limited agricultural potential of the ALR component of the subject property.

#### **IT WAS**

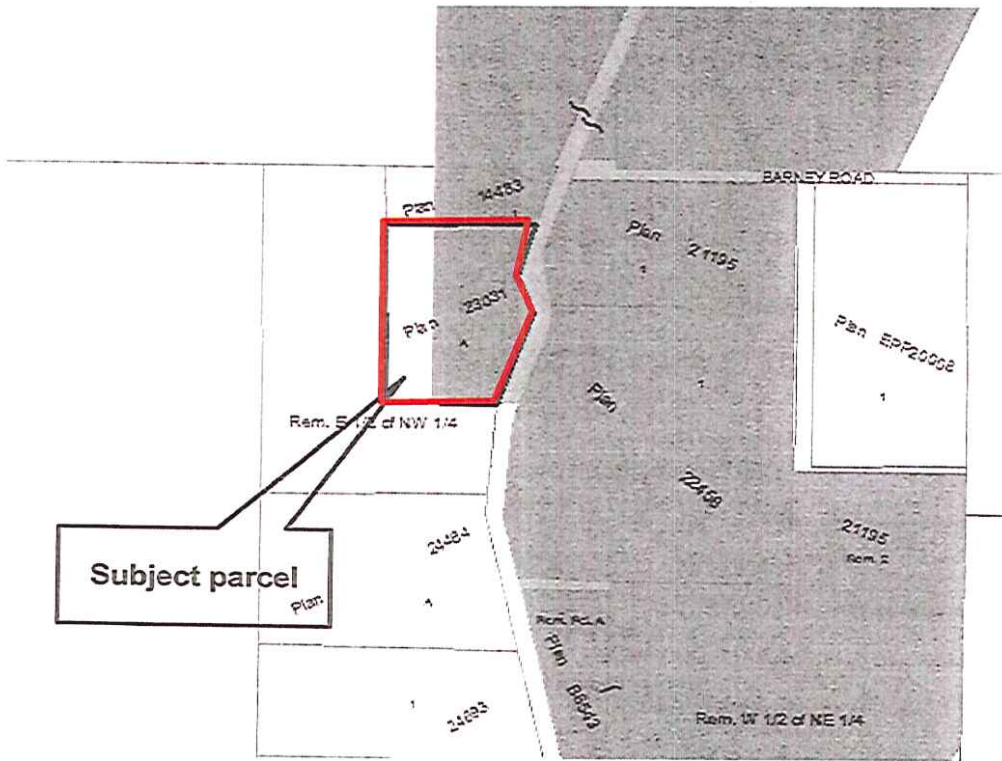
**MOVED BY:** Commissioner Johnson  
**SECONDED BY:** Commissioner Dempsey

THAT the request to exclude the approximate 2.2 ha ALR component of the of the property be approved.

AND THAT 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 #115/2014**

ALC Application # 53431 (Stebbings)



Property excluded  
by Resolution # 115/2014