



**Agricultural Land Commission**  
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September 25, 2009

Reply to the attention of Brandy Ridout  
ALC File: 50326

Terri & Robert Jensen  
2048 Payne Road  
Sicamous, BC  
V0E 2V4

Dear Mr. and Mrs. Jensen:

**Re: Application to Subdivide Land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #901/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in purple ink, appearing to read 'Erik Karlsen', is written over the printed name below.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Columbia Shuswap Regional District, 781 Marine Park Drive NE - Box 978, Salmon  
Arm, BC, V1E 4P1 (LC2419E)

BR/  
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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on September 3, 2009 in the Lakeview Salon, Prestige Hotel, Kelowna, B.C.**

<b>PRESENT:</b>	Roger Mayer	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff

### **For Consideration**

Application:	50326
Applicant:	Terri & Robert Jensen
Proposal:	To subdivide a 0.4 ha lot from the 1 ha subject property.
Legal:	PID: 013-523-571 Lot 11 Section 17 Township 22 Range 7 West of the 6th Meridian Kamloops Division Yale District Plan 8780, Except Part Included in Plan 11757
Location:	2048 Payne Road, Sicamous

### **Site Inspection**

A site inspection was not conducted for the application.

### **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**

#### **Assessment of Agricultural Capability**

The agricultural capability of the soil of the subject property is 70% Class 4 and 30% Class 5, both with limitations of stoniness and topography. Class 4 land has limitations that require special management practices or severely restrict the range of crops, or both. Class 5 land has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

#### **Assessment of Agricultural Suitability**

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission believed that the size of the property, its agricultural capability and the surrounding land use limit the suitability of the property for agricultural use.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. In 1982, the Commission suggested to the Regional District that the remaining small lots in this area could be excluded. Resolution #2768/1982 allowed the exclusion of the property lying to the west of the subject property and two other adjacent parcels were later excluded under applications #H-12880 and #H-12882. At this time, the Commission was not prepared to support an essentially residential lot subdivision in the ALR. It believed that if subdivision was allowed, there would be little realistic expectation for agriculture to take place on the resultant small lots and that it is inappropriate to create small residential lots in the ALR.

### **Conclusions**

1. That the land under application has limited agricultural capability.
2. That the land under application has limited suitability for agricultural use.
3. That the proposal would create residential lots in the ALR and this is not supported by the Commission. It has already been indicated that exclusion of the small lots in this area is supported.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner Mayer  
**SECONDED BY:** Commissioner Sidhu

THAT the application to subdivide a 0.4 ha lot from the 1 ha subject property be refused on the grounds that the Commission has previously indicated that it would accept an application for exclusion of the property from the ALR and does not want to maintain small non-agricultural lots in the ALR.

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.*

**CARRIED**  
**Resolution #901/2009**