



July 5, 2016

**Agricultural Land Commission**  
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ALC File: 55102

Ashley and Daniel Bruckmann  
Via email: [dbruckmann84@gmail.com](mailto:dbruckmann84@gmail.com)

Dear Mr. and Mrs. Bruckmann:

**Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)**

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #248/2016) as it relates to the above noted application.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

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.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision “may not fulfill the purposes of the commission as set out in section 6 or does not adequately take into account the considerations set out in section 4.3”.

Further correspondence with respect to this application is to be directed to Jennifer Carson at ([Jennifer.Carson@gov.bc.ca](mailto:Jennifer.Carson@gov.bc.ca)).

Yours truly, 

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Director of Policy and Planning

Enclosure: Reasons for Decision (Resolution #248/2016)

cc: Regional District Thompson-Nicola Regional District (File: ALR 108) *SENT BY ELECTRONIC MAIL*

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## **AGRICULTURAL LAND COMMISSION FILE 55102**

### **REASONS FOR DECISION OF THE INTERIOR PANEL**

**Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act***

**Applicants:**

**Ashley Bruckmann  
Daniel Bruckmann  
(the “Applicants”)**

**Application before the Interior Regional Panel:**

**Lucille Dempsey, Panel Chair  
Richard Mumford  
Roger Patenaude**

## **THE APPLICATION**

[1] The legal description of the property involved in the application is:

Parcel Identifier: 005-222-770

The East ½ of the North East ¼ of Section 22, Township 19, Range 14, West of the 6<sup>th</sup> Meridian, Kamloops Division, Yale District, Except Plan B1188  
(the “Property”)

[2] The Property is 32.3 ha in area. 30.9 ha of the Property are situated within the ALR.

[3] The Property has the civic address 3564 Lower Duck Range Road, Pritchard.

[4] The Property is located within a designated agricultural land reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (the “ALCA”).

[5] The Property is located within Zone 2 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to subdivide the southernmost quarter (approximately 8.0 ha) of the Property with a panhandle access running up eastern boundary of the Property. The Applicants indicate that they are interested in downsizing, with plans of building a smaller house and horse barn on the proposed 8.0 ha parcel, and selling the remainder. Another sketch submitted shows the subdivision of the northeastern 8.0 ha of the Property. The Panel considered both sketches in its deliberations (the “Proposal”). The Proposal along with supporting documentation is collectively the “Application”.

## **RELEVANT STATUTORY PROVISIONS**

[7] The Application was made pursuant to s. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[8] The Panel considered the Application pursuant to its mandate in s. 4.3 of the *ALCA*:

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

[9] The purposes of the Commission set out in s. 6 are as follows:

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.

### **EVIDENTIARY RECORD BEFORE THE PANEL**

[10] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map, and satellite imagery

All documentation noted above was disclosed to the Applicants in advance of this decision.

**SITE VISIT**

[11] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

**FINDINGS****Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture**

[12] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings identified on CLI map sheet 82L/12 for the mapping units encompassing the Property are Class 3, Class 4, Class 5, Class 6 and Class 7; more specifically the northern portion of the Property is classified as improvable to (5:4TP-3:3PT-2:6TR), the southern portion is classified as improvable to (5:4TP-3:3PT-2:5TP), the eastern portion of the middle section is classified as unimprovable from 6TR, and the western portion of the middle section is classified as unimprovable from 7:6TR-3:7R.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are R (shallow bedrock), P (stoniness) and T (topographic limitations).

[13] The subject property is located in an area of predominantly large scale properties within the ALR. The CLI Class 3PT, 4TP, 5TP and 6TR ratings are characteristic of grazing lands in the area and are generally more productive in larger parcels. The Panel also considered whether the property was suitable for agriculture. This consideration included details such as property size, surrounding land use and limitations to agriculture. The Panel does not believe there are external factors that render the land unsuitable for agricultural use. In addition, subdivision could reduce the agricultural options of the Property.

[14] The Applicants have indicated that they have farm classification, their four horses graze on the Property, and they lease the fields to their neighbour for cattle grazing during the summer.

[15] The Panel also noted that there are agricultural operations in the immediate surrounding area.

*Section 4.3(b) of the ALCA: Second priority to economic, cultural and social values*

[16] The Applicants did not provide any evidence or rationale regarding any economic, cultural and social values that are pertinent to the Application.

*Section 4.3(c) of the ALCA: third priority to regional and community planning objectives*

[17] In the Local Government Report, Thompson-Nicola Regional District staff recommend that the proposal be refused on the grounds that: the Regional Growth Strategy policy does not support incremental rural subdivision; it is not within a designated settlement areas in the South Thompson Settlement Strategy; it is contrary to OCP policy that seeks to preserve agricultural land in large parcels; and there is farming activity in the immediate area.

[18] As both proposed parcels would meet the AF-1 Agricultural/Forestry zone 8.0 ha requirement, a rezoning application would not be required.

[19] The TNRD Board Resolution was that the Proposal be recommended for refusal.

[20] The Panel appreciates that the TNRD Board and Staff consider agricultural matters within their reports and recommendations.

*Weighing the factors in priority*

[21] The Panel does not believe there are external factors that render the land unsuitable for agricultural use. Furthermore, as the TNRD Staff Report points out the Property is situated within an agricultural area. The use of the Property in the summer for grazing cattle is an important agricultural use in this area. In addition, subdivision would reduce the agricultural options of the subject property and cause unnecessary fragmentation of agricultural land.

[22] The Panel gave consideration to economic, social and cultural values as required by s. 4.3. In this case, the Panel finds that these considerations are not contributory to the decision given the Panel's finding following its review of the agricultural considerations.

[23] The Panel also gave consideration to the regional and community planning objectives planning as required by s. 4.3. In this case, the Panel finds that these considerations were aligned with its agricultural mandate and thus were contributory to the Panel's decision.

**DECISION**

[24] For the reasons given above, the Panel refuses the Proposal to subdivide an 8.0 ha from the Property.

[25] Panel Chair **Lucille Dempsey** concurs with the decision.  
Commissioner **Richard Mumford** concurs with the decision.



Commissioner **Roger Patenaude** concurs with the decision.

[26] Decision recorded as Resolution #248/2016.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

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Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution ##248/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CF', is written over a horizontal line.

**Colin J. Fry, Director of Policy and Planning**

**July 5, 2016**

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**Date Released**