



**Agricultural Land Commission**  
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August 3, 2016

ALC File: 55223

Bernice Hammett-Pryhitko  
Email: [bjpry@telus.net](mailto:bjpry@telus.net)

Dear Ms. Hammett-Pryhitko:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #293/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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”. I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

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:

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

Colin J. Fry, Director of Policy and Planning

Enclosure: Reasons for Decision (Resolution #293/2016)

cc: Thompson-Nicola Regional District (File: ALR 111)



## **AGRICULTURAL LAND COMMISSION FILE 55223**

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

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

**Applicants:**

**Bernice Hammett-Pryhitko  
Dennis Ian Pryhitko  
Bradley Dean Hammett  
(the “Applicants”)**

**Agent:**

**Bernice Hammett-Pryhitko  
(the “Agent”)**

**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: 013-002-660

That Part of District Lot 441 Lying East of the Merritt Highway, Shown on Plan H332,

Kamloops Division, Yale District

(the "Property")

[2] The Property is 80.9 ha in area.

[3] The Property has the civic address 3282 - Princeton Kamloops Highway, Knutsford.

[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 Property in half (two 40.5 ha parcels) to allow the parents to farm one parcel, and their son the other. The creation of the two parcels would allow the Applicants to borrow enough to build the two homes and infrastructure for the Applicants to live on and farm the land (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. Email from Agent dated July 1, 2016
4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent 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 92I/09 for the mapping units encompassing the Property are Class 2, Class 3 and Class 5; more specifically the western portion of the Property is classified as improvable to (4:2T - 6:3TM) and the eastern portion of the Property is improvable to (7:3T - 3:5TP).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

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

The limiting subclasses associated with this parcel of land are M (moisture deficiency), P (stoniness) and T (topographic limitations).



[13] The Panel reviewed the CLI ratings and find that the majority of the Property is improvable to prime agricultural capability. This capability rating indicates that the Property is capable of supporting a wide range of crops.

[14] The Commission does not generally support the fragmentation of agricultural land, through the subdivision of ALR properties into smaller parcels, as it often reduces the types of agriculture that can occur on the property. The Panel believes that the Property has greater agricultural potential as a large cohesive farm parcel. Furthermore, the creation of additional parcels, also generally increases the building footprint as each parcel has the potential for a house and pertinent outbuildings, which increases the impact on agricultural land.

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

[15] While respectful of the personal benefits that would accrue to the Applicants and their family members if the proposed subdivision is approved, the Panel finds that the Applicants' comments with regard to economic, cultural and social values whether considered individually or collectively, would be insufficient to outweigh the first priority that must be given to agriculture relative to land that is both capable and suitable for agricultural use.

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

[16] The Thompson-Nicola Regional District (the "TNRD") indicated there is no OCP in this area, but that the Proposal is consistent with the current zoning designation. The TNRD Regional Board recommended refusal of the Application, as did its Agricultural Advisory Commission.

Weighing the factors in priority

[17] The Property has good agricultural capability and suitability.

- [18] The proposal for subdivision is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve and encourage agriculture.
- [19] The TNRD Regional Board and its Agricultural Advisory Commission both recommended the Application be refused.
- [20] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives planning 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.

### **DECISION**

- [21] For the reasons given above, the Panel refuses the Proposal to subdivide the Property into two parcels.
- [22] Panel Chair **Lucille Dempsey** concurs with the decision.  
Commissioner **Richard Mumford** concurs with the decision.  
Commissioner **Roger Patenaude** concurs with the decision.
- [23] Decision recorded as Resolution #293/2016.

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 #293/2016. The decision is effective upon release.



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

**August 2, 2016**

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**Date Released**