



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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March 4, 2014

ALC File: #53326

Kenneth Lyle Eccleston  
1120 Matterson Road  
Box 286  
Errington, BC V0K 1V0

Dear Mr. Eccleston:

**Re: Application to Include Land into the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #439/2013 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink that reads 'Liz Sutton'. The signature is written in a cursive, flowing style.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #439/2013

cc: Regional District of Nanaimo (File: PL2013-021)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 28, 2103 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53326.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Liz Sutton	Planner
Brian Underhill	Deputy Chief Executive Officer
Colin Fry	Executive Director

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### PROPOSAL (Submitted pursuant to section 17(3) of the *Agricultural Land Commission Act*)

To include 8.9 ha into the ALR. The applicant would like to build a second dwelling on the subject property, however the current zoning does not permit more than one dwelling per parcel. If the land were included into the ALR, the applicant would apply for rezoning in order to permit more than one dwelling.

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### PROPERTY INFORMATION:

**Owner:** Kenneth and Jacqueline Eccleston

**Legal:** PID: 006-772-609  
Lot 24, District Lot 139, Nanoose District, Plan 1913

**Location:** Errington

**Size:** 8.9 ha

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### SITE INSPECTION

A site inspection was conducted on November 12, 2013 at the subject property. Those in attendance included Commissioners Bullock and Dyson, ALC Planner Liz Sutton and Kenneth Lyle Eccleston (Applicant).

The Commission representatives met with the applicant at the south end of the subject property. The applicant explained that he wished to place an additional dwelling on the subject property for a family member. The Commission representatives explained that if the land was included into the ALR the applicant could only have a manufactured home on the subject property and that if a permanent second dwelling was preferred, it would have to be shown that an additional dwelling was needed for farm help. If the dwelling was not for farm help, an application to the Commission would be required.

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. Commissioner Dyson 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. In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The improved agricultural capability ratings identified on BCLI map sheet 92F.029 for the subject property are approximately 60% Class 5A and 40% (60% Class 4PA and 40% Class 5A).

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.

The limiting subclasses associated with this parcel of land are A (soil moisture deficiency), and P (stoniness).

**Conclusion (a):** An ALR Fine-Tuning boundary review was conducted in this area of the Regional District in the mid-1980s. The subject property was not identified for inclusion to the ALR at that time.

**Conclusion (b):** There is no agricultural activity occurring on the subject property.

**Conclusion (c):** The BC Assessment Roll Report indicates that the subject property was, and is not, classified as having "Farm" status for 2012, 2013 and 2014.

**Conclusion (d):** The Regional District of Nanaimo has offered no comments or recommendations regarding the proposed inclusion.

**Conclusion (e):** No agricultural argument has been made to justify including the land into the ALR.

2. The applicant wishes to include land into the ALR in order to rezone the property to allow for an increase in the number of dwellings on the subject property.

**Conclusion:**

This is a non-agricultural argument which does not justify including the land into the ALR. Whether or not a second dwelling is permitted is a matter best left to the applicants and Regional District to resolve.

**IT WAS**

**MOVED BY:            Commissioner Dyson**  
**SECONDED BY:        Commissioner Thibeault**

**CARRIED**

**Resolution #439/2013**