



**Agricultural Land Commission**

133 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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October 15, 2012

Reply to the attention of Liz Sutton  
ALC File: 52685

Steele and Tara Althouse  
6571 Nathan Road  
Nanaimo, BC  
V9T 6H7

Dear Sir/Madam:

**Re: Application to Exclude land from the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #64/2012 outlining the Commission's decision as it relates to the above noted application. The Commission draws your attention to sections 33(1) of the *Agricultural Land Commission Act*.

Section 33(1) of the *Agricultural Land Commission Act* 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 information 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure(s): Minutes  
cc: City of Nanaimo (LR000011)  
LS/52685d1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 18, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

### 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	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

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### APPLICATION ID: #52685

**PROPOSAL:** To exclude 1 ha from the ALR for the purpose of residential subdivision of four lots of +/- 0.06 ha and a remainder of 0.74 ha. (Submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

### PROPERTY INFORMATION:

**Parcel ID:** 028-081-706  
**Legal Description:** Lot A Section 10 Wellington District Plan VIP87409  
**Civic Address:** 6571 Nathan Road, Nanaimo  
**Size (ha):** 1.0  
**Area in ALR (ha):** 1.0  
**Current Land Use:** Residential  
**Farm Classification:** No  
(BC Assessment)

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**PROPERTY OWNER INFORMATION:** Steele and Tara Althouse

**DATE PROPERTY ACQUIRED:** April 1, 2010

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**SITE INSPECTION MEETING:**

A site inspection and exclusion meeting under Part 8 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002 was conducted on August 27, 2012 which was attended by Commissioner Bullock, Commissioner Dyson, ALC Staff Roger Cheetham and Liz Sutton, and Steele Althouse.

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. The site inspection and exclusion meeting report constitutes a written record of the site inspection and exclusion meeting and has been provided to all Commission members recorded above.

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**CONTEXT FOR COMMISSION CONSIDERATION:**

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

After reviewing the file information and considering the applicant's oral submissions the Commission has concluded as follows:

In 2005 there was a previous application to exclude the original 3.4 ha parent parcel from the ALR in order to develop the property for residential use. Under Resolution #333/2005 the Commission refused the proposed exclusion stating that:

*"The Commission decided to refuse the application for exclusion in order to maintain an ALR buffer between the residential development to the north and the agricultural land (ALR land) to the south of the subject property. However, the Commission would support subdivision of the property up to four rural residential lots as this was seen to provide the necessary buffering".*

The subject property was the result of subdivision of a 1 ha lot for rural residential purposes from the original 3.4 ha parcel. Only one of the four lots was subdivided.

**Conclusion:** The Commission previously refused exclusion of the subject property in order to maintain a buffer between the small lot residential area to the north, and the large agricultural parcels to the south. The Commission believes that the current configuration of the subject property provides an adequate buffer between the non-ALR agricultural development and the actively farmed ALR lands to the south. In addition, the current proposal would perpetuate the southern creep of small lot residential development into the ALR.



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

THAT the application for exclusion be refused.

**CARRIED**  
**Resolution # 64/2012**