



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

October 22, 2013

ALC File: #53147

James Erickson  
201 McLennan Drive  
Salt Spring Island, BC  
V8K 1X2

Dear Mr. Erickson:

**Re: Application to Construct a Residential Suite on Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #292/2013 as it relates to the above noted application.

Further correspondence with respect to this application should 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.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #292/2013

cc: Islands Trust, Salt Spring Island (File: SS-ALR-2012.1)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 2, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #53147.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

### COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Brian Underhill	Executive Director

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### REQUEST FOR RECONSIDERATION

The Commission received an email dated September 20, 2013 requesting reconsideration of its decision recorded as Resolution #208/2013, by which, the proposal to construct a barn with a dwelling unit was approved. The applicant proposed to lease a portion of the property to allow for the expansion of Small Earth Farm and the operators would reside in the dwelling unit.

**Owner:** James Erickson

**Original Proposal:** (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*) To construct a barn with a dwelling unit. The applicant proposed to lease a portion of the property to allow for the expansion of Small Earth Farm and the operators of the farm would reside in the dwelling unit.

**Original Decision:** That the request to construct an approximate 900 ft<sup>2</sup> residential suite in the proposed barn for the purpose of farm worker accommodation, specifically for Small Earth Farm, be approved.

**Current Request:** To allow Pipe Rabbit Farm to construct an approximate 900 ft<sup>2</sup> suite in the proposed barn for the purpose of worker accommodation instead of Small Earth Farm who is no longer involved with the proposal.

**Legal:** PID: 002-443-856  
Lot 18, Sections 73 and 59, South Salt Spring Island, Cowichan District,  
Plan 26849, Except Part in Plan 51419

**Location:** McLennan Drive, Salt Spring Island

**Size:** 3.1 ha

## LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

- 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.

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## DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission believes that the applicant has provided evidence that was not available at the time of the previous decision. Small Earth Farm is no longer involved with the proposed farm plan; however, Pipe Rabbit Farm is proposing to utilize the property for certified organic crops and value-added products.

As a result, it was moved by Commissioner Johnson and seconded by Commissioner Miles that there were no persons affected by the reconsideration and that the Commission reconsider Resolution #208/2013. The motion was carried unanimously.

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## COMMISSION CONSIDERATION

The Commission reviewed the original application involving the subject property:

Application #53147 (Erickson, 2013) That the request to construct an approximate 900 ft<sup>2</sup> residential suite in the proposed barn for the purpose of farm worker accommodation, specifically for Small Earth Farm, be approved.

The Commission concluded as follows:

- Based on the present level of agriculture alone, the Commission would not consider allowing a second dwelling for farm help;
- The Commission is amenable to a second dwelling for farm help as the dwelling would facilitate the transfer of the Small Earth Farm operation and bring the subject property into immediate agricultural production; and
- The proposed residential suite in the barn will reduce the residential footprint on the subject property.

The request to construct an approximate 900 ft<sup>2</sup> residential suite in the proposed barn for the purpose of farm worker accommodation, specifically for Small Earth Farm, was approved. Resolution #208/2013

After considering the new information the Commission concluded as follows:

1. As per Resolution #208/2013 the Commission believes that by providing accommodation to an existing farm business with a proposed farm plan for the new location, the proponents have the capability to bring the subject property into immediate agricultural production.

**Conclusion:**

The Commission has no objection to the residential suite being utilized for farm worker accommodations by Pipe Rabbit Farm.

The Commission wishes to reiterate that an additional dwelling for farm use is considered to form part of the overall farm infrastructure and as such you should take into consideration that the planned capital investment is for farm development and not as a residential investment that may be the subject of a subdivision application in the future.

**IT WAS**

**MOVED BY: Commissioner Johnson**

**SECONDED BY: Commissioner Miles**

THAT the request an approximate 900 ft<sup>2</sup> residential suite in the proposed barn for the purpose of farm worker accommodation be approved.

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

**CARRIED**

**Resolution #292/2013**