



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

March 5, 2014

ALC File: #53242

Duane and Elizabeth Anderson
6224 Central Saanich Road
Victoria, BC V8Z 5T7

Dear Mr. and Mrs. Anderson:

Re: Application to Construct a Second Dwelling in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #428/2013 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.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #428/2013

cc: District of Central Saanich (File: 3360-40-2/13)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 28, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53242.

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:

Lindsay McCoubrey	Land Use Planner
Liz Sutton	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

PROPOSAL (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

The proposal is to construct a second dwelling and driveway for a family member to continue working on the 3.8 ha horse boarding, poultry, and hay farm.

PROPERTY INFORMATION:

Owner: Duane and Elizabeth Anderson

Legal: PID: 005-450-403
Amended Lot "A" (DD281569-I), Section 17, Range 3 East, South Saanich District, Plan 10075

Location: Central Saanich

Size: 3.8 ha

SITE INSPECTION

ALC Staff members Liz Sutton and Lindsay McCoubrey met with Duane and Elizabeth Anderson at the subject property on November 7, 2013. A tour of the subject property confirmed the applicants' description of the subject property in that the eastern portion of the subject property is an upland area where the house, garage, barns, paddocks, and farm

infrastructure are located. The applicants stated in the application that the existing house was small, and this was confirmed during the site inspection. West of the barns, the land slopes down steeply to the west to the lower hay fields and an outdoor riding ring. The lower fields and riding ring are accessed by a road along the northern boundary of the subject property. The slope is the area proposed for the second dwelling. The slope is vegetated and has not been cultivated due to the topography. The second dwelling would be accessed from Bear Hill Road. The applicant also confirmed that they operate a horse boarding facility for approximately 13 horses, produce hay, and sell eggs.

ALC Staff provided a verbal summary to the Commissioners listed above.

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.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The applicants' three children currently work on the farm. The Commission considered the applicants' submission which proposes the second dwelling in order to allow for a family member to continue to live on the property and increasingly take over the farm duties from Mrs. Anderson who will require help due to health issues. Mr. Anderson works off the farm but assists on weekends and evenings. While the Commission is sympathetic to the individual circumstances of Mrs. Anderson's health, the Commission must base its consideration on the agricultural issues related to the proposal. The Commission noted that the applicants propose to place the second dwelling on the least arable portion of the subject property.

Conclusion:

The Commission believes that the number of residences located on the property should be commensurate with the level of agricultural activity on the property. Based on the information provided by the applicants, the Commission does not believe the present level of agricultural activity on the property is sufficient to warrant an additional permanent dwelling for farm help.

2. The Commission referred to s. 3(1)(b) of BC Reg. 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation) which permits a secondary suite for residential purposes wholly contained within a single family dwelling or one manufactured home, in

addition to a dwelling, on a parcel in the ALR, for use by the property owner's immediate family.

Conclusion:

The Commission believes the regulation provides the applicants with options that can accommodate their circumstances without building a second permanent dwelling on the property.

IT WAS

MOVED BY: Commissioner Collins

SECONDED BY: Commissioner Miles

THAT the request to place a second dwelling be refused.

CARRIED

Resolution #428/2013