



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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September 6, 2005

Reply to the attention of Ron Wallace

Derek & Deborah Scott
6286 Oldfield Road
Saanichton, BC – V8M 1X7

Dear Sir/Madam:

Re: Application # C-36119
Lot B, Section 17, Range 2 East, South Saanich District, Plan VIP64758

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to place six (6) additional dwelling units (campers, trailers and cottages) on the above noted property for seasonal farm help. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on August 18, 2005. The Commission found the meeting and site visit informative. In particular the Commission noted that a wide range of crops are grown on the farm and that at peak periods up to 40 persons are employed. It also noted that the location of the proposed temporary units would not impact on the agricultural usefulness of the property

The Commission writes to advise that it approved your application subject to:

- All permanent dwellings on the farm being occupied permanently by persons employed on the farm.
- Receipt by the Commission of confirmation that all permanent dwellings on the farm are occupied by persons employed on the farm.
- Temporary dwelling units being restricted to the area identified on the attached plan and not exceeding a total floor area of 300 sq. metres.
- The removal of temporary dwellings that have not been used for a year or more.
- Compliance 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. The Commission suggests you contact the District of Central Saanich at your earliest convenience.

The decision noted above is recorded as Resolution **#454/2005**.

This approval will take effect upon receipt of confirmation that farm employees occupy all of the permanent dwellings located on the farm.

Derek & Deborah Scott
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Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

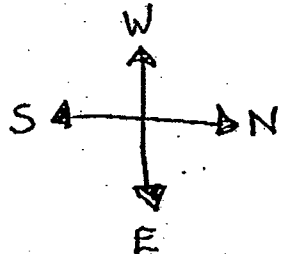
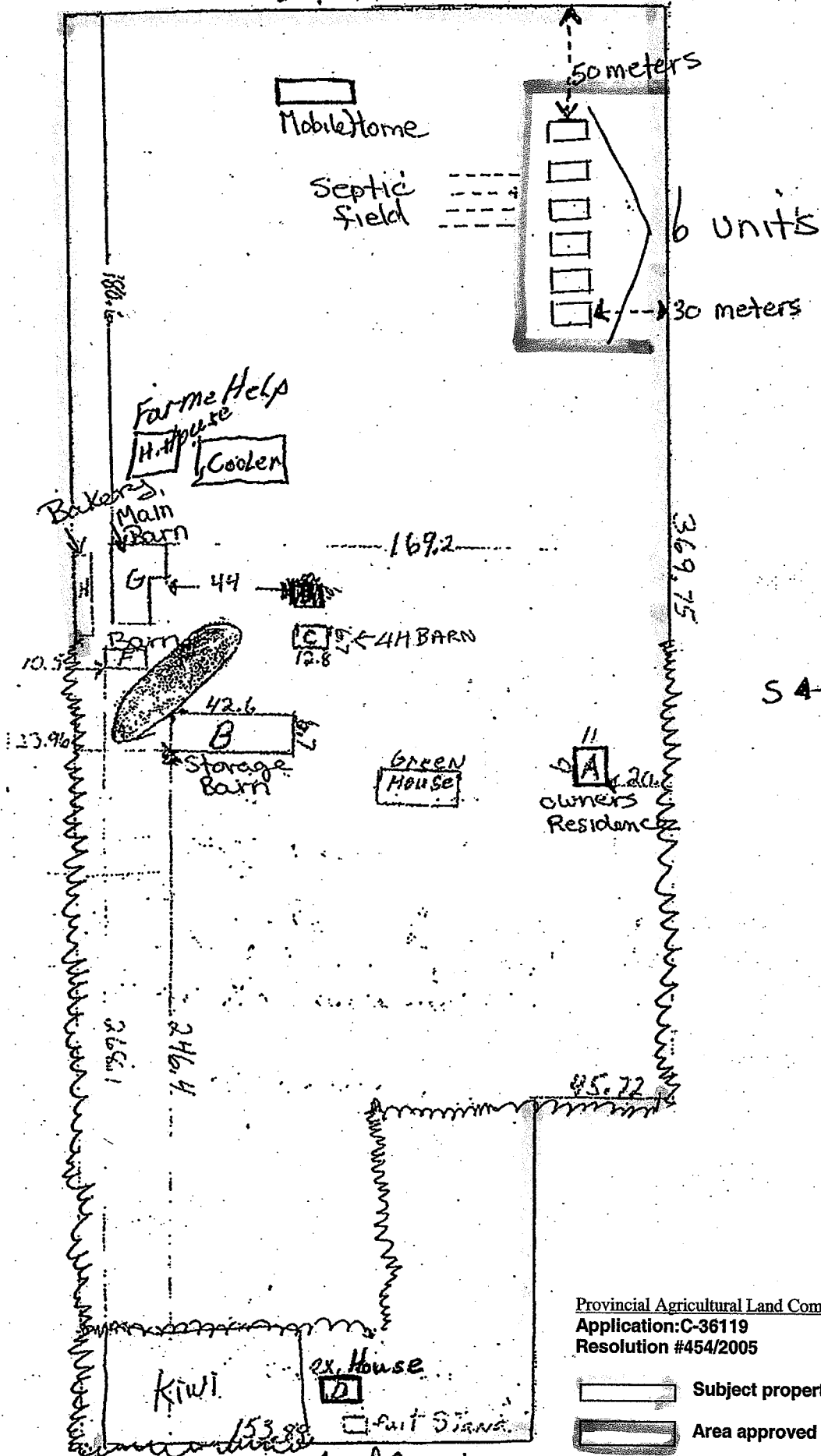
Per:

Erik Karlsen, Chair

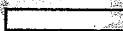

cc: District of Central Saanich (#3360-40-3/05)
BC Assessment, Nanaimo

RC/lv/Encl
36119d1

201.76



Provincial Agricultural Land Commission
 Application: C-36119
 Resolution #454/2005

-  Subject property.
-  Area approved for temporary dwellings

6286 Midfield Road

Page 2

IT WAS

MOVED BY: Commissioner Seitz

SECONDED BY: Commissioner Rugg

THAT the staff report be received and the application to place six (6) additional dwelling units (campers, trailers and cottages) on the subject property for seasonal farm help be approved subject to:

- All permanent dwellings on the farm being occupied permanently by persons employed on the farm.
- The temporary dwelling units being restricted to the area identified on the attached plan and not exceeding a total floor area of 300 sq. metres.
- The removal of temporary dwellings not used for a period not exceeding one year.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # C – 36119-0
Applicant: Derek & Deborah Scott

DATE PREPARED: August 2, 2005

TO: Chair and Commissioners – Island Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To place 6 additional dwelling units (campers, trailers and cottages) on the 9.6 property for seasonal farm help. This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicants farm a diverse mixture of fruit and vegetables on the 9.6 ha of land they own as well as on 16.8 ha of leased land in the general vicinity of their property. There are presently three houses and a mobile home on the site (a total of four dwelling units). The application is unclear as to the type of units to be installed (as mentioned in the proposal the applicants state campers, trailers or cottages.) The applicants have had an application approved by the Vancouver Island Health Authority to install a septic field or a septic tank. Additional buildings already on the site include several barns, a green house and a fruit stand. A third dwelling is also seasonally used as a haunted mansion and accommodates another dwelling unit. The Commission visited this property on April 5, 2004 when reviewing application #C-35251.

This application has been the source of much local controversy. Many letters have been received, some that recommend support and others that do not.

Those that do not recommend support come from adjacent neighbours who question if the additional dwellings requested by the applicants are needed for legitimate farm help. These people point out that there are already 5 permanent residential structures on the property [the local government only mentions 4]. These residents feel that the property is only partially farmed and believe there is a lack of information that substantiates the need for six more dwelling structures for farm help. There are also concerns about the environmental impact of the septic system recently approved for this property. Twelve adjacent property owners have signed a letter stating their concern with this proposal.

The applicants' proposal is to have street youth from Victoria come and live on their farm and work on the property. These youth will provide the help they need to harvest their vegetable and fruit crops. However, in order for the jobs to be financially viable for the youth, the farm feels they need to be able to house the youth on the property and not have them travelling from Victoria to the farm each day. A petition with 1196 signatures was submitted with the application in support of the idea of using street youth as farm help. Many additional letters of support of the idea were submitted. Support for economic diversification and the fact that Oldfield Orchards wished to hire locally was given.

Local Government:

District of Central Saanich

Legal Description of Property:

PID: 023-731-991

Lot B, Section 17, Range 2 East, South Saanich District, Plan VIP64758

Purchase Date:

September 1986

Location of Property:

6286 Oldfield Road

Size of Property:

9.6 ha (The entire property is in the ALR)

Present use of the Property:

Orchard, berry farm, vegetable crops, kiwi, agri-tourism, school tours

Surrounding Land Uses:

WEST: Agriculture (ALR)

SOUTH: Agriculture (ALR)

EAST: Agriculture (ALR)

NORTH: Residential lots

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B/11

The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

Official Community Plan Bylaw No. 1303, designates the land as "Agriculture"

Zoning Bylaw and Designation:

Land Use Zoning Bylaw No. 1309 designates the land as "Agriculture, A-2"

Minimum lot size 2 ha.

PREVIOUS APPLICATIONS:

Application #30125-0

Applicant: Alice & Victor Nordstrom

Decision Date: November 14, 1995

Proposal: To undertake a boundary adjustment between two adjoining lots owned by the Scotts and the Nordstroms. The lots are presently 4.8 ha each and the proposed configuration was a 0.5 ha lot and a 9.1 ha lot.

Decision: Allowed.

PREVIOUS APPLICATIONS (Continued):

Application #16738-0

Applicant: D.J. Scott

Decision Date: January 18, 1984

Proposal: To subdivide a 2 ha lot from the 5 ha property containing the orchard for the applicant's son.

Decision: Refused. The Commission directed the staff agrologist to undertake an on-site soils analysis of the property. The analysis indicated that the property had excellent agricultural potential.

Application #35251-0

Applicant: Oldfield Orchard

Decision Date: April 5, 2004

Proposal: The application, had five components:

- to move a dwelling onto the property for the applicants
- conversion of an existing dwelling to a bed and breakfast for three occupants
- construction of a schoolhouse/chapel for educational tours and catered weddings
- construction of a storage and games building
- to place approximately 35 truckloads of fill to level the ground.

Decision: The Commission considered that:

- 1) the relocation of a dwelling to the property as a residence for the applicants,
- 2) the conversion of the present residential dwelling to office space and farm help accommodation
- 3) the use of the building at the back of the property (by the bakery) for farm help accommodation

all fit within the provisions of Section 18 (a)(i) and(ii) of the ALC Act and therefore specific approval of the proposals by the Commission was not necessary.

Approved the proposal to place 35 truckloads of soil material for leveling a portion of the property near the bakery, provided the filling and leveling was required for farm use of that land. It was expected that the fill material would consist of good quality agricultural soils and that the project would be supervised and signed off as satisfactory by a professional agrologist once completed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

At the time the Commission made its decision on application #C-35251 it stated that most of what the applicant was proposing fit within the provisions of Section 18 (a)(i) and (ii) of the ALC Act and therefore specific approval of the proposals was not necessary. After receiving this decision, the District of Central Saanich wrote the Commission quoting ALC Policy # 9, which states that if there is any doubt with respect to need, an application for non-farm use is required. They further stated at that time that *"for many years it has been the District's position that the District does not have a sufficient level of specialized agricultural expertise and knowledge to properly determine in each case whether a legitimate need for additional farm help does or does not exist. Accordingly, the District's practice has been to refer all applications of this nature to the Commission for adjudication."*

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS (Continued):

With respect to the current application for six additional dwelling units Council requests that the Commission's evaluation include an analysis of the existing accommodation on the property and requests a documented need for farm help for an operation of this size. This application is being forwarded to the Commission with the comment that Council relies on the Commission's expertise to determine the necessity of additional dwellings for farm help. As stated above, it has consistently been Council's and staff's position that only the ALC has the expertise to determine the necessity for additional dwelling units for operating any farm operation. All applications are referred to the ALC for decisions.

Council indicated that in general terms it has concerns with recent requests for additional dwellings for farm help where there is already additional accommodation on the property, and detailed supporting information on the necessity for farm help has not been provided.

Because of the seasonal nature of the farm and because the Commission only meets infrequently, Council granted temporary approval for Oldfield Orchards to place up to a maximum of six temporary dwelling structures (including one camper unit which has already been located in the specified location on the property) subject to a number of conditions. The temporary permit expires on October 31, 2005 and pending the Commission's decision the trailers must be removed by November 1, 2005.

OTHER COMMENTS:

The Peninsula Agricultural Commission Chair wrote in support of the application and stated that there is a legitimate shortage of farm workers on the Saanich Peninsula.

The comments of Brent Warner, the Ministry of Agriculture and Lands Agritourism Specialist are attached hereto as Annex. "A". Mr. Warner supports the application and points out that Oldfield Orchards is one of the most intensively diversified horticultural operations in North America.

STAFF COMMENTS:

The application raises an issue that has already arisen in several parts of the province, in particular the Lower Mainland and the Okanagan that will become more important as older farm workers retire and farming operations become more reliant on migrant labor. There is a need for the Ministry of Agriculture and Lands and the ALC to draw up policies that provide guidance relating to the provision of temporary accommodation and attempts are being made to establish a committee involving the Ministry and the ALC. Staff are hoping to be able to provide more information for the meeting with regard to what is being done elsewhere in the province.

Fundamentally it would appear to be in the interests of agriculture to find a way of allowing temporary accommodation, provided that such accommodation:

- Can be removed when no longer used,
- Is located in areas where it least impacts agriculture
- Does not become permanently inhabited
- Is related to the number of farm workers needed by the farm operation.

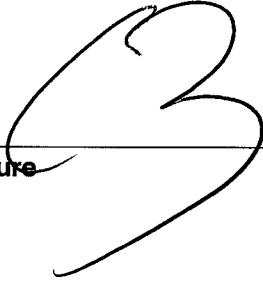
In the case of Oldfield Orchards there appears to be justification for the provision of temporary accommodation for seasonal (in this case non-migratory) workers but as pointed out by the District it would be reasonable to expect all of the existing permanent dwellings on the property to be occupied by full-time or seasonal workers as a condition to the approval of more accommodation.

STAFF COMMENTS (Continued):

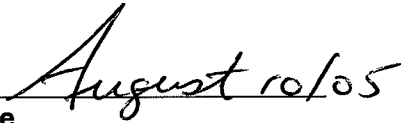
It will be noted that Brent Warner, in his letter of support, indicates that the need for the Commission's approval is somewhat moot. Be that as it may, the preference of the District to refer such applications to the Commission for evaluation is supported. The site visit will be helpful in determining the present use of the existing dwellings on the site, the need for additional dwellings to accommodate the temporary farm workers and the suitability of their location.

END OF REPORT

Signature

A large, stylized handwritten signature, possibly reading 'B', written in black ink over a horizontal line.

Date

The handwritten date 'August 10/05' written in black ink over a horizontal line.