



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 13, 2014

ALC File: #53417

Donna Friedlander
1960 White Road
Saanichton, B.C. V8M 1V9

Dear Ms. Friedlander:

Re: Application to Construct a Second Dwelling on Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #70/2014 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: 

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #70/2014

cc: District of Central Saanich (File #3360-40-4/13)

53417d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53417.

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
Jim Collins	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Liz Sutton	Planner
Jennifer Carson	Planner
Colin J. Fry	Executive Director

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

To approve an existing second dwelling for farm help on a 1.5 ha property. The applicant states that they require live-in farm help to care for approximately 13 to 16 draft horses.

PROPERTY INFORMATION:

Owner: Donna Friedlander

Legal: PID: 005-964-598
Lot 3, Section 8, Range 2 East, South Saanich District, Plan 5428

Location: Central Saanich

Size: 1.5 ha

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. Prior to 2013 there was one dwelling on the subject property which was the original farm house. The original farm house is located on the north side of the property with its own driveway access. In 2013, a new home was built to accommodate the applicants growing family and the old farm house was scheduled for decommissioning to be used as storage.

At the time of construction of the new house, the applicants were aware that only one dwelling is permitted within the ALR unless authorized by the local government for farm purposes or by the Commission through the non-farm use application process. The applicants chose to commit to decommissioning the old farm house in order to construct the new house.

The Commission is now in a position whereby two dwellings are constructed on the property and the Commission is being asked to approve a second dwelling which the applicant had agreed to remove in order to construct the new house.

Conclusion:

The Commission's Policy 10 *BUILDING NEW RESIDENCE WHILE OCCUPYING EXISTING RESIDENCE* (2003) provides that a non-farm use application is not required to build a new house while occupying an old house. It appears the District of Central Saanich issued a building permit in accordance with Policy 10 as the owners committed to decommissioning the old farm house in order to construct the new house.

2. The applicants run a full-time equestrian operation where they train, sell and board draft horses on the 1.5 ha property. There are approximately 13 to 16 horses on site. The applicant states that they require staff on site at all times for routine care and in case of emergency. Due to personal circumstances the applicants require additional help onsite. The applicants are requesting that the original farm house be retained for farm help to care for the horses when the applicants are not available.

Conclusion:

The Commission understands that horses and other livestock require careful care for their health and well-being, however, 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.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Miles

THAT the request to retain the original (now second dwelling) be refused.

CARRIED
Resolution #70/2014