



Agricultural Land Commission
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May 22, 2014

ALC File: #53515

Kenneth Travis
1485 Newton Heights Road
Saanichton, B.C. V8M 1T6

Dear Mr. Travis:

Re: **Application to Conduct a Non-Farm Use on Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #136/2014 as it relates to the above noted application.

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

Enclosures: Minutes of Resolution #136/2014

cc: District of Saanich (File #3360-40-5/13)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 26, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53515.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Jennifer Carson	Planner
Liz Sutton	Planner
Brian Underhill	Deputy Chief Executive Officer
Colin J. Fry	Chief Tribunal Officer

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

To construct a second dwelling for a caregiver/farm worker on a kiwi farm as the owner is no longer able to farm.

PROPERTY INFORMATION:

Owner: Kenneth Travis

Legal: PID: 000-239-151
Lot 8, Sections 2 and 3, Range 1 East, South Saanich District, Plan 33318

Location: 1485 Newton Heights Road, Saanichton

Size: 4.1 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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. It is stated in the District of Central Saanich's (District) staff report that the kiwi farm requires weekly maintenance of the plants in addition to seasonal pruning and harvesting. The local government report states that the Mr. Travis has owned and farmed kiwi on the property since 1990. Mr. Travis is now 88 years old and requires help to run the kiwi farm and personal assistance.

Conclusion:

While the Commission understands that Mr. Travis requires assistance with the kiwi farm, the Commission is concerned about allowing a permanent second dwelling.

2. The Commission considered whether or not the farm help/caretaker could be accommodated in a suite within the existing dwelling, however the local government staff report stated that the basement of Mr. Travis' dwelling is already occupied by kiwi processing and packaging facilities. The District Council recommended that a temporary home for the proposed caretaker/farm help be allowed on the condition that a covenant be acquired to ensure that when the home is no longer required for farm help or a family member of the current owner, as is permitted by s. 3(1)(b) of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*), that it be removed from the property.

Conclusion:

The Commission is amenable to the placement of a manufactured home subject to a covenant in favor of the District, which stipulates that the manufactured home be removed when the dwelling is no longer required by a caretaker/farm worker or an immediate family member, or if Mr. Travis sells or no longer resides on the property. The approved second dwelling must be consistent with the Commission's definition of a manufactured home as described in Policy #8: Residential Use as "*a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use by a single family. The structure normally conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes*".

IT WAS

MOVED BY: Commissioner Bullock
SECONDED BY: Commissioner Johnson

THAT the request to have a second dwelling on the subject property for the purpose of caretaking/farm help be approved.

AND THAT the approval is subject to the following conditions:

1. The second dwelling be a non-permanent manufactured home; consistent with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*;
2. The registration of a covenant in favor of the District which stipulates that the manufactured home be removed when the dwelling is no longer required by a caretaker/farm worker or an immediate family member, or if Mr. Travis no longer resides on the property; and
3. Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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 #136/2014