

**District of North Saanich
Community Agricultural Commission**

Regular Meeting

**Wednesday, June 5, 2019 at 1:30 p.m.
Council Chambers
1620 Mills Road**

(Please note that all proceedings are recorded)

AGENDA

PAGE NO.

- 1. WELCOME AND INTRODUCTION OF MEMBERS**
- 2. ELECTION OF CHAIR AND VICE CHAIR**
- 3. APPROVAL OF AGENDA**
- 4. ADOPTION OF MINUTES**
 - (a) Minutes of September 19, 2018 3 - 4
[CAC Minutes 2018-09-19](#)
- 5. REFERRALS**
 - (a) Temporary Use Permit for Agri-Tourism Accommodation - 5 - 13
1890 Mills Road
[Memo Temporary Use Permit](#)
 - (b) Library ALC Application update 15 - 22
(Referred by: Council for review and recommendation
regarding an Agricultural Commission exclusion
application)
[rpt Library](#)
- 6. NEW BUSINESS**
 - (a) Appointment of liaison to Community Stewardship
Commission
 - (b) Appointment of liaison to Community Planning Commission
- 7. ADJOURNMENT**

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SUBJECT TO ADOPTION

DISTRICT OF NORTH SAANICH

**Minutes of the Meeting of the
Community Agricultural Commission**

Wednesday September 19, 2018 at 1:30 p.m.

PRESENT:

Chair	I. Fancey
Members	D. Chown
	E. McMurphy
	S. Rowed
	M. Soellner
Community Planning Commission Liaison	J. Kingham
Community Stewardship Commission Liaison	D. Hartshorne
Director of Planning & Community Services	A. Berry
Council Liaison	C. Stock (2:15 p.m.)
Commission Secretary	J. Gretchen

ABSENT:

Member J. Rashleigh

The meeting was called to order at 1:30 p.m.

1. APPROVAL OF AGENDA

MOVED BY: E. MCMURPHY
SECONDED: D. CHOWN

25-CAC That the agenda be approved as circulated.

CARRIED

2. ADOPTION OF MINUTES

MOVED BY: E. MCMURPHY
SECONDED: M. SOELLNER

26-CAC That the minutes of the July 11, 2018 meeting be approved.

CARRIED

3. REFERRALS

Proposed Sandown Community Farm Plan Submission from CRFAIR and Sandown Transition Team

The Director of Planning & Community Services provided background information.

L. Geggie, representing CRFAIR and S. Harrison and B. Greene, representing the Sandown Transition Team, gave a presentation and addressed questions from the Commission.

MOVED BY: S. ROWED
SECONDED: D. CHOWN

27-CAC The Community Agricultural Commission acknowledge the effort the team provided on the Sandown Community Farm Plan.

CARRIED

The Director of Planning & Community Services left the meeting at 2:52 p.m.

MOVED BY: E. MCMURPHY
SECONDED: S. ROWED

28-CAC The Community Agricultural Commission recommend that the District pursue, support and implement the vision for the Sandown lands, including the next steps, as outlined in the Sandown Community Farm Plan.

CARRIED

4. ADJOURNMENT

The Commission by unanimous consent adjourned at 3:10 p.m.

CERTIFIED CORRECT

APPROVED AND CONFIRMED

Recording Secretary

Curt Kingsley
Director, Corporate Services



**District of
North Saanich**

MEMORANDUM

To: Community Agricultural Commission Date: May 28, 2019
From: Carly Rimell Planning Technician File: 4520-60 Temporary Use Permits
RE: 1890 Mills Road Temporary Use Permit for Agri-Tourism Accommodation

RECOMMENDATION:

That the Community Agricultural Commission:

1. Support the issuance of a temporary use permit (TUP 2019-01) for a period of 3 years for agri-tourism accommodation in the form of 6 farm camping sites.

BACKGROUND:

The District has received an application for a temporary use permit (TUP) to allow agri-tourism accommodation use at 1890 Mills Road. The District does not permit agri-tourism accommodation in the form of farm camping unless a TUP has been issued.

Division 8 of the *Local Government Act* outlines TUPs. A TUP may do one or more of the following:

- a) allow a use not permitted by a zoning bylaw;
- b) specify conditions under which the temporary use may be carried on;
- c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

A TUP can be approved for a maximum term of 3 years, and renewed upon application only once for another 3 year period for a maximum of 6 years total. (see Appendix A: Excerpt from Staff Report, Appendix B: Applicant's Submission, & Appendix C: Draft TUP 2019-01)

This was presented to Council at the June 3, 2019 meeting. In the interest of providing a timely review of the application the Director of Planning and Community Services through authority of Section 6(a) of the Development Applications Procedure Bylaw No. 1324 has referred this application to the Community Agricultural Commission (CAC) for the June 5, 2019 meeting.

If this application proceeds, comments and recommendations from the CAC will be provided to Council at the June 17, 2019 Council meeting for final Council decision.

If this application does not proceed it will be removed from the CAC agenda.

OPTIONS:

This request item has been forwarded to the Commission for discussion and advisory comments. Options to consider include:

1. Support the issuance of a temporary use permit (TUP 2019-01) for a period of 3 years for agri-tourism accommodation in the form of 6 farm camping sites.
2. Do not support issuance of a temporary use permit (TUP 2019-01) for agri-tourism accommodation in the form of 6 farm camping sites.
3. Other.

Respectfully submitted,


Carly Rimell
Planning Technician

DISCUSSION:

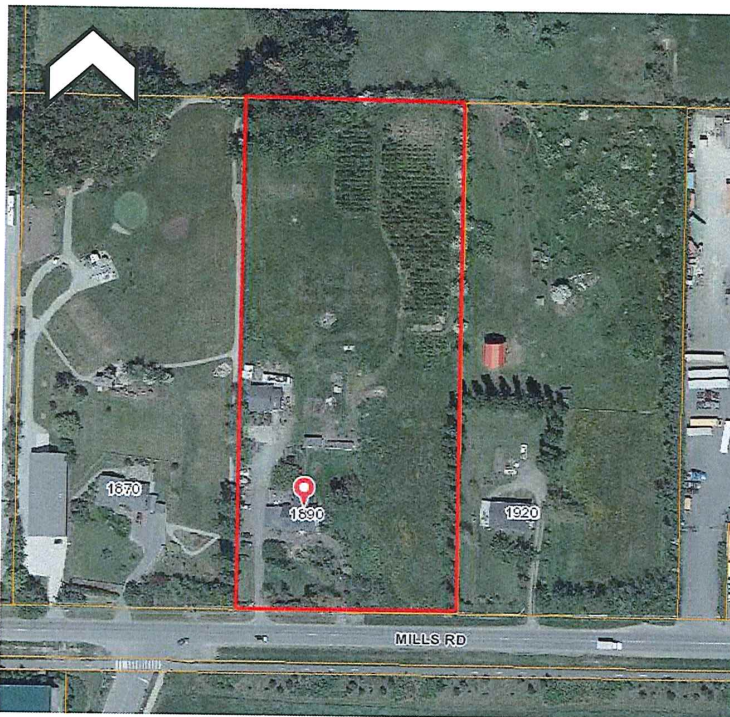
The parcel has a single family dwelling that operates a bed and breakfast (Snowdon House) and has an accessory building that houses a gift shop (see Appendix B: Applicant's Submission).

Official Community Plan (OCP)

This matter relates to the OCP within Policy 5.14. Staff's comments are noted below in italics:

- 5.14 To ensure sustainability of the District's farm community as an integral part of agriculture on the Saanich Peninsula, agricultural activities, ancillary agricultural uses such as agri-tourism and the uses outlined in the Agricultural Land Commission Act Regulation 171/2002 Section (2)1 are encouraged on lands in the ALR.

The recent updates to the ALC Act and Regulations consider agri-tourism accommodation a residential use, however the lot is classified as 'farm' by BC Assessment and the applicant notes their participation in agri-tourism activities such as Flavour Trail.

**Zoning Bylaw**

The District in accordance with the *Local Government Act* has designated Rural Agricultural Zones as an area for consideration for a TUP. The District through Amending Bylaw No. 1371 introduced general conditions for farm camping, a form of agri-tourism accommodation.

Within the District's Zoning Bylaw farm camping is defined as seasonal and temporary accommodations of the travelling public in tents and for this purpose temporary means for not more than 30 consecutive days in one calendar year.

Section 201.3 outlines the general conditions for a TUP for farm camping on lots that hold farm status as well as the requirements of the Rural

Agricultural 1 (RA-1). The general conditions are noted by the alphabetized list, staff response is provided below in italics.

- a) Farm camping use requires a minimum lot size of 0.8 hectares within the Agricultural Land Reserve, and total site area cannot occupy more than 160m².

The lot is 1.62 hectares and therefore satisfies the area requirement. Staff have confirmed the lot currently has 'farm status' with BC Assessment. The lot is entirely within the Agricultural Land Reserve. The total site area proposed for farm camping sites does not exceed 160m² with 5 (10' x 10' tenting sites) and one slightly larger tipi site.

- b) The combined total of Bed and Breakfast and farm camping (sleeping units) are not to exceed ten (10) sleeping units per lot.

Currently there are 2 bedrooms being used within the bed and breakfast operation, the applicant proposes an additional 6 camping sites, therefore a total of 8 sleeping units.

- c) No farm camping site shall be connected to any utilities, and grey water sewage must be contained and properly disposed of in accordance with the Provincial Health Act, the Sewerage System Regulation and the Sewerage System Standard Practice Manual.

The applicant proposes to place two port-a-potties and a grey water pit near the campsites at the rear of the property.

- d) Fire pits are not permitted.

The applicant's submission notes that there would be a no smoking and no campfire policy at the sites. Staff have included this within the conditions of the draft TUP.

- e) Any exterior lighting must be fully-shielded, low intensity lighting directed down and away from surrounding residential areas.

The applicant's submission notes lighting would be minimal to ensure it does not cause any conflict with neighbouring properties. Staff have included this within the conditions of the draft TUP.

Additional Considerations

ALC Regulations

The proposal also conforms with Section 33 agri-tourism accommodation of the *Agricultural Land Reserve Use Regulation*. Staff have also included the requirement to maintain 'farm status' under the *Assessment Act* as a condition of the draft TUP in order for the use to remain in accordance with ALC regulations.

Parking and Traffic Circulation

The applicant notes that any vehicles required by campsite users would remain in the parking area near the house and the gift shop. In accordance with Division 300 of the Zoning Bylaw the following off street parking spaces are required; 1 for the gift shop, 2 for the single family dwelling, 2 for the bed and breakfast, and 6 for the proposed campsite, 1 for accessible parking for a total of 12. The site plan provides sufficient parking in accordance with the zoning bylaw, this site plan forms part of the draft TUP.

Noise

The proposal includes a quiet time policy after 10pm to mitigate conflict with surrounding properties, staff have included this as a condition within the draft temporary use permit.

Landscape Screening

The applicant has planted the following:

North/Rear	<ul style="list-style-type: none">• 10 willow trees (6-8 feet high)	East/Interior Side	<ul style="list-style-type: none">• 26 willow trees (6-8 feet high)
South/Front	<ul style="list-style-type: none">• 3 willow trees (5 feet high)• 72 willow cuttings planted (12 inches high)	West/Interior Side	<ul style="list-style-type: none">• 7 willow trees

Staff have included the maintenance of these trees as part of the conditions of the draft TUP.

Siting and Surfacing of Campsites

The applicant proposes the campsites within portions of the Douglas Fir plantation which have experienced natural attrition, therefore minimizing impact on the landscape and using existing screening. The campsites are not proposed to be surfaced with any material other than by grass.

The Zoning Bylaw considers a campsite a structure, therefore it is required to meet the setbacks of the RA-1 Zone. The siting of the 6 proposed campsites satisfy the 7.6m setback requirement.

Bond

Staff recommend that a bond be secured from the applicant to ensure that if the permit holder fails to comply with all the terms and conditions that the District may enter onto the land and carry out restoration of the property to its former use at the expense of the owner.

Farm Camping

Period of operation May – September Annually Short term stays only

APPENDIX B

Snowdon House is a four acre farm in North Saanich located on Mills Road. My farm is zoned agriculture, our agricultural income is derived from the hens we raise for free range eggs, the Douglas Fir products that are made from the Douglas Fir trees that are grown on the farm, our honey from our bees, and our gardens that provide us with a vast selection of flowers and herbs to use in our vinegars and other products we produce. Our fields also produce about 175 bails of hay for bedding. We battle blackberries through out the field keeping them at bay by chopping them down. No chemicals are used on the property and as much as possible is composted and recycled. My land is extremely wet and has been a challenge to work with. When the Douglas fir trees were first planted I was going to grow trees as Christmas trees. As time went on I realized that I would be growing a tree for approximately 6 years and cutting it down. By learning to cook with the fir trees I now have established a sustainable and renewable crop that is harvested annually and produces a wide range of Douglas Fir Products. This has been a challenge in marketing and educating the public on the Douglas Fir products. This year I have added numerous willow trees to aid in the absorption of water which I hope will make the fields more versatile for planting. I have added the trees on the perimeter of the property and have added a patch work quilt style of planting at the front of the farm which will provide additional food for the bees in early spring, help with the absorption of water, provide a floral crop and a crop that can be made into willow furniture and accessories.

I am very passionate about living on my farm and love to share my love of cooking, gardening and creativity with all. Every opportunity I have I love to teach people about what I am doing on my farm. When you love what you do it shows and people love to share in it.

The farmhouse B&B @ Snowdon House has been hosting guests as a bed and breakfast the last two summers with much success. We have consistently maintained a 9.6 rating through booking.com and have welcomed guests from around the world. Agri Tourism is becoming such a big part of where people want to stay when they visit our unique locations. We invite our guests to learn about the farm and neighboring areas and they have enjoyed a wide selection of the products made on the farm during their stay. On the breakfast table there is vast selection of farm jams, jelly and honey to enjoy with our home made bread. Local fruit and our homemade granola is also served with breakfast. Everyone enjoys the fresh eggs and the antics of the chickens. Our back patio area provides a warm and welcoming spot for the guests to socialize outside and enjoy the flowers, birds and farm.

I would like to expand on this by incorporating 5 farm camping spots one with a teepee to house guests for a very unique farm camping experience. (I would like to increase the number of teepees over time.) The others where people can bring their own tents. There will be no more than 4 people per individual tent spot. The teepee and camping spots will be hidden in the Douglas Fir plantation on the back of the farm. The Douglas Fir plantation is broken into 2 sections with a grass corridor in between the area where the camping spots will be located is 20 feet from the back property line on Mills Road and is 42 feet wide. There is natural attrition within the plantation where trees have died out, the teepee and camping spots will be nested within the plantation. The teepee and camping spots will be lit with solar lighting. 20 Additional 6-8 foot willow saplings have been planted by the edge of the property to ensure more privacy.

adding a compostable toilet for the most eco environmentally purposes, a grey water systems will be put into place and , Potable water will be provided. Picnic tables will be provided with each camping spot.

I feel my farm is well located to providing an accessible and convenient location for people travelling on bikes or in cars to this area. I am located close to B.C. ferries, the airport, parks, bike trails and beaches, providing the perfect place for a lovely holiday. I have had requests in the past for a venue like this.

My farm presently welcomes guests to visit the farm and explore, taste the many products that are made from the Douglas Fir Trees, fruit, herbs and blossoms grown on the property. The Douglas Fir plantation provides a sustainable and renewable crop for the farm from the gourmet foods we make from the Douglas Fir to using the Douglas fir for Christmas Boughs and Greens The antics of our friendly chickens welcome everyone to the farm.

I have been involved with Flavour trail in North Saanich for the past 7 years, hosting as many as 700 visitors over the course of the weekend. I have also hosted many seniors groups, tour groups and Tourism Victoria has brought several journalist groups. Our goal is to educate them on what we do on the farm and to emphasize the benefits of living in this area.

We will be host to the annual Feast of the Fields celebration this year which is one of the largest food and beverage festivals in B.C. in August another opportunity for us to educate people about our farm and the food we produce. North Saanich is such a beautiful area and will provide a beautiful spot to host this event and an opportunity to educate more people.

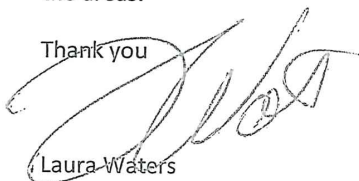
I am very conscious of my neighbors and will ensure that all campers know they need to respect a quiet time after 10 pm and will not cause a disturbance to the neighborhood. Lighting will be minimal to ensure it does not cause problems. There will be no smoking in the sites and no campfires.

I believe this is a wonderful addition to my present farm activities.

Please find attached a picture of the Teepee and a map where the teepee and camp spots will be located, the outhouses and grey water pits.

I look forward to hearing from you and answer any additional questions. I would be happy to show you the areas.

Thank you



Laura Waters

Farm House B& B at Snowdon House

250-658-3419



DISTRICT OF NORTH SAANICH TEMPORARY USE PERMIT TUP 2019-01

This Temporary Use Permit is hereby issued by the Council of the District of North Saanich to **Laura Waters** for **Lot B, Section 13, Range 2 East, North Saanich District, PID 000-150720 (1890 Mills Road)** hereby referred to as “land” and is subject to compliance with all of the bylaws of the District of North Saanich applicable thereto, except as specifically varied by this permit.

Pursuant to Section 492 through 497 of the *Local Government Act* and Section 201.1 of Zoning Bylaw No. 1255 the following temporary use shall be permitted on the property for agri-tourism accommodation in the form of 6 farm camping sites subject to the following terms and conditions:

1. TERM:

This permit is granted for a period beginning _____ XX, 20XX and expires on _____ XX, 20XX.

2. CONDITIONS:

The land shall be developed strictly in accordance with the following provisions of this permit and any plans and specifications attached hereto which shall form a part hereof.

- a. That the land maintain ‘farm status’ with BC Assessment on an annual basis.
- b. No more than the 6 campsites be located on the land as shown on Schedule 1.
- c. That the port-a-potties and the gray water pit be located as shown on Schedule 1 and that these amenities be maintained so as to not produce odour that could be detected by neighbouring properties.
- d. That no fire pits, smoking or open fire be permitted as part of the farm camping use.
- e. That any exterior lighting associated with the farm camping be fully shielded, low intensity and directed down and away from surrounding properties.
- f. That farm camping use is only permitted from May 1 to October 31.
- g. That tourists may only stay at the farm camping sites for a maximum of 30 consecutive days in 1 calendar year.
- h. That a quiet time policy for tourists after 10 pm be strictly enforced by the permit holder.
- i. That the parking and traffic circulation be maintained as shown on Schedule 1.
- j. That the landscape screening be maintained to a minimum as outlined in the following subsection:
 - i. North/Rear Lot Line: 10 willow trees
 - ii. East/Interior Side Lot Line: 26 willow trees
 - iii. South/Front Lot Line: 3 willow trees
 - iv. West/Interior Side Lot Line: 7 willow trees

TUP 2019-01
Page 1 of 2

k. That the campsites not be surfaced with any materials other than grass.

l. That when the permit expires that the land be restored to its previous condition.

As per s.495 and s.496 of the *Local Government Act* if the owner fails to comply with all terms and conditions outlined within this permit the District may enter on the land and carry out restoration with the \$3,000 security bond provided by the permit holder and held by the District.

3. OTHER PERMITS:

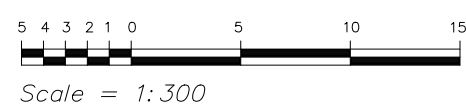
Despite issuance of this permit, construction may not start without a Building Permit, Tree Cutting Permit or other necessary permits. It is the owner's responsibility to determine whether such permits are required.

4. ISSUANCE

Authorizing resolution (No. XXX) passed by Council of the District of North Saanich this XX day of _____, 20XX.

DRAFT

Site Plan Of:
Lot B, Section 13, Range 2 East,
South Saanich District, Plan 6081,
P.I.D. 000-150-720



Scale = 1:300

Dated this 23rd day of April, 2019.

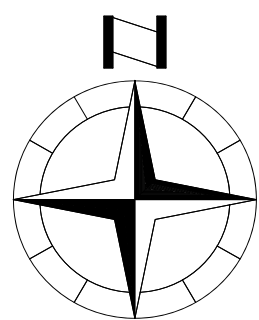
Distances and elevations shown are in metres.

Elevations are based on geodetic datum CVD288C and derived from OCM 78H7242.

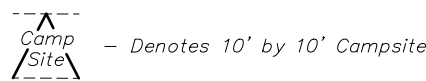
This site plan is for building and design purposes and is for the exclusive use of our client.

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

Schedule 1



1
Plan 2107



Denotes 10' by 10' Campsite

Plan

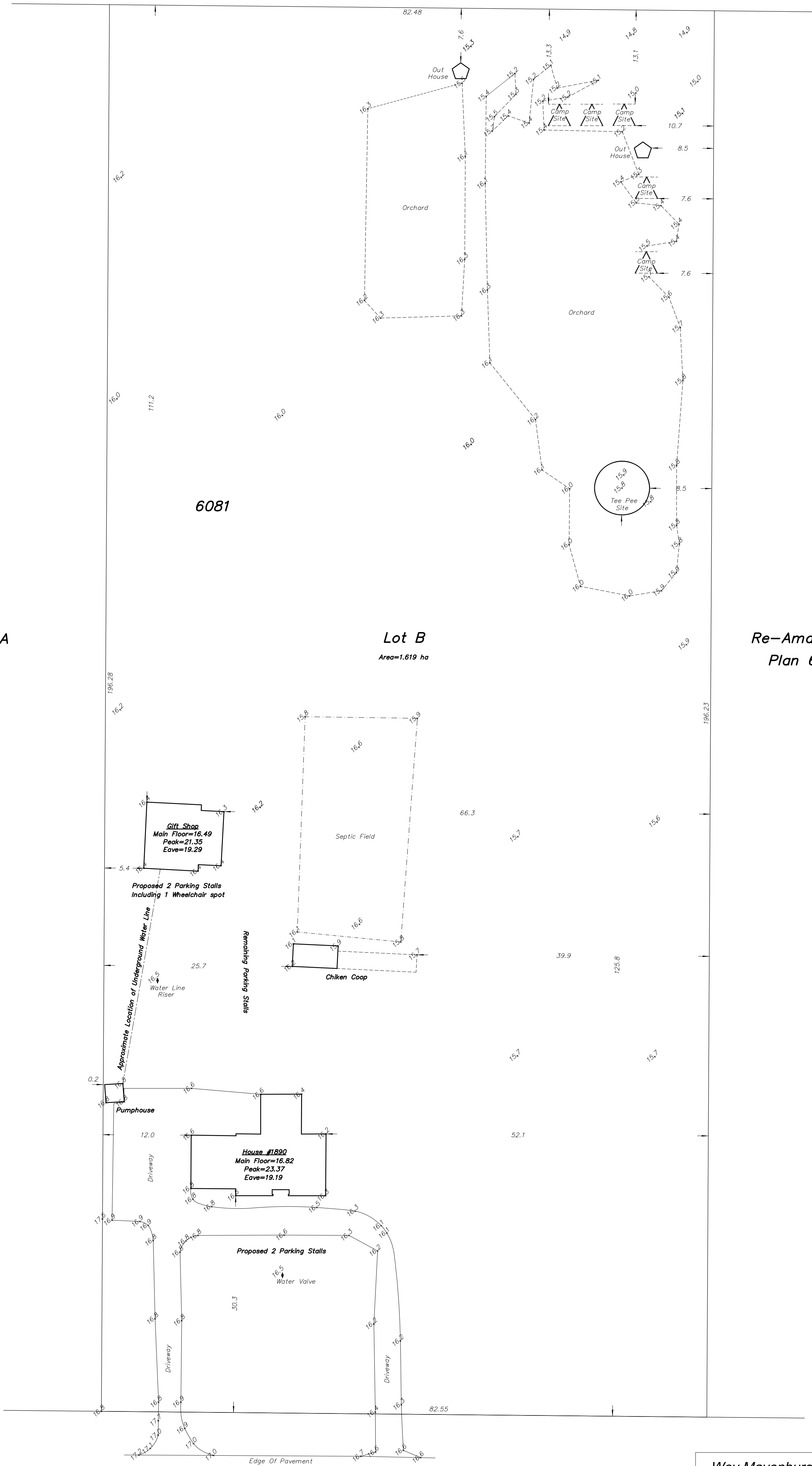
6081

Lot A

Lot B

Area=1.619 ha

Re-Amd. Lot 1
Plan 6652



Mills Road

Wey Mayenburg Land Surveying Inc.
www.weysurveys.com
#4-2227 James White Boulevard
Sidney, BC V8L 1Z5
Telephone (250) 656-5155
File: 190119\SIT\GH

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**District of
North Saanich**

STAFF REPORT

To: Tim Tanton
Chief Administrative Officer

Date: April 30, 2019

From: Anne Berry
Director Planning & Community Services

File: 1885 Forest Park Dr.

Re: **Library ALC Application Update**

RECOMMENDATION(S):

That Council direct staff to prepare an Agricultural Land Commission exclusion application for Council consideration.

STRATEGIC PLAN IMPLICATIONS:

Finalize VIRL Library at Panorama is a specific strategic project and initiative for 2019 listed in the District's Strategic Plan. This report is consistent with that direction.

INTRODUCTION/BACKGROUND:

In 2018, as part of the initiative to develop a new library proposed to be located on the Panorama Recreation Centre site, staff prepared and submitted a non-farm use application and subdivision in the ALR application to the Agricultural Land Commission.

As the Panorama Recreation Centre site is located on land in the Agricultural Land Reserve these applications were necessary in order to permit a new library to be constructed. In April 2019 the ALC denied both applications on the grounds that the proposal was not consistent with the Agricultural Land Commission Act and suggested that an exclusion application might be a more appropriate process.

A copy of the recent ALC decision is appended to this report at Attachment A.

DISCUSSION:

The District applied for non-farm use to permit a library use and a subsequent subdivision of a 0.8ha portion of the site in the south west corner of the Panorama property. Historically, the ALC has approved various non-farm use applications in order to permit recreational uses on the property. A non-farm use application for the library was deemed by staff to be consistent with that approach.

As the subject property's zoning does not specifically permit farm use the application was not required to be forwarded to the ALC via Council. Staff was able to submit the application directly to the ALC.

The April 2nd, 2019 reason for decision from the ALC noted that while the Executive Committee found the proposal to be consistent with the history of previously approved non-farm use applications, they did not find that the proposal was appropriate for lands within the ALR (in the context of the Agricultural Land Commission Act and particularly to preserve agricultural land and

encourage farming on agricultural land in collaboration with other communities of interest). However, the decision specifically stated that given the history of non-farm uses on the property which the Commission has allowed over the years, consideration may be given for the submission of a new exclusion application.

Should Council wish to proceed staff will begin preparing the materials for Council consideration.

OPTIONS:

Council can:

1. Direct staff to prepare an Agricultural Land Commission exclusion application for Council consideration; OR
2. Other.

FINANCIAL IMPLICATIONS:

Minor costs associated with ALC application fees and notification requirements will be incurred. As application materials prepared for the non-farm use application can be used again no significant financial implications are anticipated at this time.

LEGAL IMPLICATIONS:

Should the exclusion application be approved by the ALC, the proposed subdivision to create the library parcel will no longer require ALC approval. Additionally, any further expansions to the recreation centre or the site will no longer require ALC approvals.

CONSULTATIONS:

Notification per the ALC requirements will be necessary. A public hearing will also be required in advance of forwarding the application to the ALC. A referral to the District's Community Agriculture Commission is also recommended.

SUMMARY/CONCLUSION:

The Panorama Recreation Centre site has been used for recreational facilities since the late 1970's. Given the extent of development on the site, and in anticipation of future community recreational needs, it is unlikely that the site will revert to agricultural uses. An exclusion application will support not only the proposed library development but will also support other future recreational facility expansions by allowing greater flexibility on the site.

Respectfully submitted:



Anne Berry
Director Planning & Community Services

Concurrence,



Tim Tanton
Chief Administrative Officer

Attachments: A – ALC decision dated April 2, 2019



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

April 2, 2019

ALC File: 57536
ALC File: 57540

District of North Saanich
DELIVERED ELECTRONICALLY

Attention: Anne Berry, Director of Planning & Community Services

Re: Application 57536 to subdivide land in the Agricultural Land Reserve
Application 57540 to conduct a non-farm use in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Executive Committee for the applications (ALC ID: 57536, Resolution #101/2019 and ALC ID: 57540, Resolution #102/2019). As agent, it is your responsibility to notify the applicant accordingly.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to Ron Wallace at ALC.Island@gov.bc.ca.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Ron Wallace', is written over a light blue horizontal line.

Ron Wallace, Land Use Planner

Enclosures: Reasons for Decision (Resolution #101/2019 and Resolution #102/2019)



AGRICULTURAL LAND COMMISSION FILE 57536 & FILE 57540

REASONS FOR DECISION OF THE EXECUTIVE COMMITTEE

Subdivision application 57536 submitted under s. 21(2) of the *Agricultural Land Commission Act*

Non-Farm Use application 57540 submitted under s. 20(2) of the *Agricultural Land Commission Act*

Applicant: District of North Saanich

Agent: Anne Berry, Director of Planning & Community Services, North Saanich

Property: Parcel Identifier: 001-360-451
Legal Description: Lot 1, Section 4, Range 2 East, North Saanich District, Plan 29757
Civic: corner of Forest Park Drive and East Saanich Road, North Saanich BC
Area: 6.4 ha

Executive Committee: Jennifer Dyson, Chair
Ione Smith, South Coast Panel
Richard Mumford, Interior Panel
David Zehnder, Kootenay Panel
Janice Tapp, North Panel
Gerald Zimmerman, Okanagan Panel



OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] Pursuant to s. 21(2) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the "Commission") to both subdivide approximately 0.8 ha from the Property; and Pursuant to s. 20(2) of the ALCA, for a non-farm use to develop a public library to service the community on the proposed 0.8 ha lot (the "Proposal"). Subdividing the proposed lot from the District of North Saanich owned Property will allow the library to be set up on a separate title of land whose ownership can then be transferred.
- [3] The issue the Executive Committee considered is whether the proposed subdivision (ALC ID: 57536) and the associated non-farm use application (ALC ID: 57540) for the purpose of developing a public library to service the community is appropriate in the context of s. 6(a) and (b) of the ALCA.
- [4] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
- (a) to preserve the agricultural land reserve;
 - (b) to encourage farming of land within the agricultural land reserve 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 land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD

- [5] The Executive Committee considered the Proposal along with related documentation from the Applicant (i.e., District of North Saanich) and the Commission, which



collectively referred to as the "Application". All documentation in the Application was disclosed to the Applicant in advance of this decision.

BACKGROUND

- [6] In 1975, ALC Application ID: 10647 (Legacy File: 75-0575) from Dean Park development was submitted to the Commission requesting permission to subdivide a 7.1 ha (17.5 acre) parcel to be donated to the District of North Saanich for park purposes. The Commission approved the application by Resolution #1966/75. As part of the proposal, the Commission approved a right-of-way to provide road access to Dean Park Residential Development.
- [7] Also in 1975, ALC Application 75-0575 the District of North Saanich requested permission to use the 7.1 ha parcel for the development of public recreational facilities, some of which were intensive, such as swimming pool, ice skating rink and activity buildings. The Commission approved the application by Resolution #2770/75 on the grounds of the public need for such a complex in the area and on the understanding that these facilities will be a joint venture to serve the needs of three municipalities.
- [8] Following this application, in 1982, under ALC Application 75-0575, the District of North Saanich submitted a request to use 0.4 ha of the subject property as a fire hall site. The District of North Saanich has previously tried to have the fire hall located on another parcel within the ALR, but this request was refused by the Commission on the grounds that the fire hall would alienate lands of excellent agricultural potential. At that time, the Commission suggested that the District examine a site at the recreational center for the location of the fire hall.
- [9] In 1990, under the same application (ALC Application 75-0575A) the Commission supported the request for the construction of a basketball court on the subject property. Following a review of the submission the Commission determined that the proposal was consistent with Resolution #2770/75.



[10] In 1999, the Commission further approved the request to construct an all-putting golf facility over approximately 1.0 ha of the subject property. The Commission again determined that this proposal was consistent with Resolution #2770/75.

[11] Lastly, in 2006, the Commission received a request to expand the existing aquatic facility on the Property. The scope of work involved was to add a leisure lifestyle pool tank to the existing facility. In response, the Commission determined that the proposed additions were in substantial compliance with the Commission's Resolution #2770/75.

EVIDENCE AND FINDINGS

Issue: Whether the proposed subdivision (ALC ID: 57536) and the associated non-farm use application (ALC ID: 57540) for the purpose of developing a public library to service the community is appropriate in the context of s. 6 (a) and 6 (b) of the ALCA.

[12] The Executive Committee finds the Proposal to subdivide off approximately 0.8 ha from the Property for the purpose of developing a public library to service the community, is not consistent with its purpose to preserve agricultural land or encourage farming on agricultural land in collaboration with other communities of interest. However, the Executive Committee also acknowledges the history of the Property as outlined above; and that the Property was approved by the Commission in 1975 for the development of public recreational facilities such as a swimming pool, ice skating rink and other recreational activities and came to be known as the Panorama Recreation Centre in North Saanich. It is further noted by the Executive Committee that since 1975 when the recreational facility was established, there have been a number of additional requests from the District of North Saanich to include other non-farm uses on the Property such as the development of a fire hall site, the construction of both a basketball court and an all-putting golf facility and to expand the swimming pool complex. All of these requests were determined by the Commission to be consistent with the original approval for the development of a public recreational facility on the Property.



Reasons for Decision of the Executive Committee
Application 57536 and 57540

[13] In consideration of the above issue, the Executive Committee finds the Proposal(s) to subdivide off approximately 0.8 ha from the Property for the purpose of developing a public library to service the community, to be consistent with the history of approvals on the Property for non-farm uses. However, in context to s. 6 (a) and 6 (b) of the ALCA (i.e., to preserve agricultural land and to encourage farming on agricultural land in collaboration with other communities of interest, respectively), the Executive Committee finds the Proposal is not appropriate on land within the ALR.

DECISION

[14] For the reasons given above, the Executive Committee refuses the Proposal.

[15] However, given the history of non-farm uses on the Property which the Commission has allowed over the years, consideration may be given for the submission of a new application for exclusion.

[16] These are the unanimous reasons of the Executive Committee.

[17] A decision of the Executive Committee is a decision of the Commission pursuant to s. 10(3) of the *Agricultural Land Commission Act*.

[18] Resolution #101/2019 (Application 57536)
Resolution #102/2019 (Application 57540)

Released on April 2, 2019

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Jennifer Dyson, Chair

On behalf of the Executive Committee