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Prospect Lake.

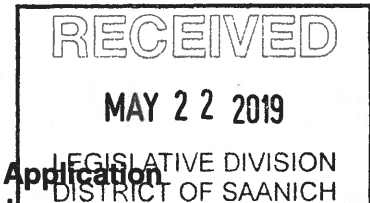
The Corporation of the District of Saanich



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Report

To: Mayor and Council
From: Sharon Hvozdzanski, Director of Planning
Date: May 21, 2019
Subject: Temporary Use Permit and Agricultural Land Reserve Application
File: TUP00013; ALR00016 • 4005 Prospect Lake Road



RECOMMENDATION

1. That Temporary Use Permit TUP00013 be approved.
2. That the Agricultural Land Reserve application for a Non-Farm Use in the Agricultural Land Reserve be forwarded to the Agricultural Land Commission, following a Public Hearing for the Temporary Use Permit, with a recommendation for approval.
3. That ratification of the Temporary Use Permit be withheld pending Agricultural Land Commission approval.

PURPOSE

The purpose of this report is to seek direction from Council on the subject application. The application is for a Temporary Use Permit to allow the applicant to operate a land use education program (both natural ecosystem and agricultural based) for youth on the property. Given that the proposed site is within the Agricultural Land Reserve, a concurrent application for Non-Farm Use must be submitted to and approved by the Agricultural Land Commission (ALC) for the proposal to proceed forward.

The applicant is pursuing a Temporary Use Permit application to test their business proposal. If the business is found to be viable, then they would consider rezoning the property at a later date to allow the subject use. The applicant is Anabela Spick.

DISCUSSION

Review Process

Section 492 of the "Local Government Act" permits Council, in an Official Community Plan or a Zoning Bylaw, to designate areas where temporary commercial and industrial uses may be allowed and may specify general conditions regarding the issue of temporary commercial and industrial permits in those areas. Temporary Use Permits may be approved for up to three

years and may be renewed only once for up to three additional years.

As the subject site is located within the Agricultural Land Reserve, a Temporary Use Permit for the proposed "Assembly" use would also require Agricultural Land Commission approval for a Non-Farm Use. A concurrent application from the land owner for a Non-Farm Use in the Agricultural Land Reserve under Sec. 20(3) of the "Agricultural Land Commission Act" has been received.

Should Council support the proposed Temporary Use Permit application, the Non-Farm Use application would be forwarded to the Agricultural Land Commission for review and consideration, after the Public Hearing. Assuming the Agricultural Land Commission supports the Non-Farm Use application, ratification of the Temporary Use Permit could then be granted by Council. If Council supports the Temporary Use Permit, but the Agricultural Land Commission does not support the non-farm use application, the subject proposal would proceed no further.

If Council does not support the Temporary Use Permit, the subject proposal would proceed no further.

Neighbourhood Context

The 2.95 ha A-1 (Rural Zone 2.0 ha Lot) zoned site is in the West Burnside neighbourhood of the Rural Saanich Local Area and is located approximately 115 m north of the intersection of Prospect Lake Road and Burnside Road West (see Figure 1). The site contains a house and stable and a variety of smaller out buildings. Surrounding properties are all similarly zoned A-1 parcels. The parcel is within the Agricultural Land Reserve, and outside the Urban Containment Boundary and Sewer Service Area.

Land Use

The majority of parcels in the Rural Saanich Local Planning Area are either A-1 (Rural Zone 2.0 ha Lot) or A-4 (Rural Zone 4.0 ha Lot) zoned parcels, both of which allow Single Family Dwellings and Agriculture as permitted uses.

The applicant, who owns and lives on the property, is proposing a for-profit, land stewardship/outdoor education program for children that would be both natural ecosystem and agricultural-based. The objective of the program is to encourage children to explore and learn about their local natural environment, allowing them to develop an understanding and appreciation of nature and sustainability.

While no large scale farming activity is taking place or is currently proposed, the applicant has a stable and their own vegetable garden, and are preparing the soil for an orchard on a portion of the property. The applicant states that there will be growing and harvesting occurring as an important part of the educational program. The applicant's property is already equipped with a couple of chicken coops and they have plans to purchase chickens later this year.

Up to 10 youth would participate in the onsite program at one time and there would be two permanent staff with additional part-time/on-call staff depending on the planned activity. The

programs would be delivered by “Green Coaches”, who would either be certified practitioners under “Forest School Canada” or “Early Childhood Educators” with outdoor experience.

The applicant has stated that educational programs would occur on weekdays, with one morning class, one early afternoon and one late afternoon class. Each of the three classes would be of one and a half hours in duration.

The property is zoned A-1 which does not permit the proposed operation, which would be classed as an “Assembly” type of use. In order to permit the proposed for-profit educational use on the property, the applicant is required to either rezone the lot or apply for a Temporary Use Permit. The proposed education centre is not permitted as a home-based business as those regulations do not permit more than two clients on the property at any one time and restrict employees to residents only. The applicant is pursuing a Temporary Use Permit application to test their business proposal. If the business is found to be viable, then they would consider rezoning the property to allow the subject use.

The applicant has also made an application for Non-Farm Use in the Agricultural Land Reserve. Non-farm uses, if approved by the Agricultural Land Commission, must comply with all applicable local government bylaws. The property at 4005 Prospect Lake Road is not an active farm, nor is it assessed as a farm for taxation purposes. Because of this, the proposed education centre could not be classified nor promoted as “Agri-tourism”.

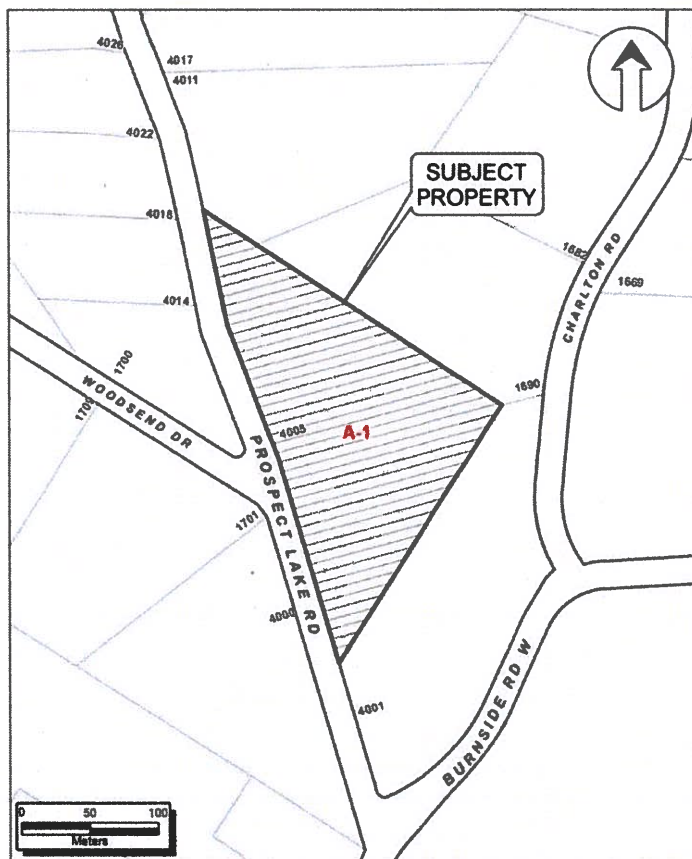


Figure 1: Neighbourhood Context

Site and Building Design

The lot is partially wooded, with a large open area at the north end of the site. The eastern portion of the lot, roughly 60 m in from the easternmost point, is listed in the Sensitive Ecosystem Inventory as a woodland. The proposed educational operations would be taking place outside of the Sensitive Ecosystem Inventory area.

Existing buildings consist of the single family dwelling, a detached garage, a stable and a few small sheds. The primary driveway leading to the dwelling is situated just south of the intersection of Prospect Lake Road and Woodsend Drive.

A second driveway is located south of the one leading to the dwelling. The applicant is proposing to use this second driveway for access to a proposed 84 m² (900 ft²) pick up and drop off area (see Figure 2). The applicant notes that a previous owner had put down a layer of gravel in this area which has now grassed over and is suitable for this purpose.

Proposed areas for the program would include a 372 m² (4000 ft²) wooded area for the forest program and a 79 m² (350 ft²) area for a children's garden (see Figure 2).

An existing open air shelter roughly 3.05 m x 3.65 m is located at the site of the program area and would be used to store personal belongings. The only new structure being proposed is a composting toilet to be located near the program area.

Mobility & Traffic

The site is not well-served by public transit. The closest bus stops are located near the intersection of Burnside Road West and Watkiss Way, with a Westbound stop 1290 m away and an Eastbound stop 1355 m away. Both stops are served by Route #22 (Vic General/Hillside Mall) with service every 30 minutes on weekdays. The Eastbound stop is also served by Route #39 (Westhills/Interurban/Royal Oak/UVic) with service every 30 minutes at peak times on weekdays.

Limited on-site parking would be available, but along with a proposed driveway extension a pick up/drop off area would be created on site. In consultation with the Engineering Department, the applicant is proposing to use an existing secondary entrance near the south end of the property for access to the proposed pick up and drop off area. As previously noted, a maximum of 10 youth are anticipated to be participating at any one time along with 2 permanent staff with additional on call staff as necessary. The Engineering Department does not anticipate any negative impacts on traffic or use of the rural road.

Consultation

Referrals were sent to the Prospect Lake and District Community Association (PLDCA) and the Peninsula Agricultural Commission. The PLDCA responded indicating no objection. No response has been received to date from the Peninsula Agricultural Commission.



Figure 2: Site Plan showing Proposed Location of Activity Areas

ALTERNATIVES

1. That Council approve the recommendations as outlined in the staff report (Staff Recommend).

The implications of this alternative are discussed in detail in later sections of this report.

2. That Council reject the recommendations as outlined in the staff report.

Should Council decide to reject the recommendations contained in this report, the implications are that the proposed Temporary Use Permit would not proceed, and that the Agricultural Land Reserve application for a non-farm use in the Agricultural Land Reserve would not be forwarded to the Agricultural Land Commission. The subject property would

retain its current A-1 zoning and only the permitted uses under that zone, such as Agriculture or Single Family Dwelling could continue.

3. That Council provide alternate direction to staff.

Should Council provide alternate direction to staff, the implications are that staff would work with the applicant to address comments from Council. The applicant would undertake any necessary revisions to the plans and would resubmit their proposal for review by staff and ultimately consideration by Council. This alternative would result in a delay in Council's decision regarding the Temporary Use Permit and the forwarding of the application for non-farm use in the Agricultural Land Reserve to the Agricultural Land Commission.

FINANCIAL IMPLICATIONS

The proposal has no immediate implications related to the District of Saanich Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposal has no implications related to the District of Saanich 2015 - 2018 Strategic Plan.

PLANNING IMPLICATIONS

Policy

The following Saanich Planning Policies are most applicable to the subject proposal:

Administrative Policy 2/TCP (2005) Temporary Commercial/Industrial Use Permits

"Local Government Act", Section 492 permits Council in an Official Community Plan or a Zoning Bylaw to designate areas where temporary commercial and industrial uses may be allowed and may specify general conditions regarding the issue of temporary commercial and industrial permits in those areas. Temporary Use Permits may be approved for up to three years and may be renewed only once for up to three additional years. Saanich's Zoning Bylaw, Section 5.30 states:

"Notwithstanding any other provisions of this bylaw, a temporary commercial or industrial permit issued pursuant to Local Government Act s. 921 [is now s. 493] may be considered on any parcel within the District of Saanich except those parcels zoned RS, RD, RC, RT, RM, RA, RP, MFC, and MFI."

Administrative Policy 2/TCP allows Temporary Commercial/Industrial Use Permits not requiring an amendment to the Official Community Plan to be considered at a Public Hearing. Notice of the Public Hearing must be mailed to owners and occupiers of all parcels within 90 m of the subject property, at least 10 days before the meeting.

Official Community Plan (2008)

4.1.2.24 "Foster and support public awareness, engagement, and participation in community environmental stewardship initiatives."

- 4.1.2.25 “Work with private land owners to encourage stewardship that protects, preserves, and enhances natural systems and, where appropriate, enter into conservation covenants or provide incentives to protect riparian or environmentally significant areas.”
- 4.2.6.2 “Require institutional uses to locate within the Urban Containment Boundary and outside the ALR except where they preserve large amounts of land as open space or provide other community amenities.”
- 5.1.3.2 “Continue to support the work of the Greater Victoria Development Agency to retain and enhance existing businesses, and attract new environmentally friendly businesses to the region.”
- 6.1.3 “Continue to be responsive to emerging “new economy” business sectors.”

Rural Saanich Local Area Plan (2008)

While not a rezoning application, certain policies in the Rural Saanich Local Area Plan provide useful guidelines when considering the proposal:

- 7.3 “Do not support rezoning applications to permit urban-type uses outside the Urban Containment Boundary that would have the potential to significantly increase traffic on rural roads, or adversely impact the natural environment, the rural character or the lifestyle.”
- 8.8 “Continue to develop and support environmental education programs and initiatives for the public related to protection of watercourses, groundwater, and vegetation including programs to manage the spread of invasive species.”
- 15.1 “Carefully consider rezoning applications for new institutional uses on the basis of use, access, provision of services, traffic generation, transit routes, lot size, scale, neighbourhood context and environmental considerations.”

Policy Analysis

The applicant has applied for a Temporary Use Permit as the current zoning does not permit the use proposed. A Temporary Use Permit is being sought to cover the commercial and educational aspects of the proposed program. The applicant is pursuing a Temporary Use Permit application to test their business proposal. If the business is found to be viable, then they would consider rezoning the property at a later date to allow the subject use. Neighbourhood impacts related to increased noise or traffic from the operation of the educational program are expected to be minimal.

Currently, limited agricultural use occurs on the property. If the Temporary Use Permit was approved, the program would increase the amount of agricultural use being performed on the land with the addition of a garden and, ultimately, an orchard as well. The property is within the Agricultural Land Reserve, though most of the property is either hilly with exposed rock, or heavily treed, or both. According to the Agriculture Canada Soils Map from 1986, the major soil association on this property is listed as "Somenos", a moraine-based gravelly sandy loam with good drainage, often 50 - 100 cm thick over bedrock. Enhanced fertility of the soil could be achieved with remedial work.

While this educational/assembly use could be accommodated elsewhere in Saanich (e.g. on land not within the Agricultural Land Reserve), the applicants own and live on this parcel, and are familiar with it. The parcel would also lend itself very well to the proposed educational program, and the proposed activity areas would not interfere with the ability of the property to be farmed now or in the future. The program itself would increase participant's awareness in the importance and realities of farming.

Servicing

There are no Development Servicing Requirements for this development. The proposed washroom would consist of a composting toilet, and Island Health has advised that before constructing a composting toilet system an Authorized Person (Registered Onsite Wastewater Practitioner or a Professional) must submit a filing to the health authority. The owner of the property must ensure that all domestic sewage is discharged into a public sewer, holding tank or sewerage system. Under the Ministry of Health Manual on Composting Toilets and Greywater Practice, composting toilets are identified as part of a "sewerage system", and are to be filed as part of a Sewerage System Regulation for the site. The applicant has confirmed that they will comply with these requirements. This issue will be a condition of the Temporary Use Permit if approved by Council.

Temporary Use Permit Conditions

A Temporary Use Permit may do one or more of the following: Allow a use not permitted by a zoning bylaw; Specify conditions under which the Temporary Use Permit may be carried on; and Allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

If supported by Council, the subject Temporary Use Permit would allow a land use education program for youth (both natural ecosystem and agriculture based), to promote responsible stewardship of land for preservation, biodiversity, and food production to operate for a maximum of three years, with the opportunity for a one time renewal of the Permit, for a maximum of three additional years. Council is not obligated to renew the Permit.

After the expiry of the Temporary Use Permit, the education program operation use would either cease, or the applicant could apply to rezone the property to allow for the use to continue.

The proposed Temporary Use Permit would contain the following conditions:

- The programs would operate Monday to Friday with one morning, one early afternoon and one late afternoon programs totaling 4.5 hours per day;
- The number of students would not exceed 10 per class. No more than three classes would take place on one day;
- The number of permanent staff would not exceed two;
- The facility must be operated in a responsible manner so as to minimize community impacts including noise and odours;
- The operators of the program must reside on the property; and
- Before constructing a composting toilet system, the property owner must secure and pay for the services of an Authorized Person (Registered Onsite Wastewater Practitioner or a

Professional) to submit a successful filing to the health authority. The owner of the property must also ensure that all domestic sewage is discharged into a public sewer, holding tank or sewerage system. Under the Ministry of Health Manual on Composting Toilets and Greywater Practice, composting toilets are identified as part of a "sewerage system", and are to be filed as part of a Sewerage System Regulation for the site.

Climate Change and Sustainability

The Official Community Plan adopted in 2008 highlights the importance of climate change and sustainability. The Official Community Plan is broadly broken down into the pillars of sustainability including environmental integrity, social well-being, and economic vibrancy. Climate change is addressed under the environmental integrity section of the Official Community Plan and through Saanich's Climate Action Plan.

The following is a summary of the Climate Change and Sustainability features and issues related to the proposed development. This section is not and cannot be an exhaustive list or examination of the issue. However, this section is meant to highlight key issues for council and keep this subject matter at the forefront of council's discussion.

Climate Change

This section includes the specific features of a proposal related to mitigation and adaptation strategies. Considerations include: 1) Project location and site resilience, 2) Energy and the built environment, 3) Sustainable transportation, 4) Food security, and 5) Waste diversion.

The proposed development includes the following features related to mitigation and adaptation:

- The proposal is in an established rural area. No changes are proposed to the building exterior or site other than relocating of an existing 3.05 m x 3.65 open air shelter to, and construction of a composting toilet at, the program area site, and no infrastructure upgrades are required to accommodate the proposal;
- Maintaining the existing tree cover as much as possible would protect the Urban Forest and preserve the carbon sink, as well as the buffering capacity of the natural environment. There would be no loss of trees as a part of this application;
- Proximity to public transit is limited—Routes #22 (Vic General/Hillside Mall) and #39 (Westhills/Interurban/Royal Oak/UVic) provide public transit with service every 30 minutes on weekdays, however the nearest stops are 1.3 km from the site; and
- The proposed operation includes sufficient area with good solar exposure that is suitable for backyard gardening and small-scale agriculture, and would promote an appreciation for Food Security.

Sustainability

Environmental Integrity

This section includes the specific features of a proposal and how it impacts the natural environment. Considerations include: 1) Land disturbance, 2) Nature conservation, and 3) Protecting water resources.

The proposed development includes the following features related to the natural environment:

- The proposal will conserve, restore, or improve native habitat; and

- The proposal is for an education program which would foster an appreciation for the natural environment.

Social Well-being

This section includes the specific features of a proposal and how it impacts the social well-being of our community. Considerations include: 1) Housing diversity, 2) Human-scale pedestrian oriented developments, and 3) Community features.

The proposed development includes the following features related to social well-being:

- The program would foster an appreciation of sustainable agriculture and the natural environment in young people; and
- No new neighbourhood impacts related to increased noise or traffic are anticipated from the operation.

Economic Vibrancy

This section includes the specific features of a proposal and how it impacts the economic vibrancy of our community. Considerations include: 1) Employment, 2) Building local economy, and 3) Long-term resiliency.

The proposed development includes the following features related to economic vibrancy:

- It is anticipated that the facility would employ two full time staff and additional on call staff as necessary.


CONCLUSION


The applicant is seeking a Temporary Use Permit to allow the applicant to operate a land use education program (both natural ecosystem and agricultural based) for youth on the property. Given that the proposed site is within the Agricultural Land Reserve, an application for Non-Farm Use must also be submitted to and approved by the Agricultural Land Commission.

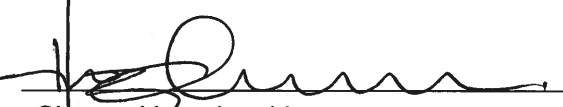
The proposed educational programs would operate Monday to Friday with one morning, one early afternoon and one late afternoon class, totaling 4.5 hours of teaching activity per day. There would be a maximum of 10 youth per class, along with 2 permanent staff. Minimal neighbourhood impacts related to noise or traffic are anticipated from the operation of the proposed educational program.

Currently, limited agricultural use occurs on the property. If approved, there would be an overall increase in the amount of agricultural activity on the property. The property is within the Agricultural Land Reserve, though most of the property is either hilly with exposed rock or heavily treed, or both. The proposed activity areas would not interfere with the ability of the property to be farmed now or in the future, and would have the potential to inspire a new generation of farmers.

For the above noted reasons, Staff support the subject application.

Prepared by: 
Chuck Bell
Planner

Reviewed by: 
Shari Holmes-Saltzman
Manager of Current Planning

Approved by: 
Sharon Hvozdzanski
Director of Planning

CWB/jsp

Attachments

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.


Paul Thorkelsson, Administrator