

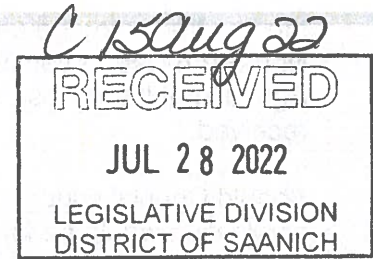
2860-55



The Corporation of the District of Saanich

Report

To: Mayor and Council
From: Sharon Hvozdanski, Director of Planning
Date: July 27, 2022
Subject: Temporary Use Permit and Agricultural Land Reserve Applications
File: TUP00031; ALR00035 • 5927 West Saanich Road



RECOMMENDATION

That Council receive this Report for information and provide direction to Staff as to how it wishes to proceed.

Note: If Council wishes to support the subject temporary land use proposal, the following procedural actions are required:

- 1. That Temporary Use Permit TUP00031 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, without a recommendation.
3. That ratification of the Temporary Use Permit be withheld pending Agricultural Land Commission approval for a Non-Farm Use.

PURPOSE

The purpose of this Report is to seek direction from Council on the subject application. The application is for a Temporary Use Permit for up to two years to allow the applicant to continue to operate a heavy-capacity tow truck storage business within the Agricultural Land Reserve (ALR) at 5927 West Saanich Road. The subject application is being made by the applicant, as a result of ongoing Bylaw Enforcement. Given that the 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 Donald Affleck.

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 uses may be allowed and may specify

general conditions regarding the issue of temporary use permits in those areas. Once approved, a Temporary Use Permit may be renewed only once.

As the subject site is located within the Agricultural Land Reserve, a Temporary Use Permit for the tow truck storage use would also require Agricultural Land Commission approval for a Non-Farm Use. A concurrent application from the landowner 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 2.04 ha, A-1 (Rural) zoned property is located in the Rural Saanich Local Area, on the east side of West Saanich Road between Durrance Road and Glen Nevis Road. The site contains a single family dwelling, garage and workshop. (see Figure 1)

The site is located within the Agricultural Land Reserve and outside the Urban Containment Boundary and Sewer Service Area. Surrounding land use is rural residential/agriculture. Agricultural activities on the adjacent properties include horse stables, hay field and small hobby farm.

Proposed Land Use

The applicant is the owner of Peninsula Towing Service. He purchased the property in 2003 and the trucks have been parked on the property since that time.

Peninsula Towing is one of four major towing companies in the Capital Regional District (CRD) and provides services to the municipalities of Sidney, Central Saanich and North Saanich, as well as Sidney/North Saanich RCMP and the Central Saanich Police Department. They also perform heavy towing and major recovery services throughout the CRD, including on the Malahat. They are contracted for all towing services for B.C. Ambulance in the CRD, and for B.C. Ferries.

The applicant has stated that Peninsula Towing has the most heavy-wreck towing capacity of any towing company south of Nanaimo. It is the only towing company in the area operating heavy-capacity trucks with the capability to clear incidents involving semi-trailers, snowplows, buses and other large, heavy vehicles. When traffic incidents involving large vehicles occur, the heavy Peninsula Towing trucks are vital to maintaining traffic flow in the CRD.

In response to ongoing bylaw enforcement action, the applicant has requested a Temporary Use Permit to permit the storage of heavy-capacity tow trucks to continue while it secures an appropriately zoned parcel of land to relocate the business to. As the site is located within the

Agricultural Land Reserve, Agricultural Land Commission approval is required for a Non-Farm Use.

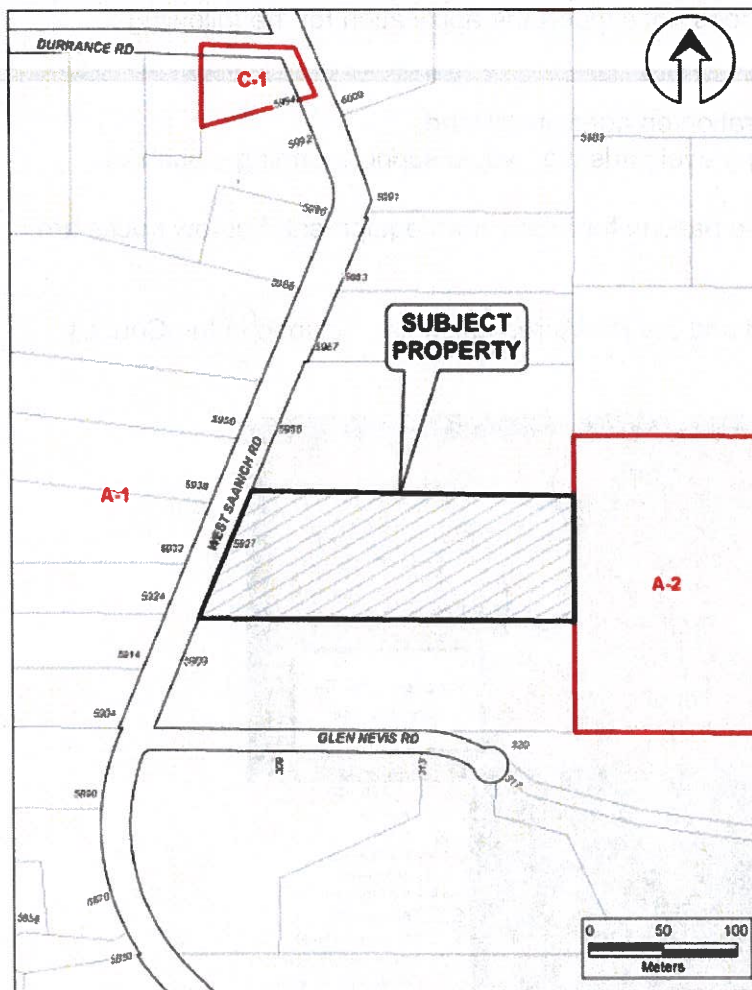


Figure 1: Neighbourhood Context Map

Site and Building Design

The applicant has stated that the site has been used to store heavy-capacity tow trucks and related equipment since 2003. The site is steeply sloping and heavily forested. The gravel pad storage area is located on a steep slope near the rear of the site in an area with poor soils that is not considered to be suitable for agriculture.

The applicant states that it is actively looking for a suitable site to relocate the business to and would continue to store its heavy-capacity tow trucks and related equipment on the West Saanich Road property until it is able to find an alternate site. No changes to the current land use or business operation are proposed.

Consultation

The applicant has submitted letters of support from 13 neighbours in the immediate area. Planning has also received one letter from a rural Saanich resident objecting to the Non-Farm Use within the Agricultural Land Reserve.

Referrals were sent to the Prospect Lake Community Association (PLCA) and the Peninsula &

Area Agricultural Commission (PAAC). No response has been received to date from PLCA. The proposal was considered by the Peninsula & Area Agricultural Commission and a response was received stating that “the Commission does not support the application for the following reasons:

- It will basically be a commercial operation on agricultural land;
- There are other uses for the existing gravel pads that would support farming – such as greenhouses or container growing;
- It is acknowledged that all farms need parking for heavy farm equipment, but tow trucks are not considered farm equipment.”

Copies of the correspondence received and the PAAC response are included in the Council information package.

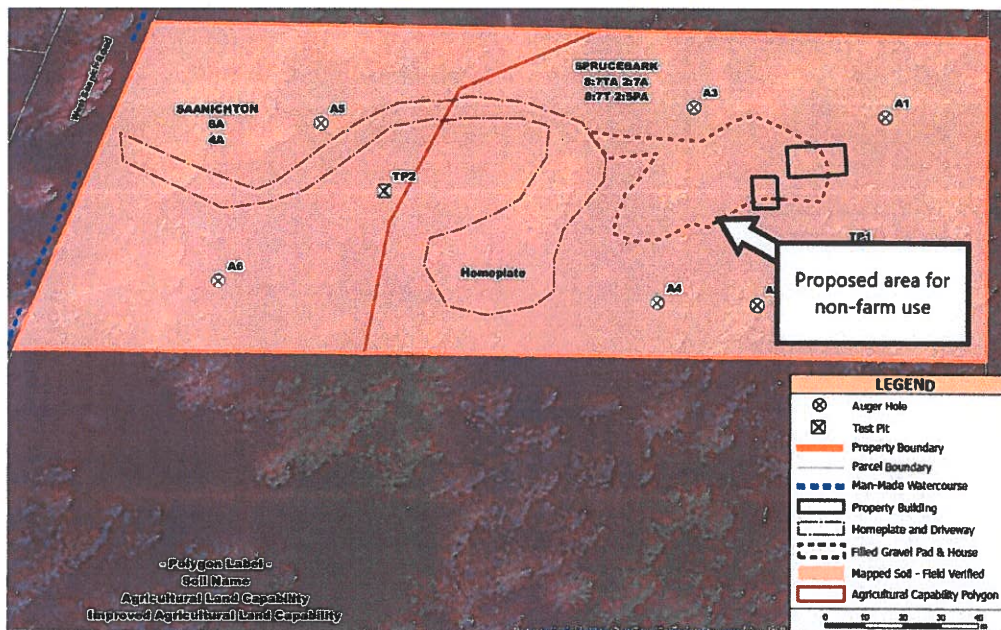


Figure 2: Site Plan Showing Approximate Area of Current Non-Farm Use

ALTERNATIVES

1. That Council approve the recommendations as outlined in the Staff Report.
2. That Council reject the recommendations as outlined in the Staff Report.
3. That Council provide alternate direction to Staff.

FINANCIAL IMPLICATIONS

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

STRATEGIC PLAN IMPLICATIONS

There are no implications to the District of Saanich 2019 - 2023 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 uses may be allowed and may specify general conditions regarding the issue of temporary use permits in those areas. Once approved, a Temporary Use Permit may be renewed only once. 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)

- 4.1.2.2. “Support the Regional Growth Strategy with respect to the preservation of: Regional Growth Strategy Capital Green Lands; Unprotected Green Space; Green and Blue Spaces; Farm and Agricultural Land Reserve lands; and Renewable Resource Lands Policy Areas.”
- 4.1.2.3. “Continue to protect and restore habitats that support native species of plants, animals and address threats to biodiversity such as invasive species.”
- 4.1.2.6. “Require restoration plans, prepared by a qualified environmental professional where an environmentally sensitive area has been disturbed through unauthorized activities.”
- 4.2.1.1. “Support and implement the eight strategic initiatives of the Regional Growth Strategy, namely: Keep urban settlement compact; Protect the integrity of rural communities; Protect regional green and blue space; Manage natural resources and the environment sustainably; Build complete communities; Improve housing affordability; Increase transportation choice; and Strengthen the regional economy.”
- 4.2.5.1. “Support the retention of rural and farm lands through adherence to the Urban Containment Boundary policy and preservation of the Agricultural Land Reserve.”
- 4.2.5.2. “Maintain farming, food production, and large lot residential as the predominant land use on rural lands.”

Rural Saanich Local Area Plan (2008)

- 8.3 “Retain an open-channel stormwater drainage system in Rural Saanich consisting of natural watercourses and wetlands, ditches, and flood plains, and other water retention and detention opportunities to enhance water quality and environmental features.”

- 8.4 “Minimize run-off into watercourses in Rural Saanich by limiting the amount of impervious cover and maintaining trees and other vegetation within the watersheds.”
- 9.6 “Encourage environmentally sound agricultural practices by promoting the BC Environmental Farm Program developed by the Ministry responsible for Agriculture in association with the BC Agriculture Council.”

Agriculture and Food Security Plan (2018)

- 5.4 “Investigate the issue of non-farm use on agricultural lands and develop options to address the protection of farmland. This could include:
- Review regulations to ensure that exemptions for farm use only apply to properties that are classified by BC Assessment as properties with “farm status” for tax purposes;
 - Explore approaches to reduce non-compliance issues on A-zoned land; and
 - Identify non-farm uses that have the potential to impact future food production on agricultural land.”
- 5.5 “Work with regional partners to find regional and local solutions that will limit the infiltration of nonfarm use on agricultural land such as industrial uses, truck parking, and deposit of fill from construction sites.”

Policy Analysis

The A-1 (Rural) zoned site is located within the Agricultural Land Reserve in the Prospect Lake neighbourhood of the Rural Saanich Local Area. The subject site is designated as Rural Lands in the Official Community Plan (OCP). The OCP contains policy to maintain farming, food production, and large lot residential development as the predominant land use in rural areas. “Truck Parking” is not listed as a permitted use in the A-1 (Rural) Zone.

The storage of heavy equipment on agricultural land is inconsistent with the objectives of the Official Community Plan to maintain farming, food production, and large lot residential as the predominant land use on rural lands.

Responsive towing providers are crucial to ensuring the efficient flow of traffic on local roads and protecting public safety interest through administration of the B.C. Vehicle Impoundment Program. To meet these needs, towing companies must have a diverse fleet of light-duty and heavy-duty towing equipment that can be dispatched from a central location, and operators who can be on-call from home to support disaster planning and emergency response. Due to an industrial land vacancy rate of only 0.2% in Greater Victoria, the ability for towing providers in the region to underpin emergency services is at risk. Businesses are faced with moving their truck terminals and storage yards as far away as Sooke or Malahat, which would disservice citizens, adversely impact police investigations, and significantly increase roadside response times. It is acknowledged that finding an appropriately zoned site in the District of Saanich or elsewhere on the Saanich peninsula is difficult.

Environment

Parks Staff have reviewed the application and indicate that the Provincial Conservation Data Center has noted a rare plant ecosystem within the general area. The headwater of Wallace Creek lies within 30 meters of the subject property and is located on the other side of West Saanich Road. In addition, Parks Staff note the following:

- Should additional land clearing be planned at any time for this use, the applicant should provide professional confirmation whether the area to be cleared contains any rare or endangered environmental features;
- If the permit is for temporary use, the area of disturbance should be returned to its pre-disturbance agricultural use after the permit expires; and
- Stormwater runoff and hazardous materials associated with heavy equipment and vehicles which have been in a collision or accident must be properly contained or treated prior to entering the property. The owner should have a spill kit at the ready.

These items have been included in the Temporary Use Permit should Council wish to support the proposed application.

Parks Staff has noted that while they have not attended this property, the applicant has indicated as part of this proposal that no alterations will be made to the current state of the property. However, should the scope of the proposal change, Parks requests the opportunity to review any proposed changes.

Development Servicing Requirements

There are no development servicing requirements associated with this proposal.

Agrologist Report

Madrone Environmental Services Ltd. conducted a Land Capability for Agriculture (LCA) Assessment for the site in accordance with Agricultural Land Commission policy. The LCA notes that soils information collected on site was contrasting to existing soils mapping. The site information was assessed for agricultural capability using methods in the Land Classification for Agriculture in British Columbia. Mapping for soil classification and agricultural capability for the property was updated based on conditions observed at the time of site investigation.

The report notes that about 0.185 ha of the 2.04 ha site has been filled for a homeplate and driveway and 0.117 ha has been filled for a gravel pad. The property has never been used for agricultural production and is mainly forested. The property slopes down to the West toward West Saanich Road. It is fairly steep with complex slopes from 22-50%. There are perimeter swales along the north and south boundaries which drain into the roadside ditch of West Saanich Road.

Soil classifications on the site resemble the Sprucebark and Saanichton Soil Series (see Figure 2). The agricultural capability has been mapped according to the Canada Land Inventory (CLI). The system has seven land capability classes for agriculture (Class 1 to Class 7). Land with the highest classification (Class 1) has very slight limitations for agriculture while the lowest classification (Class 7) has no capability for agriculture. Along with these classes the CLI assigns subclasses to represent limitations to soils.


In general, the assessed agricultural capability is Class 6 or 7, limited by soil moisture (A) and topography (T). Areas with steep slopes are not considered improvable by installing irrigation. The results of the agricultural site assessment indicate that Saanichton soils of the property are generally suitable for some crops; however, Sprucebark soils have extreme limitations that severely limit grazing periods and limit the use of farm equipment thus making the property difficult to farm. In addition, it has been noted that the site is outside the Water Service Area. Well levels on the site are not enough to support irrigation.

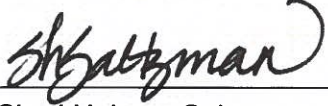
CONCLUSION


Peninsula Towing has stored its heavy-capacity tow trucks illegally from the site since 2003. The A-1 (Rural) zoned site is designated as Rural Lands in the Official Community Plan (OCP). The OCP contains policy to maintain farming, food production, and large lot residential development as the predominant land use in rural areas. Truck Storage is not listed as a permitted use in the A-1 (Rural) Zone.

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. If 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.

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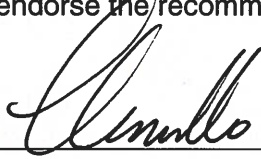
Approved by: 
Sharon Hvezdanski
Director of Planning

NDF/aw

Attachments

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.



per Brent Reems, Chief Administrative Officer

