



The Corporation of the District of Central Saanich

REGULAR COUNCIL REPORT

For the Regular Council meeting on Monday, February 26, 2024

Re: 1528 Stelly's Cross Road – Non-Farm Use and Temporary Use Permit for Childcare

RECOMMENDATION(S):

1. *That Non-Farm Use application #3100-20-27/23 for 1528 Stelly's Cross Road to permit a daycare use in the A-3 Zone be supported.*
2. *That Non-Farm Use application #3100-20-27/23 for 1528 Stelly's Cross Road to permit a daycare use in the A-3 Zone be referred to the Agricultural Land Commission.*
3. *Following receipt of Agricultural Land Commission approval, that Temporary Use Permit #3100-20-27/23 for 1528 Stelly's Cross Road to permit a daycare use in the A-3 Zone be authorized for issuance subject to any conditions thereof for a period of three (3) years.*
4. *That in accordance with s. 493.1 of the Local Government Act, Council delegate renewal of Temporary Use Permit #3100-20-27/23 (1528 Stelly's Cross Road) to the Director of Planning and Building Services subject to the following:*
 - a. *The owner obtain approval from the North and South Saanich Agricultural Society Board of Directors;*
 - b. *The owner obtain approval from the provincial Agricultural Land Commission and remains in good standing with respect to any terms and conditions thereof;*
 - c. *The Daycare is limited to the Gallery Building as shown on the attached plans.*

PURPOSE:

The purpose of this application is to permit a 25+ space childcare facility within an existing building located at 1528 Stelly's Cross Road, also known as the Saanich Fairgrounds.

This application is subject to timing constraints for Just Peachy Child Care Ltd. and requires approval from the Agricultural Land Commission prior to issuance; therefore, the staff recommendation is to expedite the approval process. Option 2 in the options section of this report provides an approval process with a referral to the Advisory Planning Commission.

BACKGROUND:

Just Peachy Child Care Ltd. (Just Peachy) is a family owned and operated business that operates a 25-space childcare facility at the Saanichton Bible Fellowship for ages three to five since October 2021. See Appendix B for the rationale letter supporting this application. The current lease is set to expire October 2024 with no opportunity to renew. Just Peachy has approached the Saanich Fairgrounds to explore a lease opportunity to relocate the daycare to the Gallery Building at the Fairgrounds. North and South Saanich Agricultural Society has provided a letter of support for the use of the Gallery for the daycare (Appendix C).

1528 Stelly's Cross Road is the location of the Saanich Fairgrounds and is currently zoned Agriculture: A-1 and Fairground Agriculture: A-3. The proposed daycare will be located in the Gallery Building which is zoned A-3 (Appendix D). The permitted uses range from agriculture to country fairs and wedding events (Appendix E). The A-3 zone does not currently permit daycare use. The subject property is located in the Agricultural Land Reserve (ALR) and therefore the applicant has applied for a Non-Farm Use and a Temporary Use Permit to include Daycare use to allow daycare use on a temporary basis for three years. The Gallery space may provide additional child care spaces which would increase the net number of child care spaces in the District as per the strategic plan.

DISCUSSION:

Child Care Inventory & Action Plan (2020):

The Child Care Inventory & Action Plan identifies municipal zoning as a barrier to creating child care as group care facilities (9+ children) are currently limited to institutional, some commercial, and the Marigold Comprehensive Development Area. The agricultural reserve also limits access to land for child care use. The Action Plan also indicates that suitability of buildings is one of the biggest challenges for both existing child care centres, looking to expand or needing to relocate, as well as for organizations seeking to create new centres is suitability of buildings. The proposed location for Just Peachy in the Gallery Building at the Fairgrounds will require approval from the Agricultural Land Commission and may require building upgrades to ensure health and safety codes are met for group child care use.

The Action Plan identifies that in 2020 there were 355 full-time licensed child care spaces in the District. These spaces only met two-thirds (34%) of the estimated demand for child care and 651 spaces would be needed to meet 100% of the spaces needed in 2020. The relocation of Just Peachy to a space within Central Saanich would help maintain the number of full-time child care spaces currently in the District.

Official Community Plan (OCP):

The Official Community Plan does not support applications for non-farm uses and non-adhering residential uses on agricultural lands unless demonstrated that the proposed use would directly support and complement agricultural operations. The OCP supports child care where included in healthcare facilities, development proposals, institutional sites such as schools and churches, or as standalone facilities. The Fairgrounds property does not specifically fit into any of the categories that would enable direct support for the use; however, the activities generally associated with the Fairgrounds are family and community based and enjoyed by all ages. The Just Peachy philosophy includes teaching children about agriculture, gardening, hatching poultry, taking care of animals and land stewardship (Appendix B). Given the proposed child care will be located within an existing building that currently allows assembly uses associated with the Fairground activities, and helps to address a significant demand in our community, staff have no concerns with the proposal and its alignment with the OCP.

Land Use Bylaw:

The District is currently undertaking a review of the child care regulations in the Land Use Bylaw. The A-3 zone allows a range of uses and many uses are associated with young children such as country fairs, 4H Club events, sports and educational events, animal shows, and games and rides. The Saanich Fairgrounds is run by a non-profit society that wishes to partner with Just Peachy to support the 4H Club programs and provide support for child care spaces in the community. Adding daycare as a temporary use would generally be consistent with the other permitted uses in the A-3 zone.

Permitting daycare as an outright use in the A-3 Zone requires rezoning and approval from the Agricultural Land Commission. Given, this application will be seeking approval from the ALC, Council may wish to consider directing staff to consider a District-led rezoning to include daycare as a permitted use within the A-3 zone pending a positive response from the ALC for this TUP. This would ensure that child care spaces would be continued on the Fairgrounds property and align with the Strategic Plan to maintain the number of child care spaces in the District as a temporary use permit would expire within three years unless renewed for a final three years. Option 3 in the options section of this report includes a District initiated text amendment to the Land Use Bylaw to allow daycare as a permitted use in the A-3 Zone for Council's consideration.

IMPLICATIONS:

Strategic – Facilitate increased public amenities by leveraging resources and seeking partnerships, including childcare, recreation, healthcare, and social services by supporting 50 new net daycare spots. This application supports the retention of 25 childcare spaces in the District.

Communications

The District provided notification as per the Development Applications Procedures Bylaw and the Public Notice Bylaw. The notice included details on the proposal and identified that the TUP could be active on the subject property for up to six years.

OCP

4.2.11. Do not support applications for nonfarm uses and non-adhering residential uses on agricultural lands unless demonstrated that the proposed use would directly support and complement agriculture operations.

4.11.12. Support the alignment of social services with community needs and anticipated population growth through greater access to health care, childcare, family resources, settlement and integration, local employment services, and other related services that are deemed appropriate.

4.11.13. Encourage opportunities for childcare and healthcare facilities to be incorporated into development proposals, institutional sites such as schools and churches, or as standalone facilities.

Timing

Just Peachy must relocate by October 2024 and has had a challenging timeline to find appropriate building space. Given a response from the Agricultural Land Commission (ALC) is required prior to issuance of the Temporary Use Permit it is recommended that a referral not be forwarded to the Advisory Planning Commission (APC) for comment. The ALC is currently challenged by application loads and staffing and has a significantly longer response timeline than normal; a recent TUP/NFU application response took six months. This would leave limited time following approval to complete building renovations required.

OPTIONS:

OPTION 1

1. That Non-Farm Use application #3100-20-27/23 for 1528 Stelly's Cross Road to permit a daycare use in the A-3 Zone be supported.
2. That Non-Farm Use application #3100-20-27/23 for 1528 Stelly's Cross Road to permit a daycare use in the A-3 Zone be referred to the Agricultural Land Commission.
3. Following receipt of Agricultural Land Commission approval, that Temporary Use Permit #3100-20-27/23 for 1528 Stelly's Cross Road to permit a daycare use in the A-3 Zone be authorized for issuance subject to any conditions thereof for a period of three (3) years.
4. That in accordance with s. 493.1 of the Local Government Act, Council delegate renewal of Temporary Use Permit #3100-20-27/23 (1528 Stelly's Cross Road) to the Director of Planning and Building Services subject to the following:
 - a) The owner obtain approval from the North and South Saanich Agricultural Society Board of Directors;
 - b) The owner obtain approval from the provincial Agricultural Land Commission and remains in good standing with respect to any terms and conditions thereof;
 - c) The Daycare is limited to the Gallery Building as shown on the attached plans.

OPTION 2

Refer the application to the Advisory Planning Commission for comment. Under this option, the following motion is provided:

1. That Temporary Use Permit #3100-20-27/23 for 1528 Stelly's Cross Road to permit a childcare use in the A-3 Zone be referred to the Advisory Planning Commission (APC) for comment.

Following the receipt of comments from APC at a future Council meeting:

2. That Non-Farm Use application #3100-20-27/23 for 1528 Stelly's Cross Road to permit a daycare use in the A-3 Zone be supported.
3. That Non-Farm Use application #3100-20-27/23 for 1528 Stelly's Cross Road to permit a daycare use in the A-3 Zone be referred to the Agricultural Land Commission.
4. Following receipt of Agricultural Land Commission approval, that Temporary Use Permit #3100-20-27/23 for 1528 Stelly's Cross Road to permit a daycare use in the A-3 Zone be authorized for issuance subject to any conditions thereof for a period of three (3) years.
5. That in accordance with s. 493.1 of the Local Government Act, Council delegate renewal of Temporary Use Permit #3100-20-27/23 (1528 Stelly's Cross Road) to the Director of Planning and Building Services subject to the following:
 - a. The owner obtain approval from the North and South Saanich Agricultural Society Board of Directors;
 - b. The owner obtain approval from the provincial Agricultural Land Commission and remains in good standing with respect to any terms and conditions thereof;

c. The Daycare is limited to the Gallery Building as shown on the attached plans.

OPTION 3

Following approval of the Temporary Use Permit that staff be directed to lead a text amendment to the A-3 Zone to include Daycare as a permitted use for 1528 Stelly's Cross Road.

OPTION 4

Defer the application for more information.

OPTION 5

Decline to move Temporary Use Permit Application #3100-20-27/23 for 1528 Stelly's Cross Road forward and close the file.

CONCLUSION:

Just Peachy would like a Temporary Use Permit and Non-Farm Use to enable a daycare space within an existing building at the Saanich Fairgrounds (1528 Stelly's Cross Road). A Temporary Use Permit for daycare aligns with the uses currently permitted in the Agricultural Fairgrounds A-3 zone. Although the proposal is in the Agricultural Land Reserve it is supported by the North and South Saanich Agricultural Society Board of Directors. The proposal would allow retention of existing daycare spaces in the District and would have the benefit of exposing children to agricultural activities such as the 4H Club.

Respectfully submitted by:	Kerri Clark, Manager of Development Services
Concurrence by:	Jarret Matanowitsch, Director of Planning & Building Services
Concurrence by:	Christine Culham, Chief Administrative Officer

ATTACHMENTS:

- Appendix A: Site Context Map
- Appendix B: Rationale Letter
- Appendix C: Support Letter
- Appendix D: Site Plans
- Appendix E: A-3 Zone
- Appendix F: Application Form