



The Corporation of the District of Central Saanich

REGULAR COUNCIL REPORT

For the Regular Council meeting on Monday, September 9, 2024

Re: 8165 Derrinberg Road – ALC Non-Adhering Residential Use Application

RECOMMENDATION(S):

That the ALC application to permit two dwelling units in the form of trailers/RVs at 8165 Derrinberg Road be denied.

PURPOSE:

The purpose of this report is to introduce a proposal for two dwelling units in trailers/RVs within the Agricultural Land Reserve (ALR) at 8165 Derrinberg Road (see Appendix A – Site Plan). An ALC application for a non-adhering residential use has been received by the ALC and the District. The ALC application form and rationale letter are attached as Appendix B.

BACKGROUND:

The 3.96 ha subject property is located at 8165 Derrinberg Road and operates as a functioning farm that provides horse training, birthing, and husbandry and produces fruit orchards, hay, and chicken eggs. The farm at 8165 Derrinberg Road recently ended its lamb production operation and has plans to shift towards commercial vegetable growing. The current proposal is to temporarily allow the property to accommodate two trailers/RVs to house a person with a horticultural background and someone who provides farm security. They would both work on the farm until the land owner can construct a permanent secondary unit or relocate the tenants. This matter came to the attention of the District through a bylaw complaint.

Site Context

The 3.96 ha (9.79 acre) rectangular property at 8165 Derrinberg Road is located at the end of Derrinberg road, parallel and directly east of East Saanich Road. The property is zoned A-1 and is within the Agriculture Land Reserve (ALR). A site context map is attached as Appendix C.

The property has many buildings, including a single family home and agricultural use buildings such as a shed, stables, and barn. Additionally, the site has several agricultural uses and structures including hay fields, horse grounds, and a round pen. The site is near several farm properties, residential homes, the Kingdom Hall of Jehovah's Witnesses, and the Mt Newton Masonic Hall.

DISCUSSION:

Official Community Plan

OCP policies are generally strong on not supporting non-farming activity within farmland including:

- Policy 4.2.11 Do 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 agriculture operations.

The proposal runs counter to the District's OCP policies and therefore, staff are not in support of this application. The portion of the property currently being used to accommodate the two trailer/RV dwelling units is not used for agricultural purposes, asides from housing farm workers. Farming on the property would largely be unaffected by the proposal.

Land Use Bylaw

The property is zoned A-1 Agriculture and there is no permitted use in the Zoning Bylaw that would apply to a permanent secondary and/or tertiary dwelling unit contained in any type of recreational vehicle, therefore either a zoning amendment or Temporary Use Permit (TUP) is required. If supported, a TUP would be the recommended approach for this non-farm use in the ALR. The proposal would utilize the existing trailers/RVs and there would be no expansion of buildings or infrastructure on the property, therefore there would be no issues with respect to siting, height, massing, or design. However, accommodating residential uses in vehicles licensed under the Motor Vehicle Act is not permitted under the Zoning Bylaw. Alternative housing choices are available, including a secondary suite in the main dwelling or the potential for a detached accessory dwelling when the District considers updated bylaws later this year.

NEXT STEPS:

Should Council not support the application at this time, the property would be brought into bylaw compliance.

Should Council wish to proceed with the proposal, then referring the application to the APC is recommended. In addition, the applicant should then submit an application for a TUP and staff would schedule an opportunity to be heard. Following public input, Council would have the following options.

1. Council could deny the request and that would end the application process. Staff would subsequently work with the owner to resolve the bylaw infractions.
2. Council could forward the proposal to the ALC and include comments for the ALC's consideration, as well as the draft TUP. The TUP would be subject to ALC approval. The TUP would provide Council with an opportunity to regulate the proposed use such as limit the time that the trailer/RVs may remain in place (i.e. less than three years).
3. Council could forward the proposal to the ALC without additional comments.

OPTION(S):

1. That the ALC application to permit two dwelling units in the form of trailers/RVs at 8165 Derrinberg Road be denied. (recommended).
2. That the application be referred to the APC and that the applicant submit an application for a TUP. In addition, that staff schedule an opportunity to be heard at a future Council meeting.

CONCLUSION:

The application being considered is for a non-adhering residential use within the ALR to authorize two trailer/RV dwelling units. As the proposed goes against OCP policies and zoning regulations, and staff have concerns with using vehicles as residences, the recommendation is to deny the request.

Report written by:	Davin Contois, Development Planner
Respectfully submitted by:	Ivo van der Kamp, A/Manager of Development Services
Concurrence by:	Jarret Matanowitsch, Director of Planning, Building, and Bylaw Services
Concurrence by:	Christine Culham, Chief Administrative Officer

ATTACHMENTS:

Appendix A: Site Plan

Appendix B: ALC Application Form and Rational Letter

Appendix C: Site Context