

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

Report of the **PUBLIC HEARING**
Monday, July 24, 2006 at 6:30 pm
Central Saanich Municipal Council Chamber

PRESENT: Mayor Jack Mar
Councillors: Bryson, Graham, King and Mason
Gary C. Nason, Administrator
Hope V. Burns, Director of Planning & Building Services
Ruby Shea, Administrative Assistant

ABSENT: Councillors Garrison and Thompson

1. APPROVAL OF AGENDA

819.06 MOVED BY COUNCILLOR GRAHAM
SECONDED BY COUNCILLOR MASON
That the Agenda for the Public Hearing held on July 24, 2006 be approved as circulated.
CARRIED UNANIMOUSLY

2. INTRODUCTORY STATEMENT BY THE MAYOR

Mayor Mar noted that the purpose of the Public Hearing was to hear representations in regards to the following Bylaw:

1. **“Central Saanich Land Use Bylaw Amendment Bylaw No. 1537, 2006”** [A Bylaw to Amend the Land Use Bylaw in respect of Uses in the Agricultural Land Reserve – Agri-Tourism Activities and Accommodation]

Mayor Mar then read a prepared statement outlining the procedures for the Public Hearing.

The Administrator, Mr. Gary C. Nason, advised that additional copies of the Public Hearing Agenda were available for viewing at this Public Hearing. Mr. Nason noted that the Public Hearing Agenda included a copy of the Public Hearing Notice, a copy of Bylaw No. 1537, relevant background Staff Memoranda and Agency responses relating to the proposed Agri-Tourism regulations, and copies of the various Council Motions to give the necessary readings to the Bylaw and refer it to a Public Hearing. Mr. Nason also noted that the Public Hearing agenda package contained copies of “Central Saanich Development Applications Procedures Bylaw No. 1540, 2006” [A Bylaw to Amend the Development Application Procedure Bylaw – Temporary Use Permits – A1 and A2 Zones – Farm Camping] as well as “Central Saanich Development Application Fees Bylaw No. 1541, 2006” [A Bylaw to Impose Development Application Fees (Development Application Fees Bylaw)]. Finally, Mr. Nason noted that copies of the Land Use Bylaw, the Official Community Plan and the two Local Area Plans were also available for viewing at this Public Hearing. Mr. Nason concluded his remarks by advising that one item of correspondence, from Ms. Evelyn Hardy, 7247 West Saanich Road, had been received by the District in regards to Bylaw No. 1537 since the publication of the Public Hearing agenda, which would be read into the record of this Public Hearing later this evening.

2. **“Central Saanich Land Use Bylaw Amendment Bylaw No. 1537, 2006”** [A Bylaw to Amend the Land Use Bylaw in respect of Uses in the Agricultural Land Reserve – Agri-Tourism Activities and Accommodation]

- a) Copy of the Final Report of the Agri-tourism Task Force, June 2004;
- b) Table Compiled by Staff Summarizing the Major Agency Recommendations and/or Comments on the Task Force Report;
- c) Correspondence Received From the Following Agencies in Response to the District’s Request for Comment:
 - Advisory Planning Commission, October 5, 2004
 - Peninsula Agricultural Commission, October 15, 2004
 - Agricultural Land Commission, November 16, 2004
 - Ministry of Agriculture, Food and Fisheries, October 13, 2004
 - Southern Vancouver Island Direct Farm Marketing Association, October 18, 2004
 - British Columbia Agri-Tourism Alliance, October 15, 2004
 - Saanich Peninsula Chamber of Commerce, December 7, 2004

- d) Council Resolutions Adopted at the March 7, 2005 Regular Council Meeting;
- e) Council Resolution Adopted at the May 2, 2005 Regular Council Meeting;
- f) Staff Memorandum dated October 19, 2005 from Hope V. Burns, Director of Planning & Building Services Re: Agri-Tourism Accommodation and Activities Policies (previously received at the October 24, 2005 Planning & Development Committee Meeting);
- g) Council Resolutions Adopted at the November 7, 2005 Regular Council Meeting;
- h) Staff Memorandum dated June 6, 2006 from Hope V. Burns, Director of Planning & Building Services Re: Agri-Tourism Activities and Accommodation in the ALR – Agriculture, A-1 and A-2 Zones (previously received at the June 12, 2006 Planning & Development Committee Meeting);
- i) Council Resolutions Adopted at the June 19, 2006 Regular Council Meeting;
- j) Copy of “Central Saanich Development Application Procedures Bylaw No. 1540, 2006 [A Bylaw to Amend the Development Application Procedures Bylaw – Temporary Use Permits – A-1 and A-2 Zones – Farm Camping.];
- k) Copy of “Central Saanich Development Application Fees Bylaw No. 1541, 2006 [A Bylaw to Impose Development Application Fees (Development Application Fees Bylaw)];
- l) Staff Memorandum dated July 18, 2006 entitled “Draft Brochures for Temporary Commercial Use Permit (TCUP) Applications”
- m) Correspondence Received Since the Introduction of Bylaw No. 1537 and Publication of the Notice of Public Hearing;

The Director of Planning & Building Services, Ms. Hope V. Burns, advised that in general terms the purpose of the proposed Bylaw is to define and regulate certain agri-tourism activities and accommodation in the agriculture, A1 and A2 zones as well as to establish Temporary Commercial Use Permit areas (TCUP's) for those lands in the Agricultural Land Reserve (ALR) zoned A1 or A2 and larger than .8 ha (2 acres) in area. Ms. Burns provided further commentary in regards to some of the more detailed provisions of the proposed Bylaw including the proposed new definitions for farm camping and bed & breakfast, as well as the various proposed regulations pertaining to farm based cultural and educational activities, social and recreational activities, private events and ceremonies, and public assemblies.

Mayor Mar then opened the floor for comments from the public in attendance at the Public Hearing.

Ms. Inder Hundle, 6393 Pat Bay Highway

- questioned whether an individual's property taxes will go up were they to establish a farm camping or bed and breakfast activity on their agricultural property.

Both the Administrator and the Director of Planning & Building Services clarified the regulations in regards to taxation of agricultural parcels.

Ms. Sharon Foster-Pearce, 6429 Bryn Road

- requested clarification on the regulations pertaining to bed & breakfast and accessory buildings and how these would be dealt with under the proposed new regulations.
- also questioned the maximum number of farm camping spaces that would be permitted

The Director of Planning & Building Services responded to the questions and explained the regulations in regards to farm camping and the provision for bed & breakfasts in accessory structures up to a stipulated maximum number of guests.

Ms. Sharon Foster-Pearce, 6429 Bryn Road

- questioned how the thirty day threshold was derived for farm camping activity.

The Director of Planning & Building Services discussed the definition of seasonal activity as it appears in the Agricultural Land Reserve Regulations.

Ms. Joan Fleming, 8231 East Saanich Road

- stated that she is concerned that farmers are being treated differently than other groups in the community and stated that she is opposed to the proposed restrictions on

amplified music and that these restrictions should be taken out of the Agri-tourism Regulations.

Ms. Inder Hundle, 6393 Pat Bay Highway

- questioned whether the thirty consecutive day maximum threshold was the total number of days for the calendar year, or per camping occasion.

The Director of Planning & Building Services clarified the definition of farm camping in response to the question.

Mr. Jerry Mussio, 6202 Bryn Road

- stated that he was supportive of the overall direction of the proposed Agri-tourism regulation and concurred with the proposed specific parameters around farm-based agri-tourism activities and events.
- also stated that he supports the proposed regulation as it pertains to amplified music

Mr. John Senyk, 2277 Lynne Lane

- questioned who would be minding the farm if farmers were now to be engaged in agri-tourism operations as their principal focus
- stated that agricultural lands are geared for food production and questioned whether tax breaks would be given for Agri-tourism Accommodations and Activities

Ms. Joan Fleming, 8231 East Saanich Road

- stated that she is concerned that the proposed bylaw may contain several loop-holes
- she gave the example of someone who leases out all or a portion of their farm and questioned whether they would be permitted to have a farm camping operation

The Director of Planning & Building Services clarified that Agri-tourism Activities and Accommodations must be incidental and subordinate to the principal agricultural activity on the farm.

Mr. Brent Warner, Ministry of Agriculture and Lands

Clarified the BC Assessment rules in regards to farm assessments and confirmed that Agri-tourism Activities and Accommodations must be accessory and incidental to the actual farming that is being carried on on the property. Mr. Warner stated that he is similarly concerned in regards to the proposed regulation for amplified music and stated that the regulation is ambiguous and unclear. Mr. Warner stated that his Ministry would not support the proposed amplified music regulation as all farmers should be governed simply by the District's Noise Bylaw similar to other groups in the community. Mr. Warner stated that he is also concerned in regards to the potential costs for such permits such as Special Occasion Licenses and the proposed Temporary Commercial Use Permits. He stated that he does not see the issues of cost and turnaround time in administering and processing the applications being addressed in the proposed regulations. Mr. Warner concluded his remarks by stating that the Agricultural Land Reserve considers the total farm revenue and not just the revenue and activity derived from certain farm parcels, so it would be possible for a farmer who owns many parcels to have a camping activity on one parcel which is not currently being actively farmed, however with the stipulation that the entire farm must be principally dedicated to agricultural activities.

Ms. Sharon Foster-Pearce, 6429 Bryn Road

- stated that she strongly favours the proposed limitations on amplified music as well as the proposed limitations on liquor control licenses
- stated that in her opinion the views of adjacent residents must be strongly considered and must take precedence over the views or positions of individuals not residing in the community

Ms. Elizabeth Dunn, 6212 Bryn Road

- stated that she supports the proposed restrictions or stipulations on amplified music and stated that she lived adjacent to Oldfield Orchards where noise related to their agri-tourism activities have been an issue in past years
- stated that in her opinion the bylaw achieves a sensitive balance between the needs of farmers and the needs of residents who live adjacent to agricultural operations

Mr. Peter Burman, 1890 Chinook Place

- stated that he was in attendance at the Public Hearing representing Ms. Evelyn Hardy and then proceeded to read a copy of Ms. Hardy's correspondence (copy attached)

In response to a question from Councillor Bryson, the Director of Planning & Building Services confirmed that Bylaw No. 1537 would not impact the property owned by Ms. Hardy as it is not located in the Agricultural Land Reserve or in the A-1 or A-2 Zones.

Ms. Joan Fleming, 8231 East Saanich Road

- stated that alcohol is served on many farms in their capacity as legitimate wineries and cideries, and questioned whether these establishments are required to obtain Special Occasion Licenses

Both the Administrator and the Director of Planning & Building Services attempted to clarify the regulations in regards to Special Occasion Licenses.

Ms. Joan Fleming, 8231 East Saanich Road

- questioned why farmers are appearing to be treated differently than other groups in the community and why these proposed Special Occasion License regulations will apply only to farmers

Mr. Peter Burman, 1890 Chinook Place

- sought further clarification on the impact of proposed Bylaw No. 1537 on Ms. Evelyn Hardy's property

The Director of Planning & Building Services clarified the impact in response to Mr. Burman's question.

Ms. Inder Hundle, 6393 Pat Bay Highway

- questioned whether signs advertising the proposed agri-tourism activities or accommodations would be permitted

The Director of Planning & Building Services clarified the signage regulations in response to Ms. Hundle's question.

Mr. Mike Fleming, 6999 West Saanich Road

- questioned whether the definition of farm camping would include structures other than tents

The Director of Planning & Building Services clarified the regulations pertaining to temporary accommodation, and confirmed that the definition for farm camping would not include cars or RVs.

Mayor Mar then called three times for further representations from the public in regards to Bylaw No.1537.

Ms. Inder Hundle, 6393 Pat Bay Highway

- sought further clarification in regards to the issue of whether overnight recreational vehicles would be permitted under the definition of farm camping

Mayor Mar then called three times for further representations from the public in regards to Bylaw No.1537. There were no further representations.

Mayor Mar declared the Public Hearing for Bylaw No. 1537 closed.

3. ADJOURNMENT:

On motion, the Public Hearing held on Monday, July 24, 2006 adjourned at 7:20 pm.

Jack Mar
Mayor

Gary c. Nason
Administrator

Recorded by: Ruby Shea
Administrative Assistant