



## DISTRICT OF NORTH SAANICH

### BYLAW NO. 1437

#### A BYLAW TO AMEND “DISTRICT OF NORTH SAANICH ZONING BYLAW NO. 1255 (2011)”

WHEREAS pursuant to section 479 of the *Local Government Act*, a municipality may, by bylaw, prohibit within a zone any use or uses of land, buildings, and other structures;

NOW THEREFORE the Municipal Council of the District of North Saanich, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as “North Saanich Zoning Bylaw No. 1255, Amendment Bylaw No. 1437 (2018)”.
2. “District of North Saanich Zoning Bylaw No. 1255, 2011” is hereby amended as follows:
  - (a) Section 102.1 is amended by:
    - (i) Striking the terms and definitions “**ALR medical marihuana operation**” and “**Non-ALR medical marihuana operation**” and adding the following definitions in alphabetical order:

“**ALR cannabis production and sale**” - means the use of land designated as Agricultural Land Reserve for purposes involving the cultivation, harvesting, processing, composting, destruction, packaging, storage, distribution, or sale of cannabis as permitted as a designated farm use under s. 2(2) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, BC Reg 171/2002.

“**cannabis**” means any part of the cannabis plant including its preparations and derivatives but does not include: a non-viable seed of a cannabis plant; a mature stalk of a cannabis plant, without any leaf, flower, seed, or branch, and fiber derived from such stalks; and the roots of any part of the root of a cannabis plant.

“**cannabis production and sale**” means the use of land, buildings or structures for commercial purposes involving the cultivation, harvest, processing, packaging, storage, distribution, or sale of cannabis.

- (b) Section 102.1 is further amended by:
  - (i) Striking the terms and definitions for “**agricultural research facility**”, “**farm use**”, “**industrial**”, “**industrial, light**”, “**storage facility use**” and adding the following in alphabetical order:

““**agricultural research facility**” means a research facility pertaining to agricultural activities and operations or farm uses.

“**farm use**” means an occupation or use of land for farm purposes, including farming of land, plants, fish, and animals and any other similar activity designated as farm use by Act or Regulation, including but not limited to:

- (a) a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- (b) temporary farm worker housing on lots 4 hectares or larger and, is not to exceed an accumulative maximum floor area of 400m<sup>2</sup>;
- (c) land-based fish farming and accessory processing subject to the *Agricultural Land Commission Act*, and applicable provincial and federal enactments.

“**industrial**” means the manufacturing, processing, assembling, fabricating, storing, transporting, distributing, testing, servicing or repairing of goods, materials or things, and includes an accessory administration office;

“**industrial, light**” means an industrial use conducted entirely within a building, with no outdoor storage or unenclosed storage, that does not produce, discharge or emit across lot lines odorous, toxic or noxious matters or vapours, heat, glare, noise, radiation, or electrical interference or recurrently generated ground vibration, and specifically excludes:

- a) the operation of sawmills, hammer mills, rolling mills, blast furnaces, foundries, drop forges, kilns, flour mills;
- b) the incinerating, processing, rendering or canning of fish, animal, poultry, or vegetable products;
- c) the manufacturing, processing, refining or mixing of petroleum, bitumen, coal or tar products or derivatives and corrosive, noxious, highly flammable or explosive materials, chemicals, gases and fission or fusion products;
- d) the smelting, refining and reducing of minerals or metallic ores;
- e) the operation of stock yards, the slaughtering of animals or poultry;
- f) the wrecking, salvaging or storing of salvage, scrap or junk, except as an accessory use;
- g) the manufacturing of matches, paper, rubber or fertilizers.

“**storage facility use**” means the storage of any item when such storage is fully enclosed in anything other than a permanent building completely enclosed by walls and covered by a roof, and is deemed to include a shipping container;

(c) Section 107 PERMITTED AND PROHIBITED USES is amended by:

- (i) Striking the following subsection after 107.1.1:

“(k) medical marihuana operation except on ALR land.”

(ii) Adding the following after subsection 107.1.1:

(k) the use of any land, building, or structure for cannabis production and sale except for ALR cannabis production and sale.”

(d) Division 200 General Regulations is amended by:

(i) Striking the following after section 210:

“MEDICAL MARIHUANA”

210.1 Where a zone permits medical marihuana the following conditions must be satisfied for the construction and operations of a medical marihuana operation:”

(ii) Adding the following after section 210:

“ALR CANNABIS PRODUCTION AND SALE

210.1 The following conditions must be satisfied for the use of any land, structures or buildings for ALR cannabis production and sale in any permitted zone:”

(e) The following sections:

Subsection 501.1.1(a) of section 50.1 Rural Agricultural 1 RA- 1;

Subsection 501.2.1(a) of section 501.2 Rural Agricultural 2 RA-2;

Subsection 501.3.1(a) of section 501.3 Rural Agricultural 3 RA-3;

Subsection 501.6.1(a) of section 501.6 Rural Agricultural 6 RA-6;

Subsection 505.3.1(a) of section 505.3 Golf Course Commercial C-3;

Subsection 507.2.1(a) of section 507.2 Public Assembly P-2;

Subsection 507.3.1(a) of section 507.3 Education and Research Facility P-3;

Subsection 507.5.1(a) of section 507.5 Private Common Area/Open Space P-5;

Subsection 507.6.1(a) of section 507.6 Sandown Community Agriculture P-6;

are amended by striking the term “ALR medical marihuana operation” and replacing that term with “ALR cannabis production and sale”.

READ A FIRST TIME the 7<sup>th</sup> day of May, 2018

READ A SECOND TIME the 7<sup>th</sup> day of May, 2018

NOTICE OF PUBLIC HEARING published in the June 8<sup>th</sup> and June 13<sup>th</sup>, 2018 editions of the *Peninsula News Review*.

PUBLIC HEARING held at the North Saanich Municipal Hall the 18<sup>th</sup> day of June, 2018

READ A THIRD TIME the 18<sup>th</sup> day of June, 2018

APPROVED BY THE MINISTRY OF TRANSPORTATION the 19<sup>th</sup> day of June, 2018

FINALLY PASSED AND ADOPTED the 25<sup>th</sup> day of June, 2018

  
MAYOR

  
CORPORATE OFFICER

