



**District of
North Saanich**

STAFF REPORT

To: Tim Tanton
Chief Administrative Officer

Date: April 17, 2020

From: Carly Rimell
Planner

File: 3015-20 ALR Application
2020-01 ALR

Re: **ALC Non-Farm Use Application – 10375 Wilson Road**

RECOMMENDATIONS:

That Council:

- i. Refer the ALC Non-Farm Use application for 10375 Wilson Road (ALC 2020-01) back to staff to request a professional agrologist's report from the property owner.
- ii. Refer this staff report to the Community Agricultural Commission and the Community Planning Commission for comments; AND
- iii. Refer the ALC Non-Farm Use application for 10375 Wilson Road (ALC 2020-01) back to staff to request that a Public Information Meeting be held by the applicant in accordance with Development Application Procedures Bylaw.

SITE DESCRIPTION:

Property Information	
Owners	Peter Rodd and Colin Rodd
Agent	Lindsay LeBlanc, Cox Taylor, Barristers and Solicitors
Civic Address	10375 Wilson Road
Legal Description	Lot 2, Block 13, Section 15, Range 1 East, North Saanich, District Plan 2276
Parcel Identifier (PID)	006-405-924
Lot Area	2.35 Hectares (5.81 Acres)
Current Uses	Agriculture, residential & accessory uses, storage
Land Use Bylaws	
OCP Designation	Agricultural
Development Permit Area (DPA)	Partially within DPA No. 2 Significant Water Resources
Zone	Rural Agricultural 1 (RA-1)

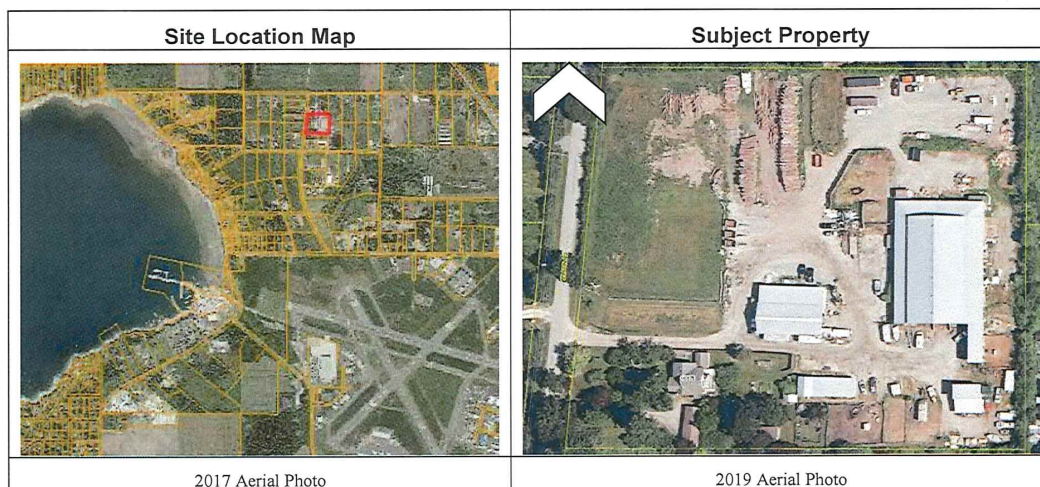
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Surrounding Land Use	North: Rural Agricultural 1 (RA-1) East: Rural Agricultural 1 (RA-1) South: Rural Agricultural 1 (RA-1) West: Rural Agricultural 1 (RA-1)
Other	
ALR	Entirely within

INTRODUCTION:

Lindsay LeBlanc as agent for Peter and Colin Rodd has submitted an application to the Agricultural Land Commission (ALC) for the non-farm use of parking and storing vehicles and equipment for Rodd Excavating and Trucking (Appendix A: Applicant Submission). The non-farm use application process requires that the District review the application prior to the ALC, to determine how the proposal relates to the Regional Growth Strategy, Official Community Plan, Zoning Bylaw and agricultural plans. Upon review Council must authorize whether the application should proceed to the ALC or not proceed to the ALC.



BACKGROUND:

Prior to Peter Rodd purchasing the property in 1996 it was used as a horse riding academy, Withy Windles Farm & Stable. The barn, stable and exercise complex was authorized through ALC Resolution #266/84 and ALC Resolution#4/93. (Appendix B: 1995 Aerial Photo).

At present, the applicants' submission indicates there are 5 buildings; a single family dwelling, caretaker unit, indoor riding ring/hay storage, garage/farm building, and hay storage shed. The applicants' submission indicates that they are raising and keeping livestock including horses, pigs and chickens which consists of 4 acres and an outdoor riding ring and indoor horse riding facility with hay storage which consists of 1.5 acres. The property does not have farm status for tax purposes.

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PROPOSAL:

The application is for the non-farm use of a 0.2 hectare portion to permit the overnight parking of trucks. The applicants' submission indicates that the proposal will not impact or alter the existing use of the property as the 0.2 hectare area is already being used as a parking lot.

DISCUSSION:

ALC Act

The purposes of the commission as stated within Section 6 of the *Agricultural Land Commission Act* are provided below. District staff comments are provided below in italics.

- a. To preserve agricultural land;

This is an application for non-farm use as opposed to exclusion, however approvals for non-farm use have no expiry and run in perpetuity with the property unless specifically noted as a condition of approval. The proposed use is for non-farm use and the proposed siting (located within the centre of the property) does not in principle provide the greatest protection of agricultural land. The applicants' submission indicated that they made reasonable inquiry and were not aware of any lands available outside of the ALR.

- b. To encourage farming on agricultural land in collaboration with other communities of interest;

The property owners do not have farm status for their property, however their application indicates the raising and keeping of horses, pigs and chickens. With respect to collaboration the applicants' submission indicates that the trucks are used to provide services (moving agricultural material and products between farms, build roads, and land preparation work) to farms and agricultural businesses throughout Saanich, Central Saanich and North Saanich. Staff observe that Rodd Trucking and Excavating is a well-known local contractor that provides services on many agricultural and non-agricultural properties.

- c. To encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The District's policies reflect a strong commitment to preserve the agricultural land base and agricultural activities. Retaining the viability of these lands is important in terms of providing local food security and economic diversity, but also in terms of preserving valuable rural landscapes for the community. The District's plans, bylaws and policies are discussed within the following sections of this report.

- d. The commission, must give priority to protecting and enhancing all of the following exercising its powers and performing its duties under this Act:

- i. The size, integrity and continuity of the land base of the agricultural land reserve;

See response to (a) to preserve agricultural land.

- ii. The use of the agricultural land reserve for farm use.

The proposal is for non-farm use.

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Regional Growth Strategy (RGS)

The property is within the Renewable Resource Lands Policy Area ¹ of the RGS. These lands are intended for continued long-term use as renewable resource working landscapes. The RGS aims to encourage policies for inclusion within the RCS and OCPs aimed at buffering and land use transition between Renewable Resource Lands and settled areas, and policies that support farming within the ALR and the inclusion of targets to increasing the land being used for crop production for food.

Regional Context Statement (RCS)

The RCS identifies the relationship between the RGS and the OCP.

16.1.2 Protect the Integrity of Rural Communities

The District's objectives intend to protect rural character, agricultural character and the ALR by supporting farming initiatives and working landscapes which is consistent with the continued long-term use of renewable resource working landscapes of the Renewable Resource Land Policy Area.

16.1.9 Foster a Resilient Food and Agricultural System

A key objective of the OCP is to retain agricultural lands in order to provide local food security and economic diversity, as well as maintain the rural character of the District.

Official Community Plan (OCP)

5.0 Agriculture

Since support of agricultural activities and land uses is a primary goal of the OCP, policies in this section are aimed at protecting the land base for current and potential agriculture, ensuring that the agricultural potential of farmland is not diminished by placement of utilities, public works facilities or community facilities, and reducing potential conflicts with non-farm uses.

This matter relates to the following OCP Policies. Staff's comments are noted below in italics:

5.2	The District does not support any commercial or non-agricultural development on land located within the Agricultural Land Reserve unless it meets the rural philosophy of North Saanich and is approved by the Agricultural Land Commission.
	<i>The proposal is for non-agricultural development within the ALR. A definition for 'rural character' or 'rural philosophy' is not provided within the OCP. The use is currently not compliant with ALC regulations and therefore an application is required for non-farm use. It is a Council decision whether this application proceeds to the ALC for consideration.</i>
5.3	To protect ALR land from uses that are incompatible or inconsistent with agricultural use, proposed development adjacent to Agricultural and Rural areas may only be supported in accordance with the following criteria: <ul style="list-style-type: none"> a) The development will have minimal impact on the existing manmade and natural features of the area; and b) There must be a buffer zone between the proposed land use and the agricultural parcels of land, on the non-farm side of the agricultural area.

¹ Includes lands within the ALR, the private managed forest lands and Crown forest lands.

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	<p><i>The applicants submission notes that the development will have minimal impact. District staff recommend if this application proceeds that Council request an agrologist's report.</i></p> <p><i>As the proposed siting is within the centre of the parcel a buffer zone could result in greater loss of agricultural land.</i></p>
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8.0 Light Industry

As the proposal is for outdoor storage of trucking and excavation equipment this would be considered a light industrial use. As such staff's comments are noted below each policy in italics.

8.1	<p>Industrial and service commercial development on land designated as Industrial on Schedule B is supported with the following types of uses suggested:</p> <ul style="list-style-type: none"> a) Research facilities b) Aviation related businesses and industries c) Warehousing, transportation uses, light manufacturing and assembly; d) Hospitality related uses including restaurants, pubs, car rental forms; and e) Outdoor recreation uses.
	<p><i>The proposed non-farm use for storing of trucking and excavation would be consistent with this designation.</i></p>
8.2	<p>In order to provide for light industrial, service commercial and transportation uses which are compatible with the surrounding land uses and environmental conditions, and can be economically serviced, light industrial uses shall be located where there are minimal negative impacts of increased noise, traffic or servicing costs or loss of environmental quality to the surrounding neighbourhood or the municipality.</p>
	<p><i>The proposed non-farm use does not appear to require additional services. District records indicate that bylaw enforcement staff have received complaints of noise and traffic impacts of the operation dating back to 2009. Due to a history of the neighbourhood indicating negative impacts due to this operation staff recommend that if this application proceeds that Council request that the applicant hold a public information meeting to the standards outlined within the Development Application and Procedures Bylaw No. 1324.</i></p>
8.3	<p>Development of dispersed industrial sites in locations of the municipality other than those shown as Industrial on Schedule B is not supported. The preferred pattern of land use for industrial activities is that they be clustered in one or more areas.</p>
	<p><i>This property is not designated as Industrial on Schedule B of the OCP. It is entirely surrounded by RA-1 properties within the ALR, and therefore would be considered a dispersed site.</i></p>
8.4	<p>Extension of the Industrial designation westward on the north side of Mills Road, or north of the lands currently zoned industrial would involve use of higher quality ALR areas, and is not supported due to availability of alternative land on airport properties.</p>

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	<i>This policy is intended to speak to the direct extension of the Industrial designated areas, however staff have included it as it notes that Industrial uses are not best suited for higher quality agricultural land due to availability of alternative land on airport properties.</i>
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14.4 Development Permit Area No. 2 Creeks, Wetlands, Riparian Areas and Significant Water Resources

The property is partially within Development Permit Area (DPA) No. 2 as it is within the 30m buffer area from the top of bank of a creek (across Wilson Road). The proposal does not require a development permit application.

Zoning Bylaw

Staff are in the process of reviewing the property for compliance with the Zoning Bylaw in addition to the non-farm use proposal. The relevant sections have been provided.

Section 107 Permitted and Prohibited Uses

The following uses are prohibited in all zones:

107.1.1(f)	Unenclosed storage:
	<i>As indicated by the 2019 aerial photo there is unenclosed storage of logs on the property. The agent indicated that some of these logs will be used on the property for fences, other improvements and firewood and that any surplus will be removed from the property no later than July 1, 2020 (Appendix C: Correspondence dated February 26, 2020).</i> <i>The present storage of these logs is not compliant with the zoning bylaw.</i>
107.1.1(j)	The parking, storing, assembling or dismantling, for a total of 72 or more consecutive hours of any of the following: <ul style="list-style-type: none"> i. One unlicensed vehicle unless parked behind the front setback line ii. More than one unlicensed vehicle unless within a building or a carport v. Any vehicle, commercial vehicle, trailer, container, mobile home, boat trailer, contractor's equipment exceeding either a length of six (6) meters or a gross vehicle weight of 4200 kg (9,259 lbs) but excluding agricultural implements in the Rural Agricultural zones, and truck campers and canopies in all zones.
	<i>As indicated by the 2019 aerial photo there appears to be a number of boats, boat trailers, utility trailers, shipping containers, and vehicles on the property. Staff requested an inventory with respect to the regulations of s107.1.1(j). The property owners, through their agent, indicated that there are motorhomes, travel trailers, a bus, and several other trailers and trucks on the property. Some of these vehicles do not belong to the property owners.</i> <i>The present storage of a number of these vehicles is not compliant with the zoning bylaw.</i>

Section 203 Home Occupation

The applicants' submission identifies the use of a home occupation which necessitates the overnight parking of vehicles, however the business does not meet the conditions for the establishment and continued use of a home occupation as outlined within the table below.

203.1.1	The use must be solely operated by a person resident in the dwelling unit and must not involve the employment of more than one full-time or two part-time employees on the lot.
	<i>Correspondence dated February 26, 2020 from the agent indicated that there are 12 employees including a bookkeeper who is not on the property and Colin Rodd. These include full-time and part-time positions.</i>
203.1.2	The use must be conducted entirely within one or more buildings or structures, except for growing produce, grass, flowers, ornamental shrubs or trees.
	<i>The use is not conducted entirely within one or more buildings or structures.</i>
203.1.3	Maximum gross floor area of home occupation use: (a) Principal Building – lesser of 20% or 46 m ² (494.96 ft ²), (b) Accessory Buildings (combined total) – 46 m ² (494.96 ft ²), and (c) Overall Total for the lot – 46 m ² (494.96 ft ²).
	<i>The proposed area for non-farm use is 0.2 hectares (2000m²).</i>
203.1.5	No outdoor storage, unenclosed storage or storage facility use is permitted.
	<i>The use is outdoor and unenclosed storage.</i>
203.1.7	Home occupations must not discharge or emit the following across lot lines: (a) odorous, toxic or noxious matter or vapours; (b) heat, glare, electrical interference or radiation; (c) recurring ground vibration; (d) noise levels exceeding 45 decibels
	<i>There is a strong likelihood that the dump trucks, and logging trucks exceed noise levels of 45 decibels².</i>

The parcel is presently zoned Rural Agricultural 1 (RA-1), an excerpt of this zone is provided within Appendix D. The proposal for outdoor storage of trucking and excavation equipment would be considered a light industrial use by the District's OCP and the District's Zoning Bylaw. If this non-farm use application were to proceed the District would require the submission of a temporary use permit or an application for bylaw amendments (OCP and Zoning) to support the proposed use.

The Zoning Bylaw (s.201. Temporary Use Permits) in accordance with section 492 of the *Local Government Act* designates Rural Agricultural Zones for consideration of temporary use permit(s) for uses not presently permitted on the property. A temporary use permit may have conditions

² Province of BC, HealthLinkBC, Retrieved from <https://www.healthlinkbc.ca/health-topics/tf4173>

such as requiring that the land be restored to a condition specified in the permit by the given date, obtaining a security to guarantee the performance of the terms of the permit, as well as specifying other conditions under which the temporary use may be carried on.

Additional Considerations

Business Licence

The District issued a business licence to Peter and Colin Rodd for a 'trucking and excavating' business on the property in April 2002. Once an initial business licence is issued by the District renewals do not include a multi-departmental review process, as such the licence was renewed annually. District staff notified the property owners in January 2019 that in view of the nature and scale of the business operations that the licence could not be renewed next January (2020). District staff provided the property owners with a variety of options to bring the property into compliance with District bylaws as the use cannot continue this way under the present zoning. The property owners have chosen to proceed with the non-farm use application, which as previously stated would also require an application for a temporary use permit or bylaw amendments if this application proceeds. At this time District staff have communicated that bylaw enforcement measures will not be actively pursued during the processing of this application, however if bylaw enforcement staff receive a new complaint they will conduct follow-up.

Agricultural Capability

The agricultural capability³ of the property is split east to west along the centerline of the property.

- The northern portion is 70% Class 3 with undesirable soil structure as a limitation and 30% Class 3 with undesirable soil structure and excess water (groundwater) as a limitation. This northern portion of the property is improvable to Class 2.
- The southern portion of the property is 80% Class 3 with undesirable soil structure as a limitation and 20% Class 3 with undesirable soil structure and excess water (groundwater) as a limitation. The southern portion of the property is improvable to Class 2.

The application (Appendix A) and subsequent correspondence (Appendix C) indicate farm activities on the property and specified that the 4 trucks and 4 trailers associated with Rodd Trucking and Excavating are also utilized for the farm operations on the property. Furthermore Appendix C also notes "the area identified on the site plan has no agricultural use".

Staff recommend that it would be prudent to request a professional Agrologist's report to be completed by the applicant in respect of the ALC's Policy P-10 (Criteria for Agricultural Capability Assessments, October 2017⁴). This report should include the agricultural capability rating (inclusive of unimproved and improved), crop suitability, and if any agricultural limitations exist and are not considered improvable. Furthermore, staff recommend that this report also describe the existing farm operations and a rationale for the use of the 4 trucks and 4 trailers associated with Rodd Trucking and Excavating and how these are utilized for the farm operations on the property. Lastly, this report should describe the impact of the non-farm use on the property and the recommended conditions of how the land could be restored if the use were approved, if subsequently (either through conditions of a non-farm use approval or a temporary use permit) permissions were to expire.

³ The Agricultural Capability mapping information was generated by the Province. The Agricultural Land Commission assumes no liability or responsibility for the quality, content, accuracy or completeness of this data.

⁴ Retrieved from https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/policies/alc_-_policy_p-10_-_criteria_for_agricultural_capability_assessments.pdf

Traffic, Safety and Noise

Planning and Community Services staff have received complaints regarding the impact of the commercial vehicles, trailers and heavy truck usage on Munro and Wilson, some of these complaints specifically mention Rodd vehicles. Complaints received have mentioned safety as a main concern on narrow roads with undivided lanes unable to accommodate both the large commercial vehicles and a standard vehicle without one pulling to the side. Complainants have detailed that they feel less safe walking, cycling and horseback riding along Munro and Wilson. The complainants also detailed the noise of the commercial vehicles as they gear up and down making multiple trips to and from the property throughout the day. Due to the awareness of these community concerns staff recommend that Council request a Public Information Meeting be held by the applicant.

Compliance with District Bylaws

Staff are still undergoing a review of the property with respect to compliance with the Building and Plumbing Bylaw and Zoning Bylaw. Staff are still in the process of determining whether the accessory dwelling unit, referred to as a 'caretaker's residence' within applicants' submission (Appendix A) could be considered a legal non-conforming dwelling. If Council chooses to proceed with staff's recommendations at this time, staff would outline the outstanding bylaw compliance issues in the report back to Council.

Procedural Considerations

Council may authorize the application to proceed to the ALC, at this time, or at any point in this application process; however staff recommend that the majority of application and processing be completed (or near completed) at the District level to best inform the ALC in their decision making processes.

If Council decides to proceed and ultimately support in principle the non-farm use application, the District will then request the submission of an application for a TUP or bylaw amendment application prior to forwarding the non-farm use application to the ALC by a resolution of Council. Two application options (scenario 1 and scenario 2) are available to the applicant to potentially support the non-farm use.

Scenario 1 – Temporary Use Permit (TUP) Application

If the application for the TUP proceeded, staff would draft the TUP (inclusive of a condition requiring ALC non-farm use approval) for Council approval and issuance. Following the issuance staff would then suggest forwarding the non-farm use application to the ALC by a resolution of Council.

The ALC may then:

- Approve the proposal as submitted
- Approve the proposal with conditions
- Refuse the proposal, or
- Refuse the proposal but allow an alternate proposal.

If approved by the ALC the non-farm use would be permitted subject to the terms and conditions of the TUP.

If refused by the ALC the non-farm use would not satisfy the conditions of the TUP and would not be permitted.

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Scenario 2 – Bylaw Amendment Application (OCP and Zoning)

If the application for a bylaw amendment proceeded, staff would suggest giving the bylaw third reading, subject to conditions of ALC approval of the non-farm use application. Staff would then suggest forwarding the non-farm use application to the ALC by a resolution of Council.

The ALC may then:

- Approve the proposal as submitted
- Approve the proposal with conditions
- Refuse the proposal, or
- Refuse the proposal but allow an alternate proposal.

If approved by the ALC the bylaw amendments could then be adopted. If approved by the ALC subject to conditions the bylaw amendments could be amended to reflect any conditions placed by the ALC.

If refused by the ALC the bylaw would be abandoned and the use would not be permitted.

Council may choose to deny the non-farm use application, or the TUP or bylaw amendment application at any time and the process ends.

OPTIONS:

The following options are presented to Council for consideration:

1. Refer the ALC Non-Farm Use application back to staff to request a professional agrologist's report from the property owner;
2. Refer this report to the Community Agricultural Commission and the Community Planning Commission for comments;
3. Refer the ALC Non-Farm Use application back to staff to request that a Public Information Meeting be held by the applicant in accordance with Development Application Procedures Bylaw;
4. The District of North Saanich Council does not support and does not authorize the application for Non-Farm Use to proceed to the ALC for consideration;
5. Other.

FINANCIAL IMPLICATIONS:

None at this time.

LEGAL IMPLICATIONS:

None at this time.

LEGISLATIVE IMPLICATIONS:

The application may not proceed to the ALC unless authorized by a resolution of the local government. Staff have provided more detail in the Procedural Considerations above.

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CONSULTATIONS:

A notice of development sign was posted on the property on April 21. Initially the sign was not sited properly, as it was at too great a distance from Wilson Road. Staff confirmed on April 24 that the sign is compliant with the Development Applications and Procedures Bylaw No 1324.

Since the Notice of Development sign was posted there has been correspondence received from the owners of 13 different properties, all of them not in support or outlining concerns with the proposal. These letters and emails are attached as Appendix E.

Staff recommends that this report be referred to the Community Agricultural Commission and the Community Planning Commission.

Staff also recommends that a Public Information Meeting be held in compliance with the Development Application Procedures Bylaw.

SUMMARY/CONCLUSION:

Lindsay LeBlanc as agent for Peter and Colin Rodd has submitted an application to the Agricultural Land Commission (ALC) for the non-farm use of parking and storing the vehicles and equipment for Rodd Excavating and Trucking. The application process requires that the District review the application prior to the ALC to determine how the proposal relates to the Regional Growth Strategy, Official Community Plan, Zoning Bylaw and any agricultural plans. At this time staff recommend that an agrologist's report be submitted to the District and that Council refer this report to the CAC and the CPC, and request that the applicant hold a Public Information meeting. Subsequent to these actions staff would report back with the new information for further consideration by Council.

Respectfully submitted,

Concurrence,

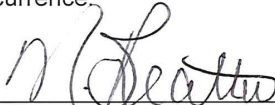
[signed electronically]



Carly Rimell, Planner

Tim Tanton, Chief Administrative Officer

Concurrence:



Nigel Beattie, Director Planning and
 Community Services [Interim]

Attachments:

- Appendix A: Applicant Submission
- Appendix B: 1995 Aerial Photo
- Appendix C: Correspondence dated February 26, 2020
- Appendix D: Rural Agricultural (RA-1) Zone Excerpt
- Appendix E: Letter and Emails from Residents



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 60257

Application Status: Under LG Review

Applicant: Peter Rodd , Colin Rodd

Agent: Cox Taylor, Barristers & Solicitors

Local Government: District of North Saanich

Local Government Date of Receipt: 01/10/2020

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: Permit the overnight parking of trucks that are used for activities not associated with the farm activities on the Property, as has been done for the past 20 years. These trucks are also used for farm activities on the Property; however a permit is not required for this use. The proposal will not impact or alter the existing use of the Property as the area contemplated already consists of a parking lot. The proposed area is identified with a thick black line and star.

Agent Information

Agent: Cox Taylor, Barristers & Solicitors

Mailing Address:

26 Bastion Square, 3rd Floor - Burnes House

Victoria , BC

V8W 1H9

Canada

Primary Phone: (250) 388-4457

Email: leblanc@coxtaylor.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 006-405-924

Legal Description: Lot 2, Block 13, Section 15, Range 1 East, North Saanich District, Plan 2276

Parcel Area: 2.1 ha

Civic Address: 10375 Wilson Road, North Saanich, British Columbia

Date of Purchase: 10/01/1996

Farm Classification: No

Owners

1. **Name:** Peter Rodd

Address:

10375 Wilson Road

North Saanich , BC

V8L 5S8

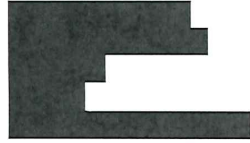
Canada

Phone: [REDACTED]

2. **Name:** Colin Rodd

Applicant: Peter Rodd , Colin Rodd

Address:



Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

The raising and keeping of livestock including horses, pigs and chickens. Approximately 4 acres consists of paddocks and grazing fields for horses, pigs and chickens and approximately 1.5 acres consists of an outdoor horse riding ring and indoor horse riding facility with hay storage.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

Since taking ownership of the Property:

- 1. Drainage works within the Property;*
- 2. The construction of horse paddocks; and*
- 3. The construction of an outdoor horse riding ring.*

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

Residential house occupied by Peter Rodd; Home-based business which necessitates the parking of licenced vehicles overnight and has been operating on the Property for the past 20 years.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Hobby Farm

East

Land Use Type: Agricultural/Farm

Specify Activity: Hobby Farm

South

Land Use Type: Agricultural/Farm

Specify Activity: Equestrian Centre

West

Land Use Type: Agricultural/Farm

Specify Activity: Hobby Farm

Proposal

1. How many hectares are proposed for non-farm use?

0.2 ha

Applicant: Peter Rodd , Colin Rodd

Appendix A: Applicant Submission

2. What is the purpose of the proposal?

Permit the overnight parking of trucks that are used for activities not associated with the farm activities on the Property, as has been done for the past 20 years. These trucks are also used for farm activities on the Property; however a permit is not required for this use. The proposal will not impact or alter the existing use of the Property as the area contemplated already consists of a parking lot. The proposed area is identified with a thick black line and star.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

No, as the applicant is not aware of any lands available outside the ALR, after making reasonable inquiry, that could be used and the application will not impact or alter the existing uses on the Property.

4. Does the proposal support agriculture in the short or long term? Please explain.

Yes, the trucks are used to provide services to farms and agricultural businesses in and throughout Saanich, Central Saanich and North Saanich. In particular, the trucks are used to move agricultural material and products between farms, to build agricultural roads and to do land preparation work on agricultural land.

5. Do you need to import any fill to construct or conduct the proposed Non-farm use?

No

Applicant Attachments

- Agent Agreement - Cox Taylor, Barristers & Solicitors
- Other correspondence or file information - BC Assessment
- Proposal Sketch - 60257
- Certificate of Title - 006-405-924

ALC Attachments

None.

Decisions

None.

Applicant: Peter Rodd , Colin Rodd



Appendix B: 1995 Aerial Photo



Appendix C: Correspondence February 26, 2020



COX TAYLOR
BARRISTERS | SOLICITORS | NOTARIES

Reply: **Lindsay R. LeBlanc***
*Law Corporation
leblanc@coxtaylor.ca

File: R-969-1*LRL

February 26, 2020

by email: CRimell@northsaanich.ca

District of North Saanich
Planning and Community Services Department
1620 Mills Road
North Saanich, BC V8L 5S9

Attention: Carly Rimell

Dear Madam:

Re: 10375 Wilson Road, North Saanich, BC

We write in reply to your email of January 22, 2020. What follows are the responses received from our client to the questions you asked regarding the non-farm use application for 10375 Wilson Road (the "Property").

- Q. How many vehicles are being stored on the property that are directly associated with the Rodd Trucking and Excavating business? What types of vehicles are these (make, model and weight)?
- A. 4 trucks and 4 trailers. We have attached as "Schedule" the ICBC Owner's Certificate of Insurance and Vehicle Licence for the vehicles and associated trailers (attached to the trucks) that are used with the Rodd Trucking and Excavating business. Our client advises that these vehicles are not exclusive to the Rodd Trucking and Excavating business and are also utilized for the farm operations on the Property.
- Q. How many people does Rodd Trucking and Excavating employ?
- A. 12 employees including a bookkeeper (not on the Property) and Colin Rodd. Full and part-time positions.
- Q. Approximately what percentage of the business services the agricultural community for road building, transfer of material and product, and land preparation as outlined within the application?
- A. Approximately 85% for 2020, including, but not limited to, services provided to Mitchell's Farm, the District of North Saanich and the District of Central Saanich and works regarding the remediation of Island View Beach to make the lands farmable.
- Q. On the site plan submitted a caretakers residence is referenced. Who lives in the caretakers residence? When was it converted to residential use? Our property records indicated this was a "barn", we do not have any building permit records for the conversion of this building from accessory to dwelling use.

Victoria

T 250.388.4457
F 250.382.4236

Vancouver

T 604.678.1207
F 604.678.1208

Burnes House, 3rd Floor, 26 Bastion Square
Victoria, British Columbia Canada V8W 1H9

www.CoxTaylor.ca

Appendix C: Correspondence February 26, 2020

Page | 2

- A. Was labelled "caretaker residence" as that is what it was called when the Rodd family purchased the Property. It is a historical building on the Property.
- Q. Have the Rodd's considered indoor storage (within the existing accessory buildings) for the equipment associated with Rodd Trucking? I understand that the site plan indicates other uses for these buildings, but I anticipate that this question will come up as this application proceeds.
- A. If permitted, the vehicles can be parked inside the existing building; however, the only building that could be utilized is being used for agricultural purposes and the preference would be not discontinue the agricultural use. The area identified on the site plan, has no agricultural use.
- Q. Are there other businesses or individuals storing equipment on the property? We received a business licence from Sidney Plumbing and staff were advised that they have a storage space at 10375 Wilson Road.
- A. Sidney Plumbing was not authorized to apply for a business licence from the Property. There are no other businesses or individuals storing equipment on the Property.
- Q. The non-farm use application indicates the overnight parking of vehicles. The District has received complaints which detail that the commercial vehicles make multiple trips to and from the Property throughout the day. Could you please provide some more detail on the present operations?
- A. The vehicles are simply parked on the Property overnight. Employees come to the Property and pick up the vehicles at approximately 7:00 a.m. and return to the Property at approximately 5:30 p.m. There are no multiple trips to and from the Property regarding Rodd Trucking and Excavating vehicles. Any trucks coming and going from the Property during the day would be vehicles utilized for farm operations.
- Q. What is the intention with the logs stored on the Property? It does not appear from previous aerial photographs that they were harvesting from the parcel?
- A. The logs will be used on the Property for fences and other improvements and firewood. Any surplus logs will be removed from the Property no later than July 1, 2020. There will be no sale of the logs.

Yours very truly,

COX TAYLOR

Per:


Lindsay R. LeBlanc
*Law Corporation

LRL/jt
Encl.
cc: client

Appendix D: RA-1 Zone Excerpt

501.1 • RURAL AGRICULTURAL 1**RA-1**

This zone is intended to provide for rural land, with agricultural (including research), residential and limited commercial uses (or either), within the Agricultural Land Reserve consistent with and above and beyond the regulations and provisions of the *Agricultural Land Commission Act*.

501.1.1 Permitted Uses**(a) Principal**

- (i) Farm uses
- (ii) Horse Riding Stables
- (iii) Nurseries & Commercial Greenhouses
- (iv) Single Family Residential
- (v) Agricultural Research Facility
- (vi) ALR cannabis production and sale *[See Section 209]*

BL 1405
BL 1435
BL 1437

- (i) Farm Retail Sales
- (ii) Home Occupation *[See Section 203]*
- (iii) Breeding and Boarding of Cats or Dogs
- (iv) Farm worker housing
- (v) Accessory Uses *[See Section 202]*
- (vi) Accessory Buildings and Structures *[See Section 202]*
- (vii) Agri-Tourism Activity
- (vii) Secondary Suite, subject to Section 206.1

BL 1479
BL 1371
BL 1382

501.1.2 Density

- | | |
|--------------------------|---|
| (a) Maximum Lot Coverage | (i) 25% if lot is less than 4000 m ² (43,040 ft ²) |
| | (ii) No restriction otherwise |
| | (iii) greenhouses are exempt from lot coverage |

BL 1295

501.1.3 Principal Buildings

- | | |
|--------------------|---|
| (a) Maximum Number | (i) 1 single family residential dwelling |
| | (ii) No restrictions for other principal uses |
| (b) Maximum Size* | (i) 465 m ² (5003.4 ft ²) for a single family residential dwelling if lot less than 4000 m ² (43,040 ft ²) |
| | (ii) 500 m ² (5381 ft ²) for a single family residential dwelling if the lot is equal to or greater than 4000 m ² (43,040 ft ²) and is located within the ALR |
| | (iii) 650 m ² (6994 ft ²) for a single family residential dwelling if lot equal to or greater than 4000 m ² (43,040 ft ²) and is not located within the |

BL 1479

Appendix D: RA-1 Zone Excerpt

	ALR
	(iv) No restriction for other principal permitted uses
*See Section 107 for definitions for "floor area, gross (ALR)" and "floor area, gross"	
(c) Maximum Height	11.5 metres (37.7 ft.)
(d) Minimum Setbacks:	
(i) Front	7.6 metres (25 ft.)
(ii) Rear	7.6 metres (25 ft.)
(iii) Interior Side	7.6 metres (25 ft.)
(iv) Exterior Side	7.6 metres (25 ft.)
(v) Exception	If the principal building is a single family residential dwelling, the interior lot line setback for that dwelling may be reduced to 3 metres (9.84 ft.) provided that: (A) the combined total of the two interior lot line setbacks is at least 7.6 metres, or (B) the lot is a corner lot.

501.1.4 Accessory Buildings and Structures

(a) Maximum Number	(i) 1 for Farm Retail Sales (ii) No restrictions otherwise
(b) Maximum Height	5.6 metres (18.4 ft.)
(c) Minimum Setbacks:	
(i) Front	7.6 metres (25 ft.)
(ii) Rear	7.6 metres (25 ft.)
(iii) Interior Side	7.6 metres (25 ft.)
(iv) Exterior Side	7.6 metres (25 ft.)
(v) Exception	3 metres (9.8 ft.) for all setbacks if accessory building or structure is used to accommodate Farm Retail Sales use.

501.1.5 Off-street Parking and Loading

Off-street parking and loading must be provided in accordance with Division 300 of this Bylaw.

501.1.6 Subdivision

(a) Minimum Lot Size	20 hectares (49.4 acres)
(b) Minimum Lot Width	10% of the perimeter

BL 1295 501.1.7 Siting and Size of Residential Uses in the ALR

(a) Maximum Setbacks from Front Lot Line: Farm Residential Footprint	60 metres (196.9 ft.)	(i) Lots narrower than 33 metres are exempt from the 60 metre setback and must fill the front of the lot to a maximum of 2000 m ² (ii) Lots greater than 60 ha are exempt from maximum setback
(b) Maximum Setbacks from Front Lot Line: Rear of Principle Farm Residence, or Farm worker housing	50 metres (164 ft.) (to allow for a 10 metre back yard)	(i) Lots greater than 60 ha are exempt from maximum setback

BL 1369
BL 1479

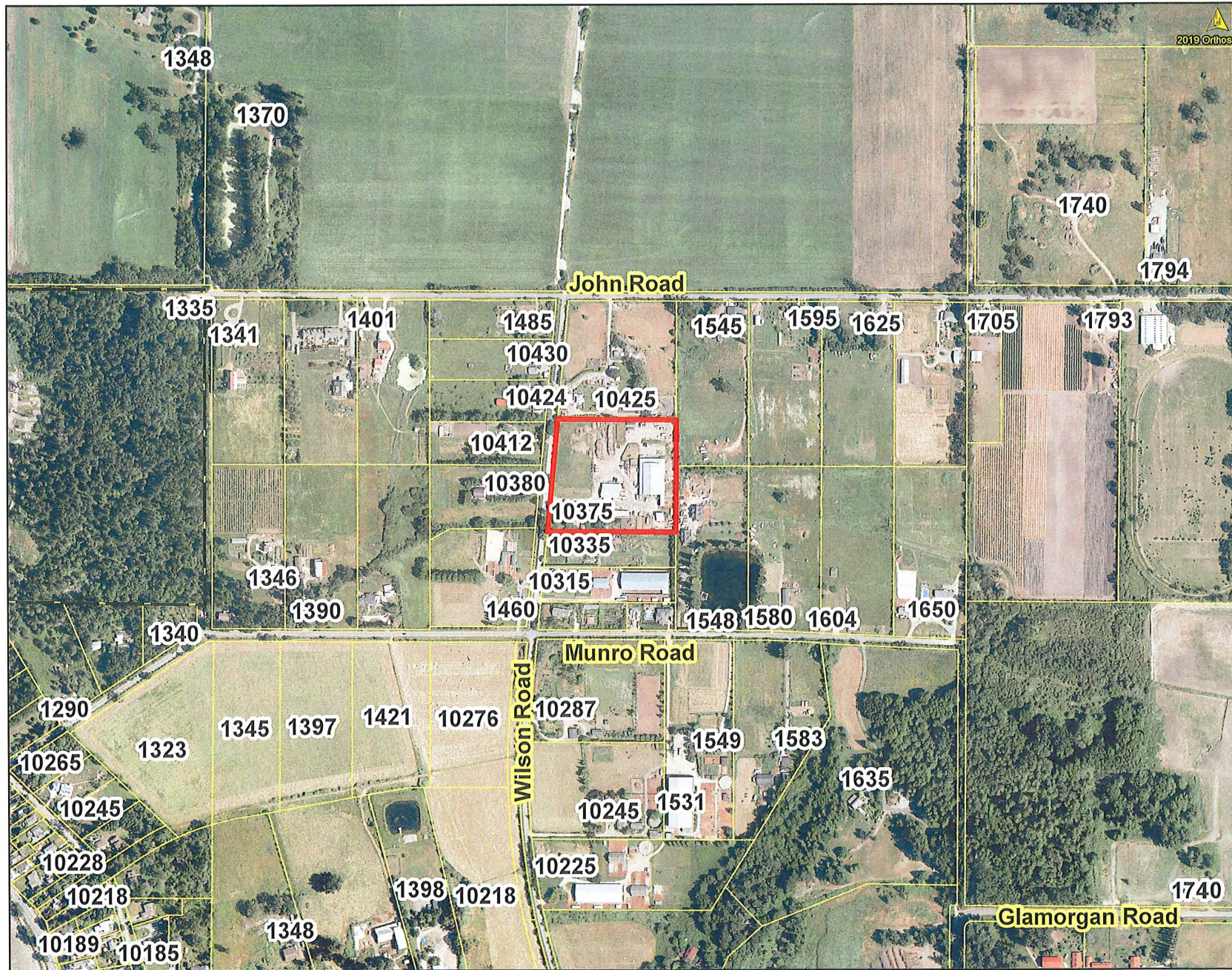
Appendix D: RA-1 Zone Excerpt

BL 1369	(c) Maximum Size of Farm	2000 m ² ; plus	(i) 35m ² for each farm worker housing
BL 1479	Residential Footprint		space

Appendix E Letter and Emails

Date Received	Name	Address
April 22, 2020	Tom and Carin Boon	10412 Wilson Road
April 23, 2020	Tom and Carin Boon *	10412 Wilson Road
April 22, 2020	Roy and Lisette Spanier	10225 Wilson Road
April 22, 2020	Lorrene and Gil Soellner	1705 John Road
April 23, 2020	Lorrene and Gil Soellner *	1705 John Road
April 23, 2020	Veda and Lyle Hanna	1650 Munro Road
April 23, 2020	Charles Cunningham	10335 Wilson Road
April 23, 2020	Lorraine Bradbury	10315 Wilson Road
April 23, 2020	Darlene and Edward Illi	1460 Munro Road
April 23, 2020	Hilary Harris	10101 West Saanich Road
April 24, 2020	Jill Sechley	1056 Lands End Road
April 24, 2020	Jill Sechley *	1056 Lands End Road
April 25, 2020	Jill Sechley *	1056 Lands End Road
April 24, 2020	Sharon and Tino Martinez	1549 Munro Road
April 24, 2020	John and Christine Thomas	1346 Munro Road
April 24, 2020	Hugh Wilzewski and Jill Singleton	1500 Munro Road
April 24, 2020	Jim and Tess Town	1401 John Road

*Amendment to original submission



From: [Tom & Carin](#)
To: [Carly Rimell](#); n.beattie@northsaanich.ca
Cc: [Geoff Orr](#); [Heather Gartshore](#); [Jack McClintock](#); [Patricia Pearson](#); [Brett Smyth](#); [Celia Stock](#); [Murray Weisenberger](#); [admin](#)
Subject: Property in question at 10375 Wilson Road
Date: Wednesday, April 22, 2020 11:40:45 AM

Dear All Concerned,

We, Tom and Carin Boon, are the property owners of 10412 Wilson Road, located directly across the street from the property mentioned above.

We have been in contact repeatedly over the years, to no avail, in regards to the illegal bylaw issues at 10375 Wilson, property owned by Peter Robb. The misuse of this land has been blatantly overlooked by both North Saanich and the ALR according to your own bylaws, yet year after year a business licence has been re-issued. A trucking company such as this belongs in an industrial park for which is its purpose, not on the fast diminishing agricultural farm land on which this property and entire valley sits.

Presently, a rezoning sign on said property has been noticed and discussed. The overall consensus is a neighbourhood committed to stopping progress that goes against what the ALR and the municipality should be standing up for on behalf of its taxpayers and by-law abiding members. These roads are used by people enjoying the countryside- walkers, cyclists, riders- including children and the elderly. Children waiting at school bus stops or riding their bikes and ponies often report the trucks coming from and going to the property threatening their safety; weekends are regularly interrupted by excessive noise and disruption coming from the property, which is also an eye-sore and embarrassment to the community and one would hope, North Saanich and the ALR.

The owner of said property, in having complete disregard for bylaws set out by North Saanich and the ALR, are not only endangering our neighbourhood but devaluing properties of owners who have worked hard for many years and chosen to live in a lovely valley such as this. One of course must also consider the environmental impact such as pollution, on many levels, to the local ecology. There will be further input from all the neighbours in this community to absolutely put a stop once and for all.

Furthermore, we request an inspection of the property and its buildings as there is reportedly a sawmill inside the arena; as well as the rezoning application sign being moved to a location visible and accessible for public viewing.

Thank you in advance for your prompt attention to this matter via reply at [REDACTED]
 and [REDACTED]

Tom and Carin Boon

From: [Tom & Carin](#)
To: [Carly Rimell](#); gorr@northsaanich.ca; hgartshore@northsaanich.ca; jmclintock@northsaanich.ca; ppearson@northsaanich.ca; bsmyth@northsaanich.ca; cstock@northsaanich.ca; mweisenberger@northsaanich.ca; admin@northsaanich.ca; [Nigel Beattie](#)
Cc: cunninghact@gmail.com; darlene.illi@telus.net; [hytail-1@shaw.ca](#)
Subject: an amendment to Property in question at 10375 Wilson Road
Date: Thursday, April 23, 2020 10:46:34 AM

An amendment to an email concerning the owner of above said property whose last name was spelled incorrectly should be **RODD** and not Robb.

Dear All Concerned,

We, Tom and Carin Boon, are the property owners of 10412 Wilson Road, located directly across the street from the property mentioned above.

We have been in contact repeatedly over the years, to no avail, in regards to the illegal bylaw issues at 10375 Wilson, property owned by Peter Rodd. The misuse of this land has been blatantly overlooked by both North Saanich and the ALR according to your own bylaws, yet year after year a business licence has been re-issued. A trucking company such as this belongs in an industrial park for which is its purpose, not on the fast diminishing agricultural farm land on which this property and entire valley sits.

Presently, a rezoning sign on said property has been noticed and discussed. The overall consensus is a neighbourhood committed to stopping progress that goes against what the ALR and the municipality should be standing up for on behalf of its taxpayers and by-law abiding members. These roads are used by people enjoying the countryside- walkers, cyclists, riders- including children and the elderly. Children waiting at school bus stops or riding their bikes and ponies often report the trucks coming from and going to the property threatening their safety; weekends are regularly interrupted by excessive noise and disruption coming from the property, which is also an eye-sore and embarrassment to the community and one would hope, North Saanich and the ALR.

The owner of said property, in having complete disregard for bylaws set out by North Saanich and the ALR, are not only endangering our neighbourhood but devaluing properties of owners who have worked hard for many years and chosen to live in a lovely valley such as this. One of course must also consider the environmental impact such as pollution, on many levels, to the local ecology. There will be further input from all the neighbours in this community to absolutely put a stop once and for all. **We object to any non agricultural activity take place on land in the agricultural land reserve. Please do not rezone this property or give it special zoning.**

Thank you in advance for your prompt attention to this matter via reply at [REDACTED]

and

Tom and Carin Boon

From: [ROY SPANIER](#)
To: [Carly Rimell](#)
Subject: Fwd: Fwd: Rezoning at 10375 Wilson Rd
Date: Wednesday, April 22, 2020 4:33:19 PM

----- Forwarded Message -----

From: ROY SPANIER <ro[REDACTED]>
To: nbeattie@northsaanich.ca
Sent: Wed, 22 Apr 2020 15:23:30 -0600 (MDT)
Subject: Fwd: Rezoning at 10375 Wilson Rd

----- Forwarded Message -----

From: ROY SPANIER [REDACTED]
To: crimelle@northsaanich.ca
Sent: Wed, 22 Apr 2020 15:22:23 -0600 (MDT)
Subject: Rezoning at 10375 Wilson Rd

We, Roy and Lisette Spanier of 10225 Wilson Rd would like to express our feelings and concerns about the application for re-zoning at 10375 Wilson Rd, owned by Peter Robb. Wilson Rd had become the "Keating X-Rd" of North Saanich, what a shame! The volume of large commercial trucks being driven on this narrow curved country road is very concerning and dangerous.

Seeing ALR land being used for non ALR zoning is frustrating for those of us with equestrian properties and farming.

This property has been brought to the attention of North Saanich many many times over the years, yet the commercial trucking business has grown without any opposition or enforcement of by-laws. This re-zoning application of dedicated ALR land needs to be stopped to prevent the other properties in North Saanich who are using their land for commercial use to apply next.

Thank you,
Roy/Lisette Spanier
10225 Wilson Rd
[REDACTED]

From: [LG Soellner](#)
To: [Carly Rimell](#); [Nigel Beattie](#)
Cc: [admin](#)
Subject: Proposed rezoning of 10375 Wilson Rd.
Date: Wednesday, April 22, 2020 8:38:54 PM

Attention: Mayor and Council

This letter is to go to mayor and Council for the special meeting on April 27, 2020.

It has come to our attention that the 5 acre property at 10375 Wilson Rd. owned by Peter Rodd, is to have a rezoning application presented to Council. This land is in the middle of the ALR zone. Until about ten years ago and for about forty years, this property was an equestrian facility, compliant with agricultural zoning. Recently, we have had many changes in our municipal staff who may not be aware of the various activities that have been occurring on the property and the ensuing illegal activities for such use under our bylaws. These have been reported to staff. For several years, a month long Hallowe'en haunted house took place in the barn and surrounding property. There was heavy traffic in the evenings making it difficult for residents to get to their properties and extremely hazardous for anyone walking on the roads. Eventually, this was stopped. For the past several years the property has been used as a commercial truck depot and the barn, for a sawmill. We understand. This has resulted in heavy use of our country roads, without the accompanying relevant commercial taxes being paid. Over the past several years, two other large equestrian centres have closed and the land returned to growing fruit, vegetables and flowers, just as it should. As taxpayers, we are concerned that this property has operated as a commercial, non agricultural enterprise without the taxation that other commercial activities have to incur. Furthermore, we object to any non agricultural activity take place on land in the agricultural land reserve. Please do not rezone this property or give it special zoning.

Sent from my iPad

From: [Deanna Law](#)
To: [Carly Rimell](#); [Drew Bakken](#); [Adrian Brett](#)
Cc: [Rebecca Roder](#)
Subject: FW: Previous email re: rezoning application 10375 Wilson Rd.
Date: Thursday, April 23, 2020 8:41:18 AM

Deanna Law | Administrative Assistant/ Planning & Community Services Department
 District of North Saanich | 1620 Mills Rd | North Saanich, BC V8L 5S9 | 250-655-5470

Please be advised that the municipal hall is currently closed to the public. At this time I am currently still working in the office. As the situation changes, response times may be delayed. We are still booking inspections, issuing and processing building, plumbing, fireplace and tree cutting permit applications during these challenging times. You may leave documents for processing in the drop off bin located outside the front stairs at the municipal hall or email for processing. Instructions on pick up and payment will be sent when applications are received.

-----Original Message-----

From: Sara De Melo On Behalf Of admin
 Sent: Thursday, April 23, 2020 8:30 AM
 To: Deanna Law <DLaw@northsaanich.ca>
 Subject: FW: Previous email re: rezoning application 10375 Wilson Rd.

-----Original Message-----

From: LG Soellner [REDACTED]
 Sent: Wednesday, April 22, 2020 8:47 PM
 To: admin <a@northsaanich.ca>
 Subject: Previous email re: rezoning application 10375 Wilson Rd.

Please add:
 Signed Lorrene and Gil Soellner
 1705 John Rd. North Saanich
 Thank you.

Sent from my iPad

From: [REDACTED]
To: [Carly Rimell](#)
Cc: [Nigel Beattie](#)
Subject: Neighbourhood Safety and Enjoyment Concerns of Re-Zoning Application
Date: Thursday, April 23, 2020 8:11:26 AM

To whom it may concern;

For those of you who don't know me, please allow me to introduce myself. We have strived to develop an equestrian property on ALR at the end of Munro road in a little private niche area surrounded by other lovely equestrian properties. It is increasingly becoming more and more disrupted by commercial disturbance from a neighbouring property which is endangering the livelihood and safety of the fellow equestrians in this area.

It has become apparent that Peter Robb of Rodd Excavating located at 10375 Wilson Rd, has applied to have his property re-zoned which will allow him to operate an inappropriate commercial type business on ALR. As a concerned neighbour, it has been brought to my attention that the constant mill noise from their property is as a result of a saw mill set up in their once used equestrian arena. They have been in contradiction of current bylaws which has apparently been continuously overlooked by North Saanich and the ALC despite previous complaints from neighbouring properties. The noise and disturbance of his commercial ran operation is ultimately affecting the use and enjoyment of our land not to mention our riding safety on the roads with the frequency of his large trucks passing some of which have no regards for the safety of us as riders and our horses.

As far as I can determine, this type of commercial business is better suited to an industrial area where other similar businesses are ran and operated.

Thank you for your attention to this concerning matter while remembering to uphold the value of our community and our properties but primarily keeping the safety of the people in our neighbourhood at hand.

Kind Regards,
Veda and Lyle Hanna
1650 Munro Road
North Saanich, BC
V8L5T1

Sent from my iPhone

From: [Charles](#)
To: [Carly Rimell](#)
Cc: [Tom Barry](#)
Subject: Re: 10375 wilson road
Date: Thursday, April 23, 2020 1:04:35 PM

Hello Carly,

Thanks for your message.

In our input to the meeting on the 4th May concerning this property we decided to strictly limit our comments to the issue mentioned on the notice posted by North Saanich ie parking.

Over the years I have sent several complaints regarding the other companies operating out of this site and I believe these can be found in your archives. I am happy to summarize these other non agricultural activities if the meeting has a broader scope.

Thanks for your help,

Regards

Charles cunningham

Sent from my Commodore 64

On Apr 23, 2020, at 9:53 AM, Carly Rimell <CRimell@northsaanich.ca> wrote:

Good morning Charles,

Thank you for your email which Tom was kind enough to forward. Staff are aware that there are a number of uses which are in contravention of District bylaws. A number of these are outlined within the introductory report for the non-farm use application which is being prepared for Council to review on May 4th. I would like to assure you that these are the initial stages of the application process. We are still in the process of assessing the property and collecting more information.

Yesterday I replied to your email titled "request" - where you requested information on the procedure on how to object to the proposal at 10375 Wilson Road. I would suggest that you include sawmill operations along with any other concerns you have within your written submission.

Please contact me if you have any further questions.

Sincerely,

Carly Rimell, Planner
 Planning and Community Services Department
 District of North Saanich | 1620 Mills Rd | North Saanich, BC V8L 5S9 | 250.655.5477
www.northsaanich.ca
 <image001.png>

From: Tom Barry
Sent: Wednesday, April 22, 2020 1:02 PM
To: Carly Rimell <CRimell@northsaanich.ca>
Subject: FW: 10375 wilson road

FYI

TOM BARRY

Bylaw Enforcement Officer
District of North Saanich
1620 Mills Road
North Saanich, B.C. V8L 5S9
Tel: 250 655-5476 Fax: 250 656-0782
Email: tbarry@northsaanich.ca

"Try Being the Person Your Dog Thinks You are"

From: Charles Cunningham [REDACTED]
Sent: Tuesday, April 21, 2020 5:02 PM
To: Tom Barry
Subject: 10375 wilson road

Hi Tom,
Some of the tenants on this property are operating a sawmill in the large barn. I thought you might be interested as I think it is not permitted on RA1 land

All the best,
Charles Cunningham
10335 wilson road

April 23rd, 2020

Letter to District of North Saanich

Regarding Property at 10375 Wilson Road, North Saanich

Dear Mayor Geoff Orr, District of North Saanich Planning Committee and all of the District of North Saanich Council.

I am writing in response to the Notice of Development Application submitted by the owner of 10375 Wilson Road.

I, Lorraine Bradbury am the owner of 10315 Wilson Road, located two doors south of the above property.

I am in complete opposition of this application as the owner of this property disrupts our daily lives and our quality of life with his commercial and industrial operations, when these operations should clearly not be allowed in a quiet rural area and on designated farmland in the Agricultural Land Reserve (ALR).

Despite multiple complaints on file at North Saanich Municipality dating back to 2009, the owner of this property is allowed to continue to disobey your own municipality bylaws and continues to have total disregard for his neighbours, his community and the environment. On countless occasions, I have witnessed our children of the neighbourhood, our friends on horseback, our community residents walking dogs, and cyclists try to navigate around these big trucks and trailers that take up the entire road, who don't seem to have any remorse when they squeeze a cyclist off the road or spook a horse or dog. And yet you let this continue, ignoring the fact that the owner is breaking your own bylaws, ignoring the fact that you have had complaints dating back 11 years, and it is only getting worse. The volume of heavy trucks and machinery that is coming from this property is increasing at a tremendous rate, causing havoc on our quiet country roads and disturbing our way of life. The wear and tear on Wilson Road due to local traffic having to move to the edge to get out of the way is causing the edges to deteriorate badly. Outside of my house is a good example, there is a broken edge and huge pot hole on the side from cars having to pull over to clear the path for the trucks. Pedestrians with their dogs, bicycles and horses must move into a driveway to make way for the trucks.

The noise level of the constant stream of trucks passing my house prevents me from sitting outside and enjoying a quiet afternoon in the garden. And I certainly do not walk or ride my horse on the roads anymore for fear of being blindsided by one of these trucks who barely even slow down when approaching pedestrian traffic.

The property itself is in complete disarray, and is a terrible eyesore, lowering the property values of our neighbourhood homes.

Living on my bona fide farm two doors down, there have been many occasions that the noise from Mr. Rodd's heavy machinery work has prevented me from operating my agricultural business which is horse training and breeding. There have been many times that I have been in danger of injury to myself or my clients due to the horses spooking at the sudden or loud noises that come from this property. I have had days where I have had to cancel lessons with my students due to it being too dangerous for my clients to ride. I have attached a list of my clients that have had to cancel services with me due to the industrial goings-on at 10375 Wilson Road.

My concern regarding this application is that since you are unwilling to enforce the bylaws that are in place to protect us and our community, and you allow this property owner to disregard and disrespect the wishes of his neighbourhood and the bylaws of our community created by you, how much worse will it get if he has approval from you to do this.

I am truly concerned for the future of our beautiful agricultural neighbourhood should this property owner be able to continue on the path that he is on.

Please deny this application, and demand that the owner of this property comply with the bylaws of North Saanich... like you expect the rest of us to do. Please protect our community by shutting down this massive industrial operation that has been allowed to illegally operate in our neighbourhood for way too long.

Clients that have cancelled services with my farm due to the noise and disruption from 10375 Wilson Road.

Elizabeth Trudeau

[REDACTED]

Sarah Clout

[REDACTED]

Kathy LeReverend

[REDACTED]

Dawn Parker

[REDACTED]

Isobel Doyle

[REDACTED]

These clients and more come to this community to ride their horses, then they go next door to buy fresh eggs and cheese, then they go to Deep Cove Market and buy local produce, and visit Fickle Fig for homemade goodies... they support our local agricultural businesses and come here because they choose to support our local farms, they support your North Saanich Flavour Trail, but their visits are seriously hampered by this industrial operation that drives them away.

Sincerely,

Mrs. Lorraine Bradbury

[REDACTED]

To Mayor Orr and North Saanich Council,

April 23, 2020

Re: Rezoning Application for 10375 Wilson Road, North Saanich

Dear Mayor Orr and Council;

We are writing this letter to strenuously object to the rezoning application put forward by Mr. Peter Rodd of Wilson Rd.

We have a farm at the corner of Munro and Wilson (1460 Munro Rd) which is near Mr. Rodd's property.

For many years we have endured Mr. Rodd's non-compliance with North Saanich zoning bylaws and his absolute disregard for our neighborhood. We have tried numerous measures to have Mr. Rodd obey the law, and he adamantly refuses to consider the impact his industrial operation is having in this quiet agricultural area. For example, he continuously burns construction site debris on his property outside of burning days, has several businesses running in and through his property such as Sidney Plumbing, and for a few years a horrifically disruptive commercial Halloween Haunted House business. These are just a few of the business operations that have caused many negative events to occur surrounding that non-compliance business operation. Please refer to Sidney RCMP and North Saanich bylaw files for further details.

The industrial traffic to and from his property is significant, which includes several his employees driving at high speeds in the morning to pick up the commercial vehicles. These employees come and go at all hours and on weekends, and pose a threat to pedestrians, other drivers, cyclists, and horse riders, many whom have had to take evasive action on these narrow country roads, ourselves included! Furthermore, these industrial heavy vehicles, such as large

dump trucks, excavators on trailers, garbage bin haulers, and other large industrial vehicles are constantly coming and going throughout the day and on weekends with little regard to the people that live in this area.

There is constant commercial and industrial noise emanating from his property which has caused us many times to complain about excessive noise contrary to North Saanich Bylaws. We are finding it increasingly difficult to enjoy our property due to the noise and industrial activity from Mr. Rodd's property. Indeed, we believe our property value has been negatively impacted by Mr. Rodd's unsightly "industrial park" situated in the middle of an agricultural area.

We have taken the extraordinary step of making formal complaints with very specific examples of non-compliance to North Saanich bylaw enforcement. It is our understanding that your bylaw enforcement officer has carefully documented his investigation.

It is our respectful submission that Mr. Rodd's rezoning application be denied, and that he immediately be served a cease and desist order and be instructed to dismantle his commercial operation without delay.

We believe that any further attempts to gain voluntary compliance with Mr. Rodd at this point will be met with continued non-compliance. Therefore, we are prepared to support any enforcement action under the North Saanich bylaws, and under the Provincial Agricultural Land Statutes and Regulations. We are aware of the penalties available under the bylaws and suggest at this point that enforcement action is necessary. It is our hope that if Mr. Rodd's application is denied he will comply with the ALR designation of his property, however we are not naïve enough to believe he will. Consequently, we are prepared to testify and bring evidence of more than ten years of non-compliance activities to any hearing or tribunal that may be necessary to

put an end to this ongoing commercial activity in the Agricultural Land Reserve. It is our position that everyone has a responsibility to comply with zoning, bylaws, Provincial Statutes and Regulations, and be respectful to their neighbors. Mr. Rodd apparently has disregarded these principles, and nothing short of enforcement action and denial of his rezoning application will be appropriate.

Respectfully;

Darlene and Edward Illi

1460 Munro Rd. North Saanich [REDACTED]

From: [C.H.K](#)
To: [Carly Rimell](#); nbeattie@nsaanich.ca; [admin](#); [Geoff Orr](#)
Subject: Rezoning - 10375 Wilson
Date: Thursday, April 23, 2020 7:49:22 PM

Dear North Saanich Municipal Staff,

I am writing to say that I oppose the rezoning of 10375 Wilson Rd. I live nearby, at 10101 W Saanich Rd, and I walk in the neighborhood daily. The trucks are loud and ugly. They seem to be always on the road, and they are too large for these quiet country streets. Though some drivers are courteous, many are not, making the roads less safe and less pleasant for walkers, cyclists, horseback riders and especially local residents. The trucks are simply not compatible with the relaxed farming and recreational character of the neighbourhood. This neighborhood is one of the few truly pastoral areas left on the peninsula, and I hope that you protect it by rejecting the rezoning proposal.

Regards,

Hilary Harris

10101 W. Saanich.

From: [Jill Sechley](#)
To: [Carly Rimell](#)
Cc: [Nigel Beattie](#); [admin](#); [Murray Weisenberger](#); [Celia Stock](#); [Brett Smyth](#); [Patricia Pearson](#); [Jack McClintock](#); [Heather Gartshore](#); [Geoff Orr](#)
Subject: rezoning application for 10375 Wilson Rd.
Date: Friday, April 24, 2020 11:18:37 AM

April 24 2020

Regarding Property at 10375 Wilson Road, North Saanich

Dear Mayor Geoff Orr, District of North Saanich Planning Committee and all of the District of North Saanich Council,

I am writing in response to the Notice of Development Application submitted by Peter Robb, the owner of 10375 Wilson Road. As a resident of North Saanich and frequent recreational user of the neighbourhood of the subject property, I strongly oppose the re-zoning application put forth by Peter Robb, which is in contravention of the current regulations for the ALR and out of line with the North Saanich Official Community Plan (OCP).

While I live on Lands End Road, I spend time in this region cycling the quiet roads, walking the dog along the paths and enjoying the lovely Pat Bay beach, in addition to supporting local businesses like the Fickle Fig farm market, Deep Cove Market, nurseries, and local market garden stands. I board my horses at Bonita Stables, located around the corner on Munro Road from the subject property and enjoy riding along the roads and trails as well.

The proximity of the Pat Bay beach makes this region very attractive for a diverse array of outdoor recreational activities for the residents of North Saanich and neighbouring districts. The layout of quiet roads and public footpaths make it ideal for recreating. Each day I see people cycling, often with their children along on tricycles, people walking their dogs, joggers, families pushing strollers, and there is probably the highest density of equestrians on the peninsula. A steady stream of logging trucks will change all this. A reduction in recreational activity will lead to a reduction in business for the local cafes and markets, as well as a reduction in property value for the residents.

This neighbourhood is unique in its agricultural landscape and is a model example of how the North Saanich OCP was envisioned, with a harmonious mixture of livestock farms and residential rural properties, many of which also have small livestock operations and market gardens. Additionally, Hytail Farm, Bonita Stables and John Road Barn have been offering horseback riding lessons for adults and children for decades and frequently host horse riding clinics with guest coaches which attract participants from up island to our region. The noise and activity from a sawmill operation will make riding dangerous and deter participants, resulting in a loss of income for these facilities.

There is no place for a large commercial sawmill operation as being proposed by Mr. Rodd. Already we see too many large dump trucks coming and going at high speed from that property along very narrow roads. The roads barely allow for two vehicles to pass, there are deep ditches on both sides, no bike path, no sidewalk, and very little shoulder. How long before some cyclist, equestrian or child on a bicycle gets seriously injured or dies? I urge you to reject this re-zoning application, it would be detrimental to the neighbourhood residents and businesses.

Respectfully yours,

Jill Sechley

1056 Lands End Rd., [REDACTED]

From: [Jill Sechley](#)
To: [Carly Rimell](#)
Cc: [Nigel Beattie](#); [admin](#); [Murray Weisenberger](#); [Celia Stock](#); [Brett Smyth](#); [Patricia Pearson](#); [Jack McClintock](#); [Heather Gartshore](#); [Geoff Orr](#)
Subject: amendment to concerns over rezoning application for 10375 Wilson Rd.
Date: Friday, April 24, 2020 12:08:06 PM

Dear Mayor, Councillors, Planning Committee,

Further to my letter outlining my objections to the re-zoning of the subject property, I would like to add a concern.

The use of that property as a sawmill poses a **significant fire hazard** to the region. Already there are piles of logs, piles of debris, decrepit buildings, barns that have old hay and years of dust and debris, and likely questionable compliance with electrical safety code. It is a fire bomb waiting to go off.

Is the North Saanich Volunteer Fire Department ready for this?

Respectfully yours,

Jill Sechley

1056 Lands End Rd., [REDACTED]

From: [Jill Sechley](#)
To: [Carly Rimell](#)
Cc: [Nigel Beattie](#); [admin](#); [Murray Weisenberger](#); [Celia Stock](#); [Brett Smyth](#); [Patricia Pearson](#); [Jack McClintock](#); [Heather Gartshore](#); [Geoff Orr](#)
Subject: correction to submission of concern over 10375 Wilson Rd.
Date: Saturday, April 25, 2020 12:10:39 PM

Dear Mayor, Councillors and Planning Committee,

To clarify and amend my previous letter of concerns over the application by the subject property owner.

In my haste to submit by the deadline, I had not noticed the typo that I stated in the first paragraph "Peter Robb" when of course he is "Peter Rodd", as correctly written later in the letter. I meant no disrespect in this oversight.

Also, I wrote that I was concerned about the 're-zoning' application, when in fact it is an application for 'non-farm use' within the ALR.

My concerns and objections remain the same regardless.

Thank you!

Respectfully yours,

Jill Sechley

From: [Bonita Stables](#)
To: [Carly Rimell](#)
Cc: [hytail-1@shaw.ca](#); [Jill Sechley](#); [Nigel Beattie](#); [admin](#); [Murray Weisenberger](#); [Celia Stock](#); [Brett Smyth](#); [Patricia Pearson](#); [Jack McClintock](#); [Heather Gartshore](#); [Geoff Orr](#)
Subject: Amendment to concerns over rezoning application for 10375 Wilson Rd
Date: Friday, April 24, 2020 12:34:45 PM

Dear Mayor Geoff Orr and Members of Council,

We strongly object to the proposal of rezoning 10375 Wilson Road North Saanich, specifically the rezoning application for a “non-farm use” property. This objection is upon the basis that allowing for this proposal to proceed will change the nature of our community from an ALR and residential to a (semi) industrial activity in our quiet neighbourhood. Although every person has a right to make an honest living, the proposed change to the rezoning application for that property, will be for the sole financial benefit of the applicant and not for the overall wellbeing of our community. This particular pocket of North Saanich is an idyllic description of what this district promotes itself to be. This neighbourhood represents small country roads designed for farm living and quiet life. It is encompassed by roadside produce, aviary, poultry, cattle, sheep, floral, and equestrian life. It would forever be changed if this proposal were to proceed and would be virtually impossible to claw its way back to its current glory. To allow this proposal to proceed will open the door for the gradual industrialization of our intimate agricultural community.

Respectfully,

Sharon and Tino Martinez
1549 Munro Road, North Saanich

From: [Christine Thomas](#)
To: [Carly Rimell](#); nbeattier@northsaanich.ca; [Celia Stock](#); [Brett Smyth](#); [Patricia Pearson](#); [Jack McClintock](#); hgartshore@nothsaanich.ca; [Geoff Orr](#)
Subject: 10375 Wilson Road
Date: Friday, April 24, 2020 12:45:10 PM

As you know the owners of 10375 Wilson Road run a trucking business out of their property with all inherit noise, dust and exhaust. They now want to remove part of their property from the ALR to continue that business on what is now agricultural land. This is not the time to be reducing what agricultural land that North Saanich has to be used for what should be located in an industrial area. We frequently have their trucks going past our farm any time of day on a road that was not built to accommodate large trucks but rather local residents, walkers and horseback riders. We are against their application to rezone this property. Thank you for your consideration. John and Christine Thomas, Oakwind Farm 1346 Munro Road

1500 Munro Road
North Saanich, BC
V8L 5T1

Sent via email

April 24, 2020

Dear Mayor Orr and District of North Saanich Councillors:

Re: Notice of Application Development (Application) – 10375 Wilson Road (10375)

We, Hugh Wilzewski and Jill Singleton, are the owners and residents of 1500 Munro Road. Our home is located on the northeast corner of the intersection of Munro and Wilson Roads.

We oppose this Application in the strongest terms. In addition, we ask that Council make a decision to have the industrial operation cease immediately. An industrial operation should be located in an area with industrial use zoning, not on property designated as Rural Agricultural 1 (RA-1) by the District of North Saanich (District) Bylaws.

Our understanding is that the Application is an attempt by the owner(s) of 10375 to legitimize an industrial business on property that has been operating in violation of the District's zoning bylaw for at least a decade. We have been made aware that numerous complaints about this business operation have been filed with the District of North Saanich over the years, yet the business continues to operate at 10375.

We purchased our home approximately 13 months ago. With the exception of this disruptive and dangerous industrial operation we enjoy all aspects of living here. The noise of heavy trucks and equipment starts at 6:30 am most mornings, and the trucks "roll out" southbound on Wilson Road at 7:00 am. This traffic continues throughout the day and does not stop until 4:30 or 5:00 pm although there are occasions when the trucks operate until 7:00 pm. It is not unusual for heavy truck traffic from 10375 to take place on weekends and statutory holidays.

Our home has a legal suite that we intend to operate as an Airbnb as a unique rural farm destination. Given the noise and potential danger of large trucks transiting so often along the narrow Wilson Road this setup is in jeopardy. Sitting outside during the day to enjoy the "relaxing" countryside is impossible. Clearly this industrial operation has a negative impact on the property values of impacted neighbours.

At least two of our neighbours operate farm stands between our home and 10375. Their legitimate farm business is adversely impacted by the operation at 10375.

Wilson and Munro Roads are extremely popular for walkers, cyclists and horseback riders. Numerous trails are close by. The large trucks transiting to/from 10375 create a danger that should not exist for these recreational users of the roads.

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With the current situation related to physical distancing created by the COVID-19 pandemic those of us impacted by the industrial operation at 10375 are not able to attend the Council meeting on May 4th. Therefore, we ask Council to provide all neighbours residing within 500 metres of 10375 a written response of its decision and reasons why if Council votes to support this Application This response should be sent no later than May 15, 2020. This will allow those of us impacted by Council's decision to prepare our case for the Agricultural Land Commission.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature on the left is for Hugh Wilzewski, and the second signature on the right is for Jill Singleton. Both signatures are written in a cursive, flowing style.

Hugh Wilzewski and Jill Singleton

April 23, 2020

To Whom it may concern,

It has come to our attention that the neighbouring property owner at 10375 Wilson Rd (owner Peter Rodd) is trying to rezone his property to allow the use of his ALR land as a commercial trucking operation.

The above mentioned property has been an issue with neighbours for years. One that has been ignored by the municipality for far too long. My family, like ninety percent of the land owners out here, moved to the area because of the beautiful farm land, and the fact that it comprises of pieces that are protected by the ALR to remain as farm use. What creates the charm of the area is the sprawling fields, horses neighing, and sheep baaing. Parking lots for a trucking company hardly suit that scene.

Beyond the aesthetics of the neighbourhood, my main concern lies with the tranquility and safety of our streets. The noise from the property is already a problem, with trucks firing up all morning and the constant moaning up and down Wilson Rd. Weekends are no exception.

There are numerous people on our streets daily – walking and bicycle groups, horse riders, children on bikes (including my own) especially in the summer riding to and from the free ride bike park, horse and carts, joggers (including myself), dog walkers, etc. – who come out to our beautiful neighbourhood to enjoy the peace and quiet of our lifestyle/area, and whom should not have to worry about massive trucks barreling down the road, pulling out of the driveway, or backing up onto the street.

The infrastructure of Wilson Rd does not allow a vehicle to pass by the large trucks owed by Peter Rodd, the road is not wide enough. Often cars are pulled right over onto boulevards of neighbours to allow the trucks to pass, cutting off all pedestrian and bike traffic. It just isn't safe.

There are commercial zones/areas in this municipality for a reason, so that the industrial businesses can flourish without compromising or threatening the lives of people in residential areas. In particular I would hope that we would be doing everything we can to protect what little land we have in the ALR. Check historical records to see how much local food production was essential in a country's survival during WWI and WWII. How about now, with Covid19...the amount of people wanting to grow their own food and supporting local farmers has increased substantially. Have we not learned anything? We need to do more to protect the precious land that we have.

I am also worried that passing the application is a shoehorn for more commercial development by the owner, as well as other owners in the area looking to compromise ALR to line their pocketbooks. Let's keep our farmland farmable!!

Thank you for your time,
Your neighbourhood farmers, Jim and Tess Town @ 1401 John Rd.