

**District of North Saanich  
Community Planning Commission**

**Regular Meeting**

**Monday, May 27, 2019 at 2:00 p.m.  
Council Chambers  
1620 Mills Road**

*(Please note that all proceedings are recorded)*

AGENDA

PAGE NO.

1. **WELCOME AND INTRODUCTION OF MEMBERS**
2. **ELECTION OF CHAIR AND VICE CHAIR**
3. **APPROVAL OF AGENDA**
4. **ADOPTION OF MINUTES**
  - (a) **Minutes of November 27, 2018** 3 - 4  
[2019-05-15 Approval CPC Minutes 2018-11-27](#)
5. **REFERRALS**
  - (a) **Remove the maximum building size restrictions in the Light Industrial (CS-1) Zone** 5 - 8  
(Referred by: Council for comments and recommendation)  
[2019-05-15 CPC ReferralMemo](#)
  - (b) **Library ALC Application update** 9 - 16  
(Referred by: Council for review and recommendation regarding an Agricultural Land Commission exclusion application)  
[2019-05-15 CPC rpt Library](#)
6. **NEW BUSINESS**
  - (a) **Appointment of liaison to Community Agricultural Commission**
  - (b) **Appointment of liaison to Community Stewardship Commission**
7. **ADJOURNMENT**

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***SUBJECT TO ADOPTION***

**DISTRICT OF NORTH SAANICH**

**Minutes of the Meeting of the  
Community Planning Commission**

**Tuesday November 27, 2018 at 2:00 p.m.**

**PRESENT:**

	Chair	T. Gore
	Members	K. Allan B. Davis-White J. Kingham G. Peterson
	Community Stewardship Commission Liaison	W. Schiewe
	Council Liaison	J. McClintock
	Chief Administrative Officer	R. Buchan
	Commission Secretary	J. Gretchen

**ABSENT:**

	Members	A. Osborne B. Tutt
	Community Agricultural Commission Liaison	S. Rowed

The meeting was called to order at 2:03 p.m.

**1. APPROVAL OF AGENDA**

MOVED BY: J. Kingham  
SECONDED: B. Davis-White

15-CPC That the agenda be approved as circulated.

CARRIED

**2. APPROVAL OF MINUTES**

MOVED BY: K. Allan  
SECONDED: G. Peterson

16-CPC That the July 4, 2018 minutes be approved.

CARRIED

**3. REFERRALS**

**Parks, Facilities and Buildings Naming Policy**

The Chief Administrative Officer addressed questions from the Commission.

MOVED BY: B. Davis-White  
SECONDED: G. Peterson

17-CPC The Community Planning Commission recommends that Council accept the Municipal Parks, Buildings and Facilities Naming Policy with the removal of Exclusions Clause 2 d).

CARRIED

**4. NEW BUSINESS**

**5. ADJOURNMENT**

MOVED BY: J. Kingham  
SECONDED: G. Peterson

18-CPC That the meeting adjourn at 2:29 p.m.

CARRIED

CERTIFIED CORRECT

APPROVED AND CONFIRMED

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Curt Kingsley  
Director, Corporate Services



District of  
North Saanich

**MEMORANDUM**

To: Community Planning Commission      Date: May 7, 2019  
From: Carly Rimell  
Planning Technician      File: 3360-20 Zoning Amendments  
RE: Remove the maximum building size restrictions in the Light Industrial (CS-1) Zone

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**RECOMMENDATION:**

That the Community Planning Commission:

1. Support the proposed bylaw to remove the maximum building size restrictions in the Light Industrial (CS-1) Zone

**BACKGROUND:**

At the February 25, 2019 Committee of the Whole (COW) Meeting two reports were presented to Council regarding the 8 Light Industrial (CS-1) parcels at the northeast corner of Mills and McDonald Park Road with respect to the expansion of the sewer service area and sewer main extension to these parcels.

In addition staff were made aware of the constraining 300m<sup>2</sup> maximum size for a principal building and 65m<sup>2</sup> for an accessory building within the CS-1 Zone due to a Board of Variance application in January for the property at 1946 Mills Road.

In consideration of new servicing and awareness of the restrictive nature of the maximum building size regulations, staff suggested removing the maximum building size regulations from the Light Industrial (CS-1) Zone to solely allow the density regulations to dictate the size of buildings.

This was presented to Council at the May 6, 2019 meeting along with other items as part of an internal review of the zoning bylaw. Council recommended to refer Item #1 to remove the maximum building size restrictions in the Light Industrial (CS-1) Zone to the Community Planning Commission (see Appendix A). Council also gave first and second reading to Zoning Bylaw Amendment No. 1479 and directed staff to schedule a public hearing, and refer the report to relevant government agencies. Any comments and recommendations received from the CPC will be provided to Council for consideration.

**OPTIONS:**

This request item has been forwarded to the Commission for discussion and advisory comments. Options to consider include:

1. Support the proposed bylaw to remove the maximum building size restrictions in the Light Industrial (CS-1) Zone
2. Do not support the proposed bylaw to remove the maximum building size restrictions in the Light Industrial (CS-1) Zone
3. Other

Respectfully submitted,

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Carly Rimell  
Planning Technician

**1. Remove the maximum principal building size restriction of 300m<sup>2</sup> and accessory building size restriction of 65m<sup>2</sup> in the Light Industrial (CS-1) Zone**

*Introduction*

At the February 25, 2019 Committee of the Whole (COW) Meeting two reports were presented to Council regarding the 8 Light Industrial (CS-1) parcels at the northeast corner of Mills and McDonald Park Road.

The first report was outlining the expansion of the sewer service area and sewer main extension to service to these parcels. Council approved in principle the expansion of Sewer Area No.3 to include these areas and for staff to develop a petition for property owners to sign confirming their agreement to the costs of service.

The second report was regarding the authorization to enter into a latecomer agreement for the construction of the sanitary sewer main extension on Mills and McDonald Road that services 1810 Glamorgan Road (Sandown). Council directed staff to prepare and enter into a Latecomer Agreement for a period of 15 years as per the rate calculations outlined in the staff report. Upon receipt of petitions from all affected property owners staff will provide Council with a follow-up report.

As there is an intention to expand the sewer system this may potentially lead to redevelopment of these parcels.

In addition staff were recently made aware of the constraining 300m<sup>2</sup> maximum size for a principal building and 65m<sup>2</sup> for an accessory building within the CS-1 Zone due to a recent Board of Variance application in January for the property at 1946 Mills Road.

In consideration of new servicing and awareness of the restrictive nature of the maximum building size regulations due to the recent variance application, staff suggest removing the maximum building size regulations from the Light Industrial (CS-1) Zone to solely allow the density regulations to dictate the size of buildings.

*Background*

The northeast corner of Mills and McDonald Park Road has a long history of industrial use dating back to the District's second Zoning Bylaw No. 194, 1976 at that time the density was regulated by a maximum lot coverage of 60%.

In the subsequent Zoning Bylaw No. 464, 1983 the maximum lot coverage of 60% remained and an additional regulation for lot coverage was introduced of 25% when the lot was less than 1300m<sup>2</sup>. These maximum lot coverage regulations have remained in subsequent bylaws and are still consistent with the CS-1 Zone today.

However with the adoption of the current Zoning Bylaw No. 1255 there was an additional mechanism introduced to regulate density within the CS-1 Zone that included a maximum floor area ratio<sup>1</sup> (FAR) of 0.3.

*Discussion*

The table below illustrates the maximum densities for lot coverage (single storey) and FAR (includes 2 storeys) for each of the CS-1 parcels.<sup>2</sup> The density is restricted by both mechanisms so any proposal would need to satisfy the lot coverage and floor area ratio regulations.

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<sup>1</sup> FAR is calculated by dividing the gross floor area of the building(s) by the total area of the lot.

<sup>2</sup> These are estimates based on the complete redevelopment of the property and do not take into account existing buildings and structures.

Address	Lot Area <sup>3</sup>	Maximum Lot Coverage (60%)	Gross Floor Area Maximum as regulated by Floor Area Ratio (FAR)
1946 Mills Road	12,338m <sup>2</sup>	7,402m <sup>2</sup>	3,701m <sup>2</sup>
1952 Mills Road <sup>4</sup>	668m <sup>2</sup>	167m <sup>2</sup>	200m <sup>2</sup>
1962 Mills Road	1,336m <sup>2</sup>	802m <sup>2</sup>	401m <sup>2</sup>
1974 Mills Road	1,338m <sup>2</sup>	803m <sup>2</sup>	401m <sup>2</sup>
1986 Mills Road	2,014m <sup>2</sup>	1,208m <sup>2</sup>	604m <sup>2</sup>
10113 McDonald Park Road	3,912m <sup>2</sup>	2,347m <sup>2</sup>	1,174m <sup>2</sup>
10120 McDonald Park Road	4,197m <sup>2</sup>	2,518m <sup>2</sup>	1,259m <sup>2</sup>
10124/10134 McDonald Park Road	6,552m <sup>2</sup>	3,931m <sup>2</sup>	1,966m <sup>2</sup>

The maximum size for a principal building (300m<sup>2</sup>) and accessory buildings (65m<sup>2</sup>) were also introduced in the District's current Zoning Bylaw No. 1255 in 2011. The Zoning Bylaw outlines within the definitions section that an industrial use is to be "conducted entirely within a building" as such the maximum size of 300m<sup>2</sup> could be restrictive of the range of industrial uses that are permitted to be carried out within the CS-1 zone. The same could be considered for accessory buildings within this zone as the maximum size of an accessory building 65m<sup>2</sup>. As the table above illustrates these numbers are not consistent with the maximum lot coverage and maximum floor area ratio within the CS-1 Zone.

In addition to these 8 lots that are zoned Light Industrial (CS-1) there are two other zones Sandown Commercial (C-5) and Educational and Industrial (P-7) that permit light industrial use. Neither of these zones include a restriction for a maximum principal building size. Although the C-5 zone notes no retail or commercial unit or store may exceed 4,645m<sup>2</sup>.

To further put this into context the majority of the District (excluding RM-1, CD-3 and CD-4) allows for a larger principal building size (for a single family dwelling) than a warehouse in the Light Industrial zone.

<sup>3</sup> These figures are provided as estimates from BC Assessment

<sup>4</sup> This is the only parcel that is subject to 25% lot coverage maximum within the Light Industrial Zone



*Staff Comments*

An aerial measurement of the 8 CS-1 lots indicates that every principal building exceeds the 300m<sup>2</sup> maximum building size except for 1952 Mills Road and 10120 McDonald Park Road.

Staff considered that perhaps this maximum building size for principal and accessory buildings were unintentionally restrictive. Staff reviewed the first reading of Zoning Bylaw No. 1255 as well as the legal review, but this was never flagged as a discrepancy at that time.

Staff now question the rationale behind the maximum building size restrictions in the CS-1 Zone and view this as an unnecessary barrier to compatible land use development. The restrictive maximum building size regulations could potentially divert Light Industrial land use to Sandown Commercial (C-5) or

Educational and Industrial (P-7).

Staff further suggest that the form and character of these 8 parcels is captured within the Development Permit Area No. 5 Commercial and Industrial Guidelines. Council has identified a comprehensive review of the Official Community Plan for 2020 which will include a review of these guidelines.



**District of  
North Saanich**

**STAFF REPORT**

To: Tim Tanton  
Chief Administrative Officer

Date: April 30, 2019

From: Anne Berry  
Director Planning & Community Services

File: 1885 Forest Park Dr.

Re: **Library ALC Application Update**

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**RECOMMENDATION(S):**

That Council direct staff to prepare an Agricultural Land Commission exclusion application for Council consideration.

**STRATEGIC PLAN IMPLICATIONS:**

*Finalize VIRL Library at Panorama* is a specific strategic project and initiative for 2019 listed in the District's Strategic Plan. This report is consistent with that direction.

**INTRODUCTION/BACKGROUND:**

In 2018, as part of the initiative to develop a new library proposed to be located on the Panorama Recreation Centre site, staff prepared and submitted a non-farm use application and subdivision in the ALR application to the Agricultural Land Commission.

As the Panorama Recreation Centre site is located on land in the Agricultural Land Reserve these applications were necessary in order to permit a new library to be constructed. In April 2019 the ALC denied both applications on the grounds that the proposal was not consistent with the Agricultural Land Commission Act and suggested that an exclusion application might be a more appropriate process.

A copy of the recent ALC decision is appended to this report at Attachment A.

**DISCUSSION:**

The District applied for non-farm use to permit a library use and a subsequent subdivision of a 0.8ha portion of the site in the south west corner of the Panorama property. Historically, the ALC has approved various non-farm use applications in order to permit recreational uses on the property. A non-farm use application for the library was deemed by staff to be consistent with that approach.

As the subject property's zoning does not specifically permit farm use the application was not required to be forwarded to the ALC via Council. Staff was able to submit the application directly to the ALC.

The April 2<sup>nd</sup>, 2019 reason for decision from the ALC noted that while the Executive Committee found the proposal to be consistent with the history of previously approved non-farm use applications, they did not find that the proposal was appropriate for lands within the ALR (in the context of the Agricultural Land Commission Act and particularly to preserve agricultural land and

encourage farming on agricultural land in collaboration with other communities of interest). However, the decision specifically stated that given the history of non-farm uses on the property which the Commission has allowed over the years, consideration may be given for the submission of a new exclusion application.

Should Council wish to proceed staff will begin preparing the materials for Council consideration.

**OPTIONS:**

Council can:

1. Direct staff to prepare an Agricultural Land Commission exclusion application for Council consideration; OR
2. Other.

**FINANCIAL IMPLICATIONS:**

Minor costs associated with ALC application fees and notification requirements will be incurred. As application materials prepared for the non-farm use application can be used again no significant financial implications are anticipated at this time.

**LEGAL IMPLICATIONS:**

Should the exclusion application be approved by the ALC, the proposed subdivision to create the library parcel will no longer require ALC approval. Additionally, any further expansions to the recreation centre or the site will no longer require ALC approvals.

**CONSULTATIONS:**

Notification per the ALC requirements will be necessary. A public hearing will also be required in advance of forwarding the application to the ALC. A referral to the District's Community Agriculture Commission is also recommended.

**SUMMARY/CONCLUSION:**

The Panorama Recreation Centre site has been used for recreational facilities since the late 1970's. Given the extent of development on the site, and in anticipation of future community recreational needs, it is unlikely that the site will revert to agricultural uses. An exclusion application will support not only the proposed library development but will also support other future recreational facility expansions by allowing greater flexibility on the site.

Respectfully submitted:



Anne Berry  
Director Planning & Community Services

Concurrence,



Tim Tanton  
Chief Administrative Officer

Attachments: A – ALC decision dated April 2, 2019



**Agricultural Land Commission**  
201 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

April 2, 2019

ALC File: 57536  
ALC File: 57540

**District of North Saanich**  
**DELIVERED ELECTRONICALLY**

Attention: Anne Berry, Director of Planning & Community Services

**Re: Application 57536 to subdivide land in the Agricultural Land Reserve**  
**Application 57540 to conduct a non-farm use in the Agricultural Land Reserve**

Please find attached the Reasons for Decision of the Executive Committee for the applications (ALC ID: 57536, Resolution #101/2019 and ALC ID: 57540, Resolution #102/2019). As agent, it is your responsibility to notify the applicant accordingly.

**Request for Reconsideration of a Decision**

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to Ron Wallace at ALC.Island@gov.bc.ca.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Ron Wallace', is written over a light blue horizontal line.

Ron Wallace, Land Use Planner

Enclosures: Reasons for Decision (Resolution #101/2019 and Resolution #102/2019)



**AGRICULTURAL LAND COMMISSION FILE 57536 & FILE 57540**

**REASONS FOR DECISION OF THE EXECUTIVE COMMITTEE**

**Subdivision application 57536 submitted under s. 21(2) of the *Agricultural Land Commission Act***

**Non-Farm Use application 57540 submitted under s. 20(2) of the *Agricultural Land Commission Act***

**Applicant:** District of North Saanich

**Agent:** Anne Berry, Director of Planning & Community Services, North Saanich

**Property:** Parcel Identifier: 001-360-451  
Legal Description: Lot 1, Section 4, Range 2 East, North Saanich District, Plan 29757  
Civic: corner of Forest Park Drive and East Saanich Road, North Saanich BC  
Area: 6.4 ha

**Executive Committee:** Jennifer Dyson, Chair  
Ione Smith, South Coast Panel  
Richard Mumford, Interior Panel  
David Zehnder, Kootenay Panel  
Janice Tapp, North Panel  
Gerald Zimmerman, Okanagan Panel



## **OVERVIEW**

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] Pursuant to s. 21(2) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the "Commission") to both subdivide approximately 0.8 ha from the Property; and Pursuant to s. 20(2) of the ALCA, for a non-farm use to develop a public library to service the community on the proposed 0.8 ha lot (the "Proposal"). Subdividing the proposed lot from the District of North Saanich owned Property will allow the library to be set up on a separate title of land whose ownership can then be transferred.
- [3] The issue the Executive Committee considered is whether the proposed subdivision (ALC ID: 57536) and the associated non-farm use application (ALC ID: 57540) for the purpose of developing a public library to service the community is appropriate in the context of s. 6(a) and (b) of the ALCA.
- [4] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
- (a) to preserve the agricultural land reserve;
  - (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
  - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

## **EVIDENTIARY RECORD**

- [5] The Executive Committee considered the Proposal along with related documentation from the Applicant (i.e., District of North Saanich) and the Commission, which



collectively referred to as the "Application". All documentation in the Application was disclosed to the Applicant in advance of this decision.

### **BACKGROUND**

- [6] In 1975, ALC Application ID: 10647 (Legacy File: 75-0575) from Dean Park development was submitted to the Commission requesting permission to subdivide a 7.1 ha (17.5 acre) parcel to be donated to the District of North Saanich for park purposes. The Commission approved the application by Resolution #1966/75. As part of the proposal, the Commission approved a right-of-way to provide road access to Dean Park Residential Development.
- [7] Also in 1975, ALC Application 75-0575 the District of North Saanich requested permission to use the 7.1 ha parcel for the development of public recreational facilities, some of which were intensive, such as swimming pool, ice skating rink and activity buildings. The Commission approved the application by Resolution #2770/75 on the grounds of the public need for such a complex in the area and on the understanding that these facilities will be a joint venture to serve the needs of three municipalities.
- [8] Following this application, in 1982, under ALC Application 75-0575, the District of North Saanich submitted a request to use 0.4 ha of the subject property as a fire hall site. The District of North Saanich has previously tried to have the fire hall located on another parcel within the ALR, but this request was refused by the Commission on the grounds that the fire hall would alienate lands of excellent agricultural potential. At that time, the Commission suggested that the District examine a site at the recreational center for the location of the fire hall.
- [9] In 1990, under the same application (ALC Application 75-0575A) the Commission supported the request for the construction of a basketball court on the subject property. Following a review of the submission the Commission determined that the proposal was consistent with Resolution #2770/75.



[10] In 1999, the Commission further approved the request to construct an all-putting golf facility over approximately 1.0 ha of the subject property. The Commission again determined that this proposal was consistent with Resolution #2770/75.

[11] Lastly, in 2006, the Commission received a request to expand the existing aquatic facility on the Property. The scope of work involved was to add a leisure lifestyle pool tank to the existing facility. In response, the Commission determined that the proposed additions were in substantial compliance with the Commission's Resolution #2770/75.

### **EVIDENCE AND FINDINGS**

**Issue: Whether the proposed subdivision (ALC ID: 57536) and the associated non-farm use application (ALC ID: 57540) for the purpose of developing a public library to service the community is appropriate in the context of s. 6 (a) and 6 (b) of the ALCA.**

[12] The Executive Committee finds the Proposal to subdivide off approximately 0.8 ha from the Property for the purpose of developing a public library to service the community, is not consistent with its purpose to preserve agricultural land or encourage farming on agricultural land in collaboration with other communities of interest. However, the Executive Committee also acknowledges the history of the Property as outlined above; and that the Property was approved by the Commission in 1975 for the development of public recreational facilities such as a swimming pool, ice skating rink and other recreational activities and came to be known as the Panorama Recreation Centre in North Saanich. It is further noted by the Executive Committee that since 1975 when the recreational facility was established, there have been a number of additional requests from the District of North Saanich to include other non-farm uses on the Property such as the development of a fire hall site, the construction of both a basketball court and an all-putting golf facility and to expand the swimming pool complex. All of these requests were determined by the Commission to be consistent with the original approval for the development of a public recreational facility on the Property.



[13] In consideration of the above issue, the Executive Committee finds the Proposal(s) to subdivide off approximately 0.8 ha from the Property for the purpose of developing a public library to service the community, to be consistent with the history of approvals on the Property for non-farm uses. However, in context to s. 6 (a) and 6 (b) of the ALCA (i.e., to preserve agricultural land and to encourage farming on agricultural land in collaboration with other communities of interest, respectively), the Executive Committee finds the Proposal is not appropriate on land within the ALR.

**DECISION**

[14] For the reasons given above, the Executive Committee refuses the Proposal.

[15] However, given the history of non-farm uses on the Property which the Commission has allowed over the years, consideration may be given for the submission of a new application for exclusion.

[16] These are the unanimous reasons of the Executive Committee.

[17] A decision of the Executive Committee is a decision of the Commission pursuant to s. 10(3) of the *Agricultural Land Commission Act*.

[18] Resolution #101/2019 (Application 57536)  
Resolution #102/2019 (Application 57540)

Released on April 2, 2019

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**Jennifer Dyson, Chair**

On behalf of the Executive Committee