

**District of North Saanich  
Community Planning Commission**

**Regular Meeting**

**Wednesday, January 15, 2020 at 2:00 p.m.  
1620 Mills Road**

*(Please note that all proceedings are recorded)*

AGENDA

PAGE NO.

**1. APPROVAL OF AGENDA**

**2. ADOPTION OF MINUTES**

- |     |  |       |
|-----|--|-------|
| (a) | Minutes of the meeting held October 16, 2019<br><a href="#">2019-10-16 CPC Minutes</a> | 3 - 4 |
|-----|--|-------|

**3. REFERRALS**

- |     |   |        |
|-----|---|--------|
| (a) | <b>Zoning Bylaw Amendment Application Introductory Report<br/>- 1835 John Road</b><br><i>(Referred by: Council for comments)</i><br><br><a href="#">1835 John Road Referral</a> | 5 - 35 |
|-----|---|--------|

**4. ADJOURNMENT**



***SUBJECT TO ADOPTION***

**DISTRICT OF NORTH SAANICH**

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

**Wednesday October 16, 2019 at 2:00 p.m.**

**PRESENT:**

Chair J. Kingham  
Members G. Bunyan  
D. Gray  
G. Peterson  
A. Osborne

Council Liaison J. McClintock  
Director of Planning & Community Services A. Berry  
Planner C. Rimell  
Commission Secretary C. Gotto  
Community Stewardship Liaison P. Young

**ABSENT:**

Members A. Huerto  
J. Oosterveen  
K. Allan

The meeting was called to order at 2:00 p.m.

**1. APPROVAL OF AGENDA**

The Commission added an item under New Business as 4 a.) Liaison report from the Community Agricultural Commission meeting.

MOVED BY: G. Bunyan

SECONDED BY: A. Osborne

8-CPC That the agenda be approved as amended.

CARRIED

**2. APPROVAL OF MINUTES**

MOVED BY: G. Peterson

SECONDED BY: G. Bunyan

9-CPC That the minutes of the May 27, 2019 meeting be approved.

CARRIED

**3. REFERRALS**

**a.) 1986 Mills Road – Zoning Bylaw Text Amendment Application Permit  
Veterinary Clinic Use**

N. Bass spoke to the Veterinary Clinic use permit application and addressed questions from the Commission.

The Director of Planning & Community Services and the Planner gave an overview of the Zoning Bylaw Text Amendments and addressed questions from the Commission.

MOVED BY: A. Osborne  
SECONDED BY: D. Gray

- 10-CPC      That the Community Planning Commission support the proposed Zoning Bylaw Text Amendments to allow the relocation of the Sidney Animal Hospital to 1986 Mills Road.

CARRIED

**b.) Draft Regional Context Statement – Proposed Bylaw No. 1485**

MOVED BY: A. Osborne  
SECONDED BY: D. Gray

- 11-CPC      That the Community Planning Commission accepts the proposed Bylaw No. 1485 with the understanding that the municipality will continue to vigorously defend agriculture areas within the municipality.

CARRIED

**4. NEW BUSINESS**

**a.) Liaison report from the Community Agricultural Commission meeting**

J. Kingham presented the Liaison report from the Community Agricultural Commission meeting.

**5. ADJOURNMENT**

MOVED BY: G. Peterson  
SECONDED BY: G. Bunyan

- 12-CPC      That the meeting be adjourned at 3:25 p.m.

CARRIED

CERTIFIED CORRECT

APPROVED AND CONFIRMED

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Recording Secretary

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Curt Kingsley  
Director, Corporate Services



**District of  
North Saanich**

**STAFF REPORT**

To: Tim Tanton  
Chief Administrative Officer

Date: December 3, 2019

From: Carly Rimell  
Planner

File: 3360-20 Rezoning Applications  
REZ 2019-02

Re: **Zoning Bylaw Amendment Application Introductory Report - 1835 John Road**

**RECOMMENDATIONS:**

That Council:

- a) Refer the Zoning Bylaw Amendment Application Introductory Report – 1835 John Road back to staff to request a stormwater management plan and an agricultural liquid waste management plan from the applicant; and
- b) Refer the Zoning Bylaw Amendment Application Introductory Report – 1835 John Road to the Community Agricultural Commission and the Community Planning Commission for comments.

**STRATEGIC PLAN/OCP IMPLICATIONS:**

This matter relates to the following Council strategic priorities:

***Maintain a Safe and Healthy Community***

***Encourage Compatible Commercial and Local Business Development***

***Protect and Enhance Rural, Agricultural, Heritage, Marine and Environmental Resources***

This matter relates to the following sections of the District's Official Community Plan:

**5.0 Agriculture**

**SITE DESCRIPTION:**

Property Information	
Owner	Rushco Properties Ltd.
Applicant	Rawleigh Rushfeldt
Civic Address	1835 John Road
Legal Description	Lot B, Section 15, Range 2 East, North Saanich District, Plan VIP60496
Parcel Identifier (PID)	023-009-942
Lot Area	2.43 hectare (5.99 acres)
Land Use Bylaws	

OCP Designation	Agricultural
Development Permit Area (DPA)	N/A
Zone	Rural Agricultural 1 (RA-1)
Surrounding Land Use	North: Rural Agricultural 1 (RA-1) East: Rural Agricultural 1 (RA-1) South: Sandown Community Agriculture (P-6) West: Rural Agricultural 1 (RA-1)
<b>Other</b>	
ALR	Entirely within

#### **INTRODUCTION:**

The District has received an application for a zoning bylaw amendment to permit cannabis cultivation within the 5 existing buildings at 1835 John Road (Appendix A: Site Location and Subject Property Ortho Photos (2017)). The purpose of this report is to provide introductory information on the application so Council can determine how to proceed.

#### **BACKGROUND:**

District records indicate this parcel was used for poultry farming dating back to the mid-1970s. The operation initially began with 2 southernmost buildings and the smaller service building to the west. The operation expanded over the years to include 3 more buildings, the last of which was permitted in 1995. The applicant, Rawleigh Rushfeldt, indicates that the existing poultry operations ceased in 1997 and that the buildings have been sitting dormant since that time.

The applicant is co-owner of Rushco Properties Ltd. together with Linda Rushfeldt. Rushco Properties Ltd. was formed to purchase the property in January 2018 with the intention of leasing/renting the existing buildings to licensed producers of commercial cannabis.

#### **DISCUSSION:**

The application is for a zoning bylaw amendment to permit cannabis cultivation within the 5 existing buildings on the subject property (see Appendix B: Applicant's Submission).

The proposal is not consistent with s.8 of the ALR Use Regulation as the buildings were not constructed for the purposes of growing crops; and therefore is not consistent with the District's Zoning Bylaw.

Cannabis is regulated through federal, provincial and local governments as outlined below.

##### **1. Federal Regulations**

The *Cannabis Act* and its Regulations provide the framework for legal access to cannabis and control and regulate its production, distribution and sale. Under this framework a person is required to obtain a licence issued by Health Canada to conduct various activities with cannabis. Appendix C provides more information on the Health Canada licence types and the application process.

As of May 8, 2019 new applicants seeking a licence must have a fully-built site that meets all requirements of the Cannabis Regulations at the time of application. Currently the site is not fully-built and does not meet the requirements of the Cannabis Regulations, this is discussed in more detail within Parts 3, 4, and 5 of this report.

## **2. Provincial Regulations**

### *Cannabis Control and Licensing Act*

Provinces and territories are authorized to licence and oversee the distribution and sale of cannabis, subject to minimum federal conditions. The *Cannabis Control and Licensing Act* establishes the Cannabis Licensing Regulation and the Cannabis Control Regulation. These regulations set out the legal age, possession limits, prohibits areas of where cannabis can be used, establishes a retail licensing regime, and enforcement to deal with illegal sales.

### *Agricultural Land Commission Act*

The ALC does not require an application for cannabis production facilities unless the total area from which soil is removed, or where fill is placed is greater than 1,000m<sup>2</sup> for the development of those facilities.

Cannabis production is a farm use under the *ALC Act* because it is a farm operation and because it is the use of land for farming plants; however the Agricultural Land Reserve Use Regulation allows local governments to prohibit cannabis production that does not meet the criteria set out within Section 8 (Appendix D: Section 8 ALR Use Regulation Excerpt).

The District currently prohibits all cannabis cultivation that does not meet the requirements of s.8. The applicant's proposal does not meet this criteria as the structures (5 existing buildings) were not constructed for the purposes of growing crops (s. 8(2)(a)(i)).

The use of agricultural land for conducting farm retail sales is designated as farm use, however the *Cannabis Control and Licensing Act* (s.26) supersedes this, as the Liquor and Cannabis Regulation Branch will not issue a retail sales licence to someone holding a Health Canada license for cultivation.

## **3. Local Government Considerations**

Staff have reviewed the proposal alongside the District's bylaws including the Official Community Plan, Zoning Bylaw and Business Licensing Bylaw within the following subsections of this report.

### **3a. Official Community Plan (OCP)**

The District's OCP emphasizes retaining the viability of agricultural lands to provide food security and economic diversity, and to preserve valuable rural landscapes for the community. Relevant OCP policies for the Agricultural designation are provided in the Table 1 below. Staff's comments with respect to the proposal are noted below in italics.

Table 1. Applicable Agricultural OCP Policies

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>Cannabis as a crop is considered farm use, even if for commercial production. The proposal does not require an application to the ALC.</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"><li>a) The development will have minimal impact on the existing man-made and natural physical features of the area; and</li><li>b) There must be a buffer zone used between the proposed land use and the agricultural parcels or land, on the non-farm side of the agricultural area.</li></ul>
	<i>The cultivation of cannabis is considered an agricultural use.</i>

	<i>The proposal is to utilize the existing buildings, therefore it would have minimal impact on the physical features of the area.</i> <i>The surrounding lands are all within the ALR. The lands to the north, east, and west are designated as Agricultural within the OCP. The lands to the south are designated as Special Agricultural within the OCP.</i>
5.4	All types of crops and livestock-based agricultural activities are supported on agricultural lands. <i>Cannabis as a crop is considered farm use by the ALC.</i>
5.5	Further work will be done by the District on edge planning and the development of a buffer strip for the protection of agriculture. <i>Buffer and setback requirements are outlined within Section 209 (ALR Cannabis Production and Sale) of the Zoning Bylaw, these are discussed in greater detail within Part 3b of this report.</i>
5.14	To ensure the sustainability of the District's farm community as an integral part of agriculture on the Saanich Peninsula, agricultural activities, ancillary agriculture uses such as agri-tourism and the uses outlined in the Agricultural Land Commission Act Regulation Section 2(1) are encouraged on lands in the ALR.
	<i>Cannabis production facilities do not require an application to the ALC if the total area from which the soil removed or on which fill is placed is greater than 1,000m<sup>2</sup>, therefore this proposal does not require an application to the ALC.</i> <i>Cannabis cultivation would not be considered an ancillary use, it would be considered farm use by the ALC.</i>

Generally speaking District policies seek to align with Ministry of Agriculture (MOA) best practices and the ALC regulations. The proposal is consistent with OCP policies for Agriculture, and therefore can be considered consistent with agricultural use. In addition, the utilization of existing buildings minimizes impacts on the land.

### 3b. Zoning Bylaw

#### *Division 100 – Scope and Interpretation*

The Zoning Bylaw would require a new definition for the type of cannabis cultivation proposed.

#### *Division 200 – General Regulations*

The District's Zoning Bylaw borrowed Section 209 from the Ministry of Agriculture's Discussion Paper and Bylaw Standards on Regulating Medical Marihuana Production Facilities (MMPF). MOA still recommends these guidelines despite the subsequent legalization of non-medical (recreational) cannabis.

The proposal satisfies the requirements of Section 209 with the exception of the stormwater and agricultural liquid waste management plans and setback from watercourses. More details and provided within Table 2, which includes staff comments in italics.

Table 2. Section 209 ALR Cannabis Production and Sale

Stormwater and Agricultural Liquid Waste Management Plans	If the total impervious area of farm buildings and structures exceed 3700 m <sup>2</sup> (approx. 40,000 ft.) or covers more than 10% of lot a plan is required
<i>The buildings and structures cover 5,286m<sup>2</sup>, therefore stormwater and agricultural waste management plans will be required. Staff have discussed the requirement of these plans with the applicant and did not require them as part of the initial application in the interest of conserving the applicant's resources.</i>	

Setbacks from Watercourses	30 m setback from natural streams, channelized streams, and constructed channels or ditches.
<i>The site plan indicates that there are several drainage ditches on the property. More information is required on stormwater and drainage for the property. Staff will need to review and assess if all the drainage ditches are still necessary, or whether relocation of the ditches is appropriate, and whether the District could consider reducing this setback. As this setback requirement is based on MOA guidelines, if this application proceeds staff intend to have additional dialogue with MOA staff which could justify reducing this setback.</i>	

#### *Division 300 – Off-Street Parking and Loading*

The site plan indicates that there is a large graveled area at the north end of the property that will likely provide sufficient space to satisfy the parking requirements, although this will have to be confirmed with a more detailed site plan. The applicant further indicated that these operations require shift work, and therefore employees would not be arriving or leaving all at the same time.

The driveway, at its narrowest point is ±5.5m wide. A variance would be required for the width of drive aisle. The applicant acknowledged that transport trucks would be required to transport the product, but asserts that it would be no more frequent than any other crop producing farming operation.

#### *Division 500 – Zones*

The subject property is zoned as Rural Agricultural 1 (RA-1). As the proposal is not consistent with the uses permitted within the RA-1 Zone a site specific zoning amendment is the suggested approach should this application proceed.

#### 3c. Development Application Procedures Bylaw

A Public Information Meeting (PIM) was held by the applicant on the subject property on September 14, 2019 from 10am to 1pm. The applicant, as well as a licensed producer, were at the PIM to answer questions from the 24 people that attended (see Appendix E: Public Information Meeting Summary).

This bylaw also allows the District to request additional development approval information such as: (a) a hydrological assessment and compatibility with adjacent District owned lands; (b) local infrastructure and site servicing; and (c) transportation demand management strategies. Reports (a) and (b) would also be consistent with requirements of Section 209 of the Zoning Bylaw.

#### 3d. Additional Considerations

##### *Security*

The applicant's submission indicates that the owners have installed a security system with video surveillance on the exterior and interior of each building, sensors on entry doors as well as the installation of an automatic security gate on the driveway to prevent unauthorized entry to the property. It appears that there are outstanding items that must be completed prior to submission of the licence application to Health Canada.

##### *Utilities and Servicing*

The property is within the water service area. The applicant anticipates 400-600 gallons of water would be required per day, depending on the stage of growth cycle. The applicant indicates that any drainage portion would be recaptured, recycled and filtered back into the process and that the filtration process assures no residual particles of plant material ever leave the facility to be introduced into municipal systems. Currently there is no design available for the proposed system. The District may require a backflow preventer be installed if the proposal is approved.

There is an existing septic system that only services the office building. The septic system records from Vancouver Island Health Authority are very limited and, there is no daily design flow (DDF) on file. As these buildings are considered commercial they would be required to provide additional washroom facilities for the 20-25 employees in conformance with the BC Building Code requirements.

#### *Business Licence*

Given that the proposal does not conform to the District's definition of ALR cannabis production and sale within this bylaw consideration must be given to whether a new definition and category should be created, or if it would be sufficient to consider it as a large commercial operation. Generally business licence fees associated with cannabis production are higher as the fee is intended to correspond with the costs of administering and enforcing the regulatory scheme.

#### *Noise*

Presently there is no information with respect to the decibel levels of proposed air system or operations. If this application proceeds and a system is confirmed more information will be made available with respect to noise.

#### *Odour*

The applicant asserts no smell would be exhausted from the buildings and furthermore that the HVAC and air filtration systems proposed require ongoing monitoring and maintenance schedules to be submitted to Health Canada as part of the licensing requirements.

#### *Lighting*

LED lighting exists on the exterior of the buildings and the applicant notes that it is facing downwards. The interior of the buildings also have LED lighting, however there are no windows and therefore no glare that would impact neighbouring properties.

#### **4. Recommendations and Conditions of Approval**

Initially staff suggested a text amendment to modify the definition of ALR cannabis production and sale. Upon further review staff believe the best approach is through a site specific rezoning, if Council wishes to advance this application. This would support a detailed approach and ensure that the agricultural land is preserved. The following recommendations and conditions of approval have been identified through the review to date and are outlined within Table 3 and Table 4.

Table 3. Suggested Amendments to Zoning Bylaw No. 1255 to Support Proposal

<b>Zoning Bylaw No. 1255</b>	
Section #	Description
102	Introduce a new definition for where ALR cannabis production and sale does not conform to s.8 of the ALC Use Regulation.
107	Include the new definition within s.107(k) Permitted and Prohibited Uses
209	The buildings do not satisfy the 30m setback from natural stream, channelized streams, and constructed channels or ditches. Amending this section of the bylaw or an application for variance would be required.
306.3	Drive aisle width, a variance or exemption would be required or could be included within a site specific zone.
501.7	Addition of a site specific zone that would support the operation with respect to the current buildings (by specification of parcel coverage, setbacks, and site plan) subject

	to those buildings that were in place at the date of bylaw adoption, consider the addition of more stringent screening and buffering requirements.
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Table 4. Additional Requirements and Conditions to Support Proposal

Additional Requirements and Conditions	
Restrictive Covenant	Precludes occupancy until Health Canada issues the licence and for the District to adopt rezoning
Covenant	To reflect stormwater management and drainage infrastructure (could include removal of existing SRW or updates to SRW, registration of a stormwater management system operations and maintenance plan)
Stormwater management plan	Assess and inform infiltration, interception, groundwater and overland flow as well as hydrologic processes on the site in the context of the surrounding environment. May require the installation of a stormwater management infrastructure.
Agricultural liquid waste management plan	Assess the site servicing required for recapture and waste water disposal for the proposed cannabis operation in compliance with federal, provincial and local regulations.
Transportation demand management strategy	Assess the transportation impacts, traffic safety and vehicular traffic flow or operation.
Business Licence Bylaw No. 1349	Amend to include a definition that include cannabis cultivation in the ALR which is not consistent with s.8 of the ALR Use Regulation and include an associated fee within Schedule A for this type of category
Building Permit	Building permit could be issued subject to special conditions, which could include Health Canada approval of the licence, and final occupancy which would be subject to adoption of the rezoning
Service upgrades	Evaluation of required water service and installation or confirmation of double backflow preventer for commercial service. Installation of a new or upgraded septic system.

## 5. Options

Council can:

- a) Refer the Zoning Bylaw Amendment Application Introductory Report – 1835 John Road back to staff to request a stormwater management plan and an agricultural liquid waste management plan from the applicant

These plans were not required by staff as part of the initial application in order to conserve resources for the applicant. If this information is provided staff will be able to report back to Council with more information.

- b) Refer the Zoning Bylaw Amendment Application Introductory Report – 1835 John Road to the Community Agricultural Commission and the Community Planning Commission for comments.

This will garner additional insight from community members with specific perspectives with an agricultural and planning focus. This will provide early consultation if Council wishes to proceed with the application.

- c) Table the application until the applicant provides further information requested by Council

Council may wish to table the application until the applicant provides further information as requested by Council or to direct staff to contact another agency for more information.

d) Direct staff to prepare proposed bylaws and then refer application to a Public Hearing

Council may wish to direct staff to proceed straight to preparing a proposed bylaw and refer to public hearing. If Council wishes to proceed staff would recommend this be subject to the additional requirements and conditions of approval, as outlined within Part 4.

e) Deny the application

Council may wish to deny the zoning bylaw amendment application.

f) Other

Council may wish to provide staff with an alternate direction from what has been presented in this list.

If Council chooses option a, b, c, and/or d, and proceeds with the application, the recommended approach (giving the bylaw third reading, registering a covenant and issuing a building permit subject to special conditions) would continue to be advisable (Appendix F: Options Timeline).

**FINANCIAL IMPLICATIONS:**

None anticipated.

**LEGAL IMPLICATIONS:**

None at this time.

**CONSULTATIONS:**

The applicant held a PIM on September 14, 2019 from 10am to 1pm. In preparation of this meeting the applicant advertised and conducted a door knocking campaign to homes immediately surrounding the subject property on John Road as well as the properties along Wilson Road.

The applicant has also submitted 2 letters of support from the registered owner of 1895 John Road (abutting the property, to the east) and one of the registered owners from 1828 John Road (across John Road, to the north). (Appendix G: Neighbouring Property Owner Letters)

The Development Notice Sign has been posted on the property in compliance with the Development Application Procedures Bylaw No. 1324.

Staff are recommending that this report be forwarded to the CAC and the CPC for comment.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

This report was referred internally to Building Inspection, Emergency Services and the Infrastructure Services. Comments and considerations from Building Inspection and Infrastructure Services have been integrated throughout this report.

**SUMMARY/CONCLUSION:**


The District has received an application for a zoning bylaw amendment to permit cannabis cultivation within the 5 existing buildings, formerly used for poultry production on the subject property which is located within the ALR.

Overall there is consistency between the proposal and the OCP policies for Agriculture, therefore it can be considered consistent with agricultural use. In addition, the utilization of existing buildings would minimize impacts on the land. Staff recommend that Council proceed by requesting a stormwater management plan and an agricultural liquid waste plan. Staff also recommend to Council to refer this report to the CAC and the CPC for comments.

Respectfully submitted,

  
\_\_\_\_\_  
Carly Rimmel, Planner

Concurrence,

  
\_\_\_\_\_  
Tim Tanton, Chief Administrative  
Officer

Concurrence:

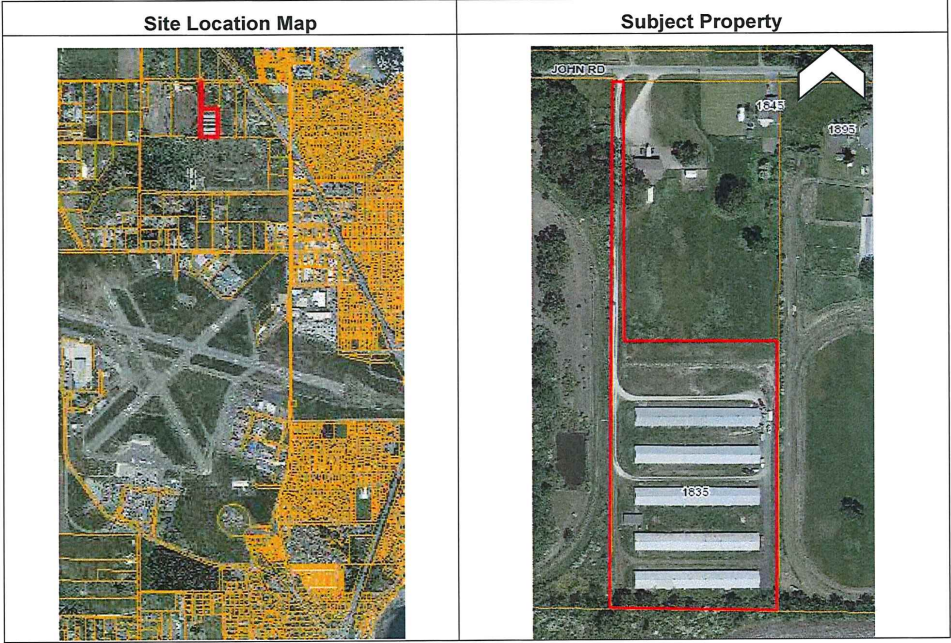
  
\_\_\_\_\_  
Anne Berry, Director Planning and  
Community Services

  
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Eymond Toupin, Director of  
Infrastructure Services

Attachments:

- Appendix A: Site Location and Subject Property Ortho Photos (2017).
- Appendix B: Applicant's Submission
- Appendix C: Federal Regulations – Licence Types and Application Process
- Appendix D: Section 8 ALR Use Regulation Excerpt
- Appendix E: Public Information Meeting Summary
- Appendix F: Options Timeline
- Appendix G: Neighbouring Property Owners Letter of Support

Appendix A  
Site Location and Subject Property Ortho Photos 2017



2017 Ortho Photo

2017 Ortho Photo

(F)

Application was  
received August  
23, 2019

July 29th 2019

District Of North Saanich  
Development Department  
1620 Mills Rd  
North Saanich BC V8L 5S9

District Of North Saanich Staff

We are submitting this letter of rationale to amend the definition of ALR Cannabis Production in the ALR by applying for a zoning bylaw text amendment for the property at: 1835 John Rd. North Saanich, BC. V8L-5S8.

The districts zoning bylaw does not allow for the production of Cannabis as the definition prohibits the use of buildings with concrete floors that were not originally constructed to grow crops, as these buildings were originally constructed for poultry farming. As such we are proposing a slight change to the definition to allow us to use these pre-existing structures.

**Current Definition:**

ALR cannabis production and sale means the use of land designated as Agricultural Land Reserve for purposes involving the cultivation, harvesting, processing, composting, destruction, packaging, storage, distribution, or sale of cannabis as permitted as a designated farm use under s.2(2.5) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, BC Reg 171/2002.

**Proposed Definition:**

ALR cannabis production and sale means the use of land designated as Agricultural Land Reserve for production including storing, packing, preparing or processing of cannabis is permitted as farm-use when consistent with the Agricultural Land Reserve Use Regulation, B.C. Reg 30/2019 and in the 5 existing buildings located on Lot B, Section 15, Range 2 East, VIP60496 PID 023-009-942 (1835 John Road)

**Bylaw Subsection 209.2**

***"The development of cement based, industrial style bunkers for ALR cannabis production and sale is prohibited"***

We are aware of this pending bylaw subsection and wanted to address it in our proposal as these buildings were constructed several years prior to legalization of Cannabis, and prior to these specific bylaws. The property will require no modification to the base or size of structures in order to be suitable for our intended use.

**About Rushco Properties Inc.**

Rushco Properties Ltd. was formed to purchase the property at 1835 John Rd January 4th 2018 with the intention of leasing/renting the existing concrete based structures to licensed producers (LP's) of commercial Cannabis. At the time of purchase legalization was imminent and it was reported in media, by municipalities, and the ALC that Cannabis production would be a permitted use within ALR land.

Rushco Properties Inc. saw an opportunity to repurpose the existing 5 poultry buildings that had been sitting dormant since 1997. Extensive clean-up and restoration work was completed to bring the buildings back into a useable state so they would be attractive for the right tenant(s), licensed commercial Cannabis producers. (LP).

**Agricultural improvements made to the property:**

- Repair of failed septic system and flooded septic field between buildings 2 and 3 (as per diagram)
- 
- Restoration of original driveway and access corridors between buildings 1 and 2, 2 and 3, 3 and 4.
- Installation of new drainage pipes to preserve existing driveway and access roads.
- Repaired flooding and drainage issues that were undermining building foundations between buildings 1 and 2, 2 and 3, 3 and 4.
- Removal of blackberry and other invasive brush species that had been neglected and allowed to become overgrown in various sections of the property.
- Re-established existing perimeter fence lines with removal of overgrown blackberries and brush.
- Power washed the interiors (walls/ceilings/floors) of existing structures to remove years of layered chicken poop.
- Upgraded lighting in all buildings to energy efficient LED bulbs.
- Upgraded/repaired various electrical issues in buildings, present from years of neglect, and rodent infestations.
- Replacement of wood building doors and door frames that were rotten and deteriorated beyond repair.
- Repaired leaking steel roof panels on buildings 1,2 and 3.

- Removed overgrowth from originally established build site for another chicken barn (as per original property plans) in preparation for future primary single family dwelling of 500m2.
- Installation of modern security system with video surveillance on the exterior and interior of each building.
- Installation of an automatic security gate on the driveway to prevent unauthorized entry to the property.

#### **Land Use Of Adjacent Parcels**

**North:** Residential/ALR Currently single family residence and small chicken/egg operation.

**East:** Residential/ALR Currently used as hay field.

**South:** Recently cleared land was old sandown raceway site. No current farming activity.

**West:** ALR currently being used as an equestrian facility with boarding/riding ring.

#### **Proposed Project Description:**

We would like to use the existing structures with pre-existing concrete floors to lease/rent to commercial (licensed) Cannabis producers who are growing Cannabis for the medical, recreational, and soon-to-be-legal (October 2019) edibles industry.

These buildings have not been contributing to the local food sources or any economic activity since 1997..

This proposed use will require no modification to the existing structures size or their base material.

Lessee's will be entering into a lease agreement with Rushco Properties Inc. For the long-term use of the property for producing and processing their legally grown Cannabis.

#### **Land Use Bylaws**

The property is currently zoned as RA-1 within the district's zoning bylaw. and it is designated in the OCP as agricultural.

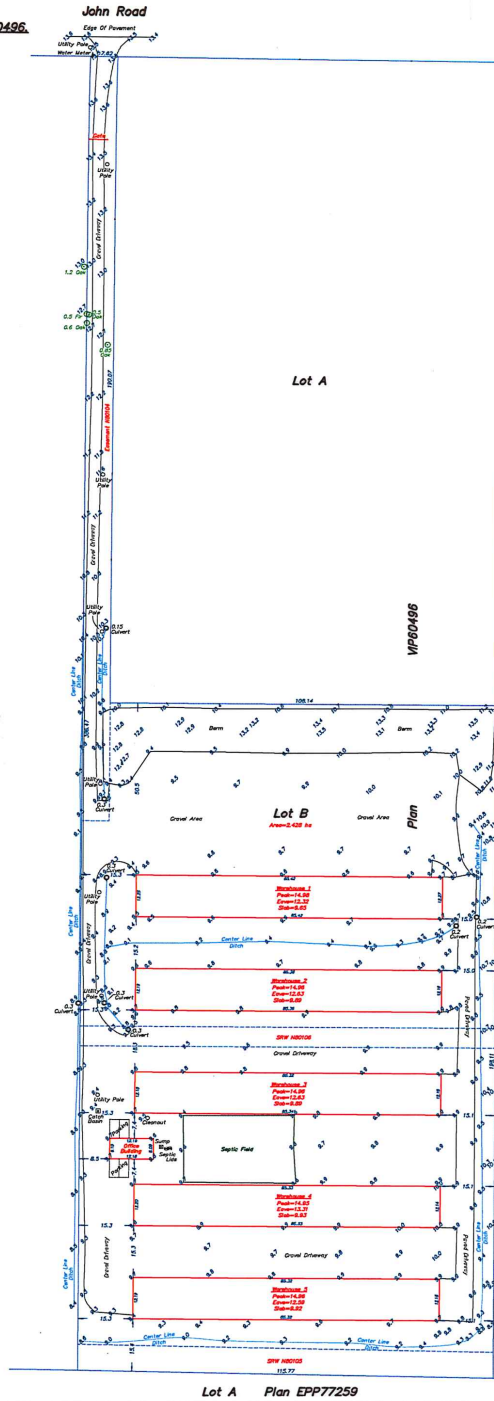
**Landscaping:**

The landscaping on the site will remain as it always has. Aside from the buildings the property has gravel roads along the side and in between the buildings, except for between buildings 4 and 5 (contains grass and a drainage ditch) and buildings 2 and 3 which houses the properties septic system.

The property will have regular maintenance to control invasive brush species such as blackberry, and thistle.

**Site Plan Of:**  
**Lot B, Section 15, Range 2 East,**  
**North Spanish District, Plan VP60496,**  
**P.L.D. 023-009-942**

Scale = 1:500  
 Based on 12th day of August, 2019.  
 Distances and elevations shown are in metres.  
 Elevations are based on geoid datum CGD85 and derived from GDA 5072553.  
 This site plan is for building and design purposes and is for the exclusive use of the client.  
 This document shows the relative location of the proposed structures and features only relative to the boundaries of the parcel described above.  
 This document shall not be used to define property lines or property corners.



APPENDIX B



The subject property is affected by the following registered documents:  
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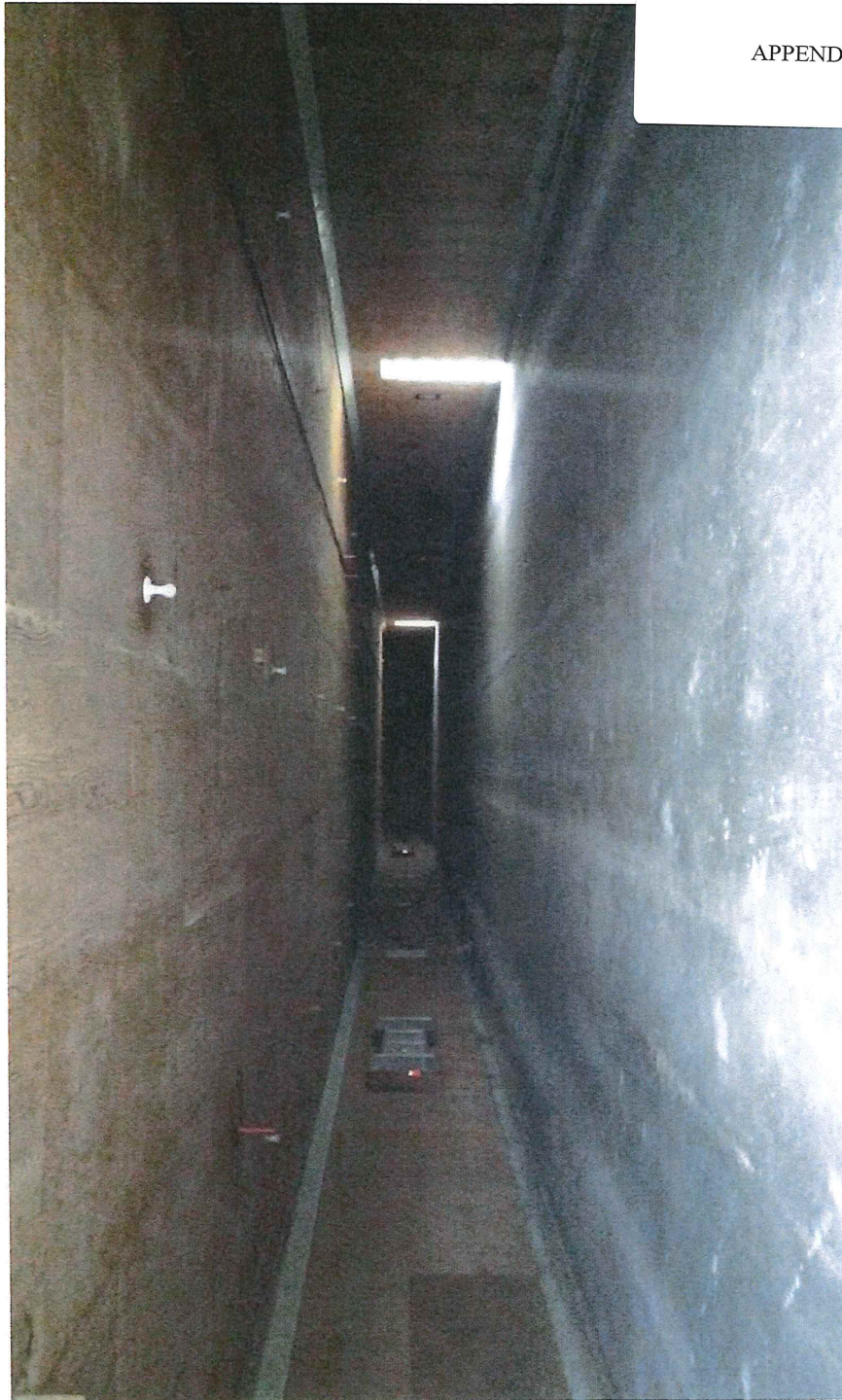
Way Measurement Land Surveying Inc.  
 www.waymeasurement.com  
 #1-3227 Janss White Boulevard  
 Sidney, BC V8L 1S1  
 Telephone (250) 858-3155  
 Fax: (250) 858-3156

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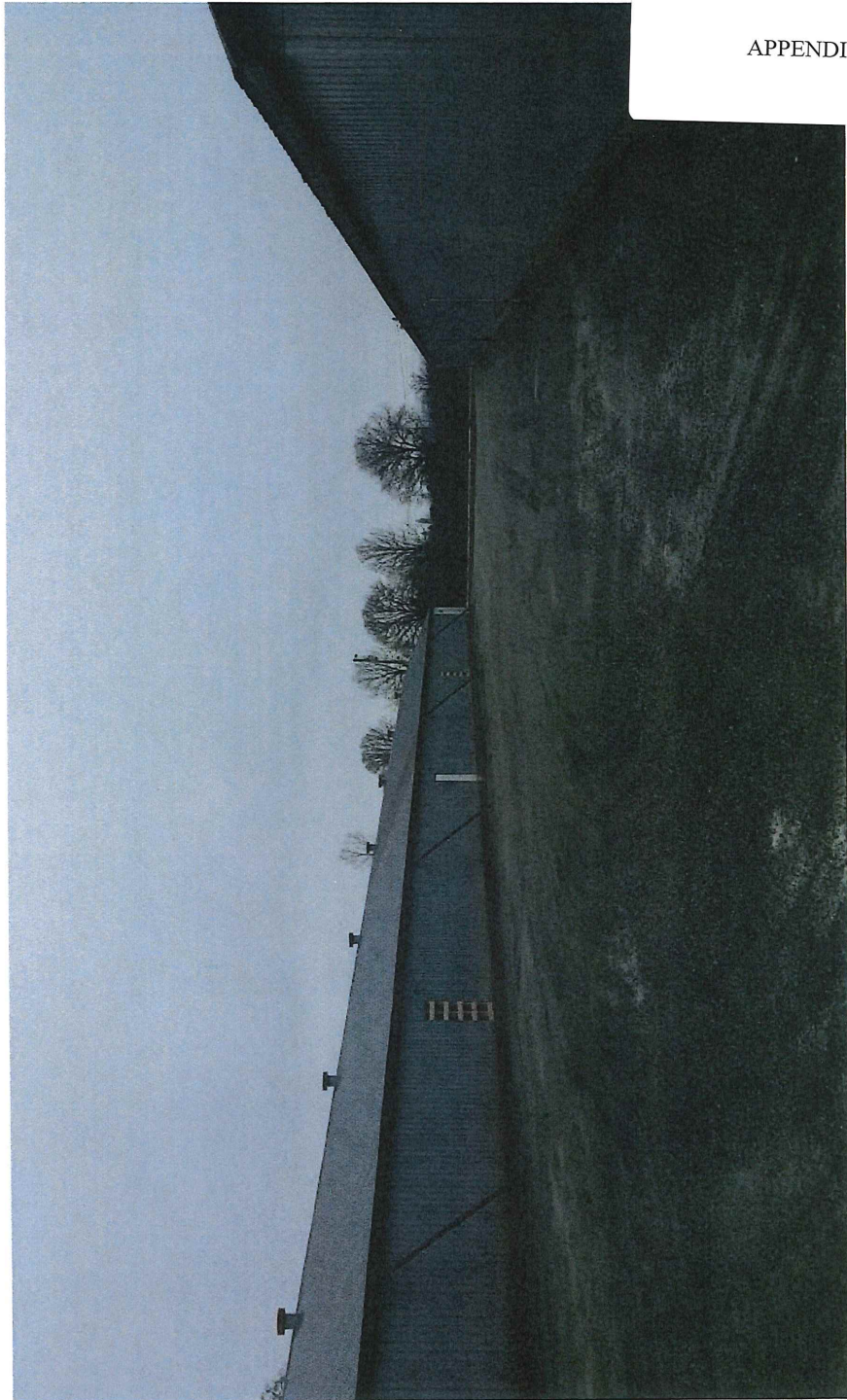
## APPENDIX B



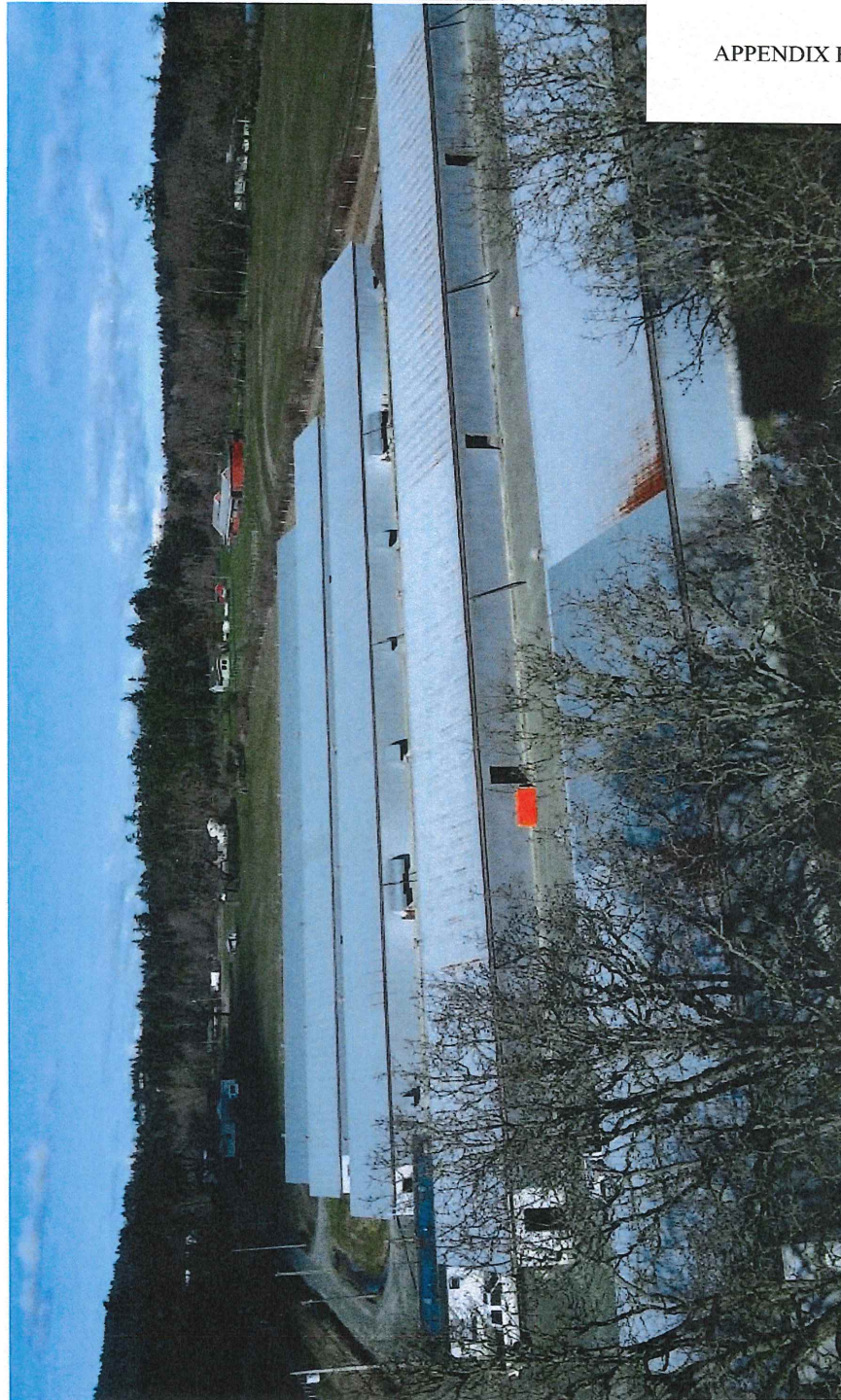
APPENDIX B



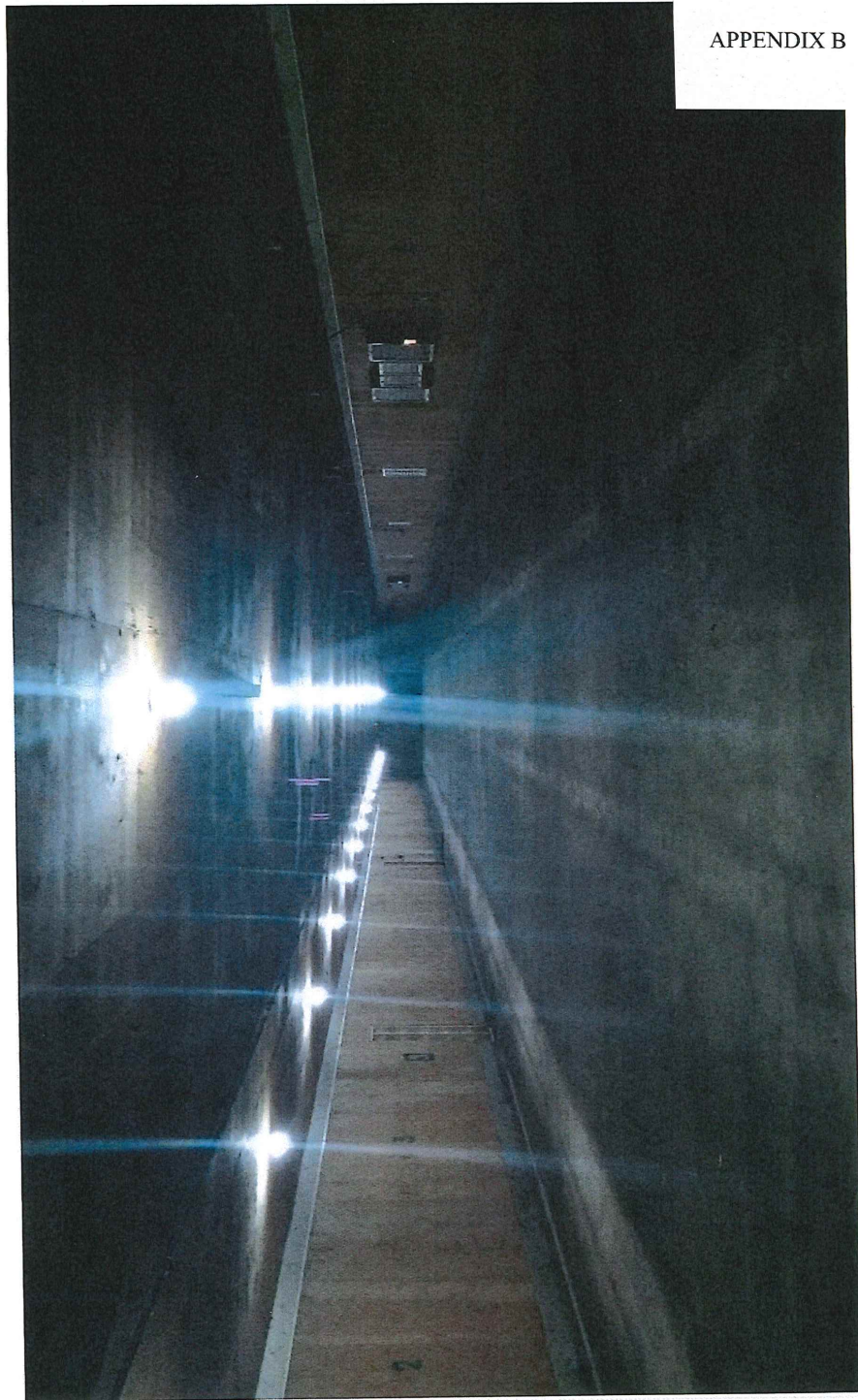
APPENDIX B



APPENDIX B



APPENDIX B



Appendix C  
Federal Regulations – Licence Types and Application Process

The *Cannabis Regulations* authorize activities related to cannabis by licence class as outlined in the table below.

Health Canada Licence Classes

Licence Type	Licence Subclass	Activities Permitted	Size/Amount
Standard Cultivation	Cultivation	Produce dried, fresh plants, seeds	>200m <sup>2</sup> canopy space
Micro-Cultivation	Cultivation	Produce dried, fresh plants, seeds	<200m <sup>2</sup> canopy space
Nursery	Cultivation	Produce starting materials (plants and seeds)	<50m <sup>2</sup>
Standard Processing	Processing	Manufacture cannabis products (dried flowers and cannabis oils) sell whole to provincial distributor	>600kg/year dried cannabis
Micro-Processing	Processing	Manufacture cannabis products (dried flowers and cannabis oils) sell whole to provincial distributor	<600kg/year dried cannabis
Sale for Medical Purposes	Sale	Sell cannabis directly to registered clients	N/A
Analytical Testing	N/A	Testing (i.e. third party)	N/A
Research	N/A	Conduct research and development	N/A

The growing of cannabis (cultivation) is considered a separate activity from the refinement of cannabis into useable products (processing). Health Canada also distinguishes between the scale of operations (standard or micro).

Licenses are available for micro-cultivation and processing (small-scale), and also standard (larger-scale) cultivation and processing. For cultivation, this difference in scale is determined through canopy space, meaning the total area within a facility that is devoted to vegetation and flowering of cannabis plants. If plants are stacked on top of each other, vertical height is also accounted for as part of the total canopy space. For processing, the difference in scale is measured as a weight equivalent. Note that only those with cannabis processing licenses (micro or standard) are permitted to sell their product to the Province, meaning cultivators must sell their cannabis to a licensed processor. Other licenses can be granted for the growing of starter materials (nursery), and for analytical testing and research. Some licence types may be combined with other license types at the same site (ex. micro cultivation and micro processing)<sup>1</sup>. Health Canada does not dictate minimum or maximum building sizes for cannabis production facilities.

<sup>1</sup> Cannabis Licensing Application Guide: Cultivation, Processing and Sale for Medical Purposes, page 13. Available at <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/industry-licensees-applicants/licensing-summary/guide.html>

Appendix C  
Federal Regulations – Licence Types and Application Process

Applicants for cannabis production licenses with Health Canada must go through the online Cannabis Tracking and Licensing System (CTLS)<sup>2</sup>. This is a rigorous process that takes into account all individuals involved in a cannabis operation, from directors to grower, and requires security screening. As part of this process applicants must also submit a site survey, aerial view, and a site plan showing what activities will be taking place in what parts of the subject site. There are differing security requirements for each licence type, with requirements generally being more restrictive for larger (standard) facilities<sup>3</sup>.

Health Canada requires that Good Production Practices be followed for cultivation, processing and nursery licences to ensure that quality products are prepared in a sanitary environment<sup>4</sup>. Applicants are required to provide a Good Production Practices report with their application, which includes a demonstration of proper air filtration and ventilation systems for indoor facilities. The building or part of the buildings where cannabis is produced, packaged, labelled, and sorted must be equipped with a system to prevent odours. Health Canada does not require a specific system, but does require a description and diagram/floorplan of the system in place. Compliance with this, and any other of the Good Production Practices, can be verified at any time by Health Canada. Health Canada may refuse to issue a licence if it is deemed to be a risk to public health or safety, if there is a false or misleading information in the application, if the security clearance was refused or cancelled, or if a refusal deemed to be in the public interest.

Prior to submitting an application in the CLTS, applicants for licences to cultivate, process and sell for medical purposes must provide written notice to authorities who are located in the area of the proposed site, and submit a copy of this notice as part of their application. More specifically, the notice must be provided to a senior official of the local government, local fire authority and local police force or RCMP detachment. The District has not received a written notice with respect to this property as an application has not been prepared and submitted to Health Canada.

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<sup>2</sup> CTLS is the online portal used to apply to Health Canada for a cannabis licence and used by licence holders to manage their licence including applying for amendments or changes to a licence and submitting monthly reports.

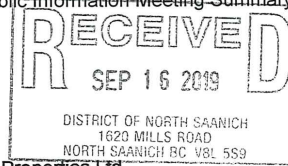
<sup>3</sup> Physical Security Measures Guide for Cannabis. Available at <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/laws-regulations/regulations-support-cannabis-act/guide-physical-security-measures.html>

<sup>4</sup> Good Production Practices Guide for Cannabis Available at <https://www.canada.ca/en/health-canada/services/cannabis-regulations-licensed-producers/good-production-practices-guide.html>

"Cannabis

- 8 (1) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced
- (a) outdoors in a field, or
  - (b) inside a structure that, subject to subsection (2), has a base consisting entirely of soil.
- (2) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced inside a structure that meets both of the following conditions:
- (a) the structure was, before July 13, 2018,
    - (i) constructed for the purpose of growing crops inside it, including but not limited to producing cannabis lawfully, or
    - (ii) under construction for the purpose referred to in subparagraph (i), if that construction
      - (A) was being conducted in accordance with all applicable authorizations and enactments, and
      - (B) continues without interruption from the date it began until the date the structure is completed, other than work stoppages considered reasonable in the building industry;
  - (b) the structure has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base."

**Public Information Meeting Summary  
1835 John Rd. September 14th 2019 10am-1pm.**



As per bylaw 1324 (Development Applications Procedures Bylaw) Rushco Properties Ltd. held a Public Information Meeting at the subject property at 1835 John Rd. on September 14th 2019 from 10am to 1pm.

**Residents in the area were notified in the following ways:**

1. A door knocking campaign to the homes immediately surrounding the property on John Rd. as well as properties along Wilson Rd. Property owners were provided an information sheet regarding the proposed text amendment. Some homeowners were not home so we left them with an information sheet regarding the text amendment along with our contact details.

Residents were provided with Rushco Properties Ltd. contact details and asked to submit feedback, comments, or concerns about the proposal. From this activity 10 signatures were collected from residents who were supportive of our proposed bylaw text amendment.

2. There was a public information meeting sign placed at the end of the driveway facing John Rd. and notifying residents of the public meeting for a week prior to the meeting.
3. The meeting was also posted on social media including The Saanich Peninsula Chamber of Commerce Facebook page and Councillor Patricia Pearsons Facebook page.

In total, we were able to engage with 24 residents of the John Rd. area as a result of the meeting and the door knocking campaign.

There was also a licensed producer at the meeting who is currently interested in utilizing the property for the production of Cannabis and they were able to answer questions and address the concerns of residents who attended directly.

Attendees of both the meeting and the door knocking campaign had the opportunity to engage with both Rushco Properties Ltd. and the interested licensed producer to ask a variety of questions and they were also able to voice their concerns regarding the proposal.

**The questions and concerns received were:**

**A: Will There Be Any Offensive Odours From The Production Of Cannabis?**

The production of Commercial Cannabis is tightly controlled by Health Canada. As per s. 85 of the *Cannabis Regulations*, the building or part of the building where cannabis is produced,

packaged, labelled and stored must be equipped with a system that filters air to prevent the escape of odours

Air exhausted from the buildings will be scrubbed of any particulate or odours using a state-of-the-art HVAC and Air Filtration system including the use of carbon scrubbers.

There will be no smell exhausted from the buildings. Because the buildings have exhaust fans operating 24/7 the buildings will in fact have a slight negative internal pressure. This means air from inside cannot escape the buildings unless it is routed through the scrubbing system.

A commercial indoor Cannabis farm can actually improve local air quality because the plants themselves collect the carbon-dioxide from the air and turn it into oxygen during photosynthesis throughout their life cycle.

In addition to the above the ventilation (HVAC) and air filtration system is required by Health Canada to be maintained with a schedule. The presence of odours surrounding the facility is monitored in accordance to a schedule and responded to if necessary.

Several of the attendees commented on the awful smell of the original poultry barns when they were operating many years ago. A commercial Cannabis farm following tightly controlled air quality regulations set by Health Canada will not have the same problem.

**B: A Cannabis Farm Will Decrease My Property Value.**

One attendee was concerned that their property value would decrease because of its close proximity to a commercial Cannabis farm.

While legalization is still relatively new in Canada we cannot predict the future of surrounding property values. However, a study in November 2018 conducted by the National Association Of Realtors® Research Group (USA) provides some insight.

In the study they surveyed Realtors® in areas where Cannabis was both legal recreationally and by prescription (medical). The study pertained to residential property values in the vicinity of legally operated Cannabis dispensaries.

**Of Those Surveyed:**

- 3% found property values increased substantially.
- 6% found property values increased slightly.
- **76% found there was no change.**
- 10% found it decreased slightly.
- 4% found it decreased substantially.

We believe that a legally operated Cannabis farm will have a strong economic impact on the community. It will create well paying local jobs for residents of North Saanich. With the property back into agricultural use, creating jobs, and driving economic opportunity we believe it would either present no change to property values or will increase them.

**C: Will There Be Harmful Chemicals Or Pesticides Used On The Cannabis That Could Then Be Airborne Via The Exhaust System?**

There was concern from a few residents about the possible chemicals or pesticides that might be used during the growing of Cannabis and how or if it might affect air quality or the local environment.

The proposed text amendment is for growing Cannabis indoors. The primary reason commercial growers are utilizing indoor production is because of the tightly controlled environment. With a tightly controlled growing environment they can significantly reduce the need for pesticides as compared to an outdoor growing operation.

Under the Cannabis Act and the Cannabis Regulations (CR), licence holders are only permitted to use pesticides or pest control products (PCPs) that are approved for use on cannabis under the Pest Control Products Act (PCPA).

All products designed to manage, destroy, attract or repel pests that are used, sold or imported into Canada are regulated by the Pest Management Regulatory Agency (PMRA), the branch of Health Canada responsible for administering the PCPA on behalf of the Minister of Health.

Registration under the PCPA requires a thorough scientific evaluation to determine that new PCPs are acceptable for a specific use, and that registered PCPs on the market remain acceptable for use. PCPs may only be used for the pests and treatment areas listed on the label, and must be used according to the label directions.

**D: What About Security?**

Licensed producers of Cannabis must follow strict guidelines set by Health Canada (Physical security measures guide for cannabis) with regards to security. Currently the property is gated, and protected with a video surveillance system as well as sensors on entry doors.

Because the growing of Cannabis would be occurring inside of the concrete structures the buildings will be easier to secure and control access. The indoor structures present an added security benefit over growing in an open greenhouse setting.

Any prospective tenants would have to ensure they were in compliance with the guidelines

Health Canada has established. This could include upgrading the perimeter fence, upgrading exterior lighting, and having on-site security.

Site access must be tightly controlled, including access to the property, and individual access to the buildings themselves. These guidelines are also set by Health Canada and it would be the Licensed Producers responsibility to adhere to them.

**E: What About Increased Traffic On John Rd?**

There was some concern that such an operation might draw more traffic along John Rd. While the facility might employ several people they will be working in shifts and will not all be arriving at or leaving the property at the same time.

There will be occasional transport trucks entering and exiting the property, no more than any other crop producing farming operation.

Because the property is located at the end of John rd. closest to the Pat Bay Highway there will be minimal traffic driving by most of the homes on John and Wilson rd.

**F: Will There Be Commercial Sales To The Public?**

No. This would be used as a growing and processing facility and there will not be any public access and neither Cannabis or Cannabis products will be for sale to the public.

**G: Who Will Be Growing The Commercial Cannabis? Will They Even Care About The Residents Along John Rd.?**

Currently Rushco Properties Ltd. is in talks with one interested Licensed Producer. They have expressed genuine concern for the surrounding residences along John Rd and are willing to work with property owners to ensure they are satisfied with the farming practices.

They attended the public information meeting and were able to engage with residents directly to answer questions and address concerns.

With the negative stigma around Cannabis production it puts additional responsibility on Licensed Producers to work with residents to ensure the long-term viability and acceptance of this relatively new farming industry.

**In Conclusion**

We believe the public information meeting was well received, with the majority of residents supporting the text amendment. After viewing the property and having their questions and

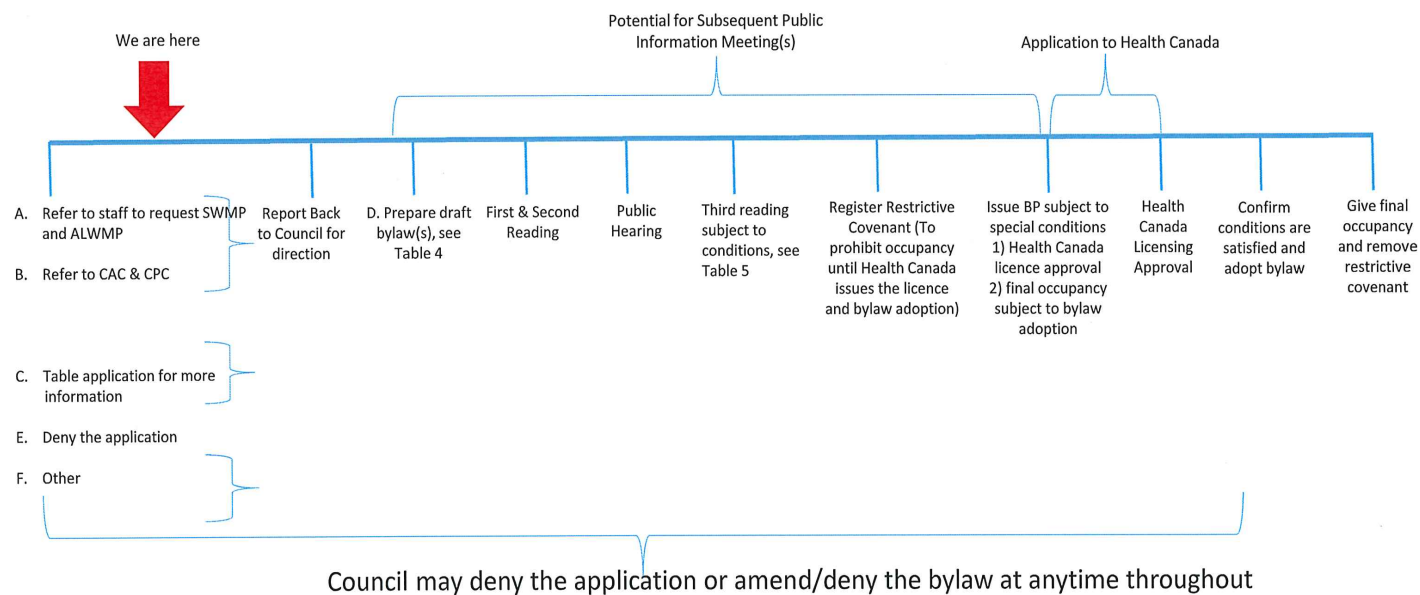
concerns answered directly from the proponents, most residents understood why we were proposing the text amendment.

Only one property owner was opposed to the idea with the primary reason being a potential decrease in their property value.

We believe our proposed text amendment will allow us to fully utilize the existing concrete based structures and will support the properties usefulness as a crop producing farming operation. With the right licensed producer utilizing the property at 1835 John Rd. it will boost economic activity in the region and will create good paying, local job opportunities within the community while preserving the integrity of North Saanich agricultural land.

**Rushco Properties Ltd.**  
Rawleigh Rushfeldt

## Part 5: Options



Appendix F

**Rushco Properties Inc.**  
1835 John Rd.  
North Saanich, BC  
V8L 5S8

**Attention:**

I Harriet Keville Taylor live at 1835 John Rd, in North Saanich, BC. I've recently spoken with Rushco Properties Inc. regarding their proposed definition change to the bylaw s.2(2.5) regarding the ability to grow commercial Cannabis within the old poultry buildings on their property located within the ALR. I understand the bylaw definition change they are asking for and I am in support of their petition.

**Current Definition:**

ALR cannabis production and sale means the use of land designated as Agricultural Land Reserve for purposes involving the cultivation, harvesting, processing, composting, destruction, packaging, storage, distribution, or sale of cannabis as permitted as a designated farm use under s.2(2.5) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, BC Reg 171/2002

**Proposed Definition:**

ALR cannabis production and sale means the use of land designated as Agricultural Land Reserve for production including storing, packing, preparing or processing of cannabis is permitted as farm-use when consistent with the Agricultural Land Reserve Use Regulation, B.C. Reg 30/2019 and in the 5 existing buildings located on Lot B, Section 15, Range 2 East, VIP60496 PID 023-009-942 (1835 John Road)

Signed: 

Date: Aug 14, 2019.

**Rushco Properties Inc.**  
1835 John Rd.  
North Saanich, BC  
V8L 5S8

**Attention:**

I D.C. Kuhnlein live at 1828 John Rd, in North Saanich, BC. I've recently spoken with Rushco Properties Inc. regarding their proposed definition change to the bylaw s.2(2.5) regarding the ability to grow commercial Cannabis within the old poultry buildings on their property located within the ALR. I understand the bylaw definition change they are asking for and I am in support of their petition.

**Current Definition:**

ALR cannabis production and sale means the use of land designated as Agricultural Land Reserve for purposes involving the cultivation, harvesting, processing, composting, destruction, packaging, storage, distribution, or sale of cannabis as permitted as a designated farm use under s.2(2.5) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, BC Reg 171/2002

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Signed: D.C. Kuhnlein

Date: Aug 13, 2019