



The Corporation of the District of Saanich

Report

To: Mayor and Council

From: Lindsay Chase, Director of Planning

Date: February 18, 2025

Subject: 5550 West Saanich Road - Agricultural Land Reserve Non-Farm Use, Rezoning and Development Variance Permit Application

File: ALR00042; REZ00746; DVP00513

RECOMMENDATIONS

1. That Council authorize the application for Non-Farm Use to permit retail sales and storage use of a barn, and to permit liquor sales out of the Red Barn Market retail storefront in the Agricultural Land Reserve to proceed to the Agricultural Land Commission.
2. Subject to approval from the Agricultural Land Commission, that a Public Hearing be called.
3. That the application to rezone a portion of 5550 West Saanich Road from A-1 (Rural) Zone to C-1R (Rural Commercial) Zone and to amend the C-1R (Rural Commercial) Zone to include liquor retail sales as a permitted use be approved subject to the following conditions:
 - a. That the existing driveway crossing be reconstructed as shown in Figure 4.1b of the Bunt & Associates Transportation Impact & Driveway Operations Safety Review dated September 26, 2023 be secured through a works and servicing agreement.
4. That Development Variance Permit DVP00513 for 5550 West Saanich Road be approved.

PURPOSE

The purpose of this Report is to seek direction from Council on an Agricultural Land Reserve Non-Farm Use application to support the use of an existing barn (the "red roofed barn") on the property for retail and retail storage use and for liquor sales out of the Red Barn Market retail storefront. In addition, staff is also seeking Council's decision on an application to rezone 5550 West Saanich Road from part C-1R (Rural Commercial) Zone and part A-1 (Rural) Zone to an amended C-1R (Rural Commercial) Zone to legalize the use of the red roofed barn for retail use, to increase the allowable floor area and to permit liquor sales in the existing Red Barn market retail store on the property. Variances to the front parcel line to address the siting of the existing red roofed barn which is located within the front setback area is also required. The applicant is Strongitharm Consulting Ltd. (Deane Strongitharm).

BACKGROUND

Land Use and Neighbourhood Context

The 6,272 m² site is located in the Rural Saanich Area, on the west side of West Saanich Road, approximately 1.5 kms north of Prospect Lake. The property is comprised of the Red Barn Market retail store, a “red roofed barn” (the subject of this application), a paved parking area and a septic treatment system.

The barn and septic system were previously part of the neighbouring parcel to the north but were recently made part of the parcel through a boundary adjustment subdivision completed in July 2023.

The surrounding pattern of development is comprised of rural Agricultural Land Reserve (ALR) land to the north, south and west, with West Saanich Road, a multi-use trail, large rural A-1 (Rural) Zoned lots, as well as a church/ school to the east.

The property is currently split zoned with an approximately 3,856.5 m² area of land zoned C-1R (Rural Commercial) Zone and an approximately 2415.5 m² area of the property zoned A-1 (Rural) Zone under the District of Saanich Zoning Bylaw, 2003. The property is designated Rural Area in the Official Community Plan (2024).

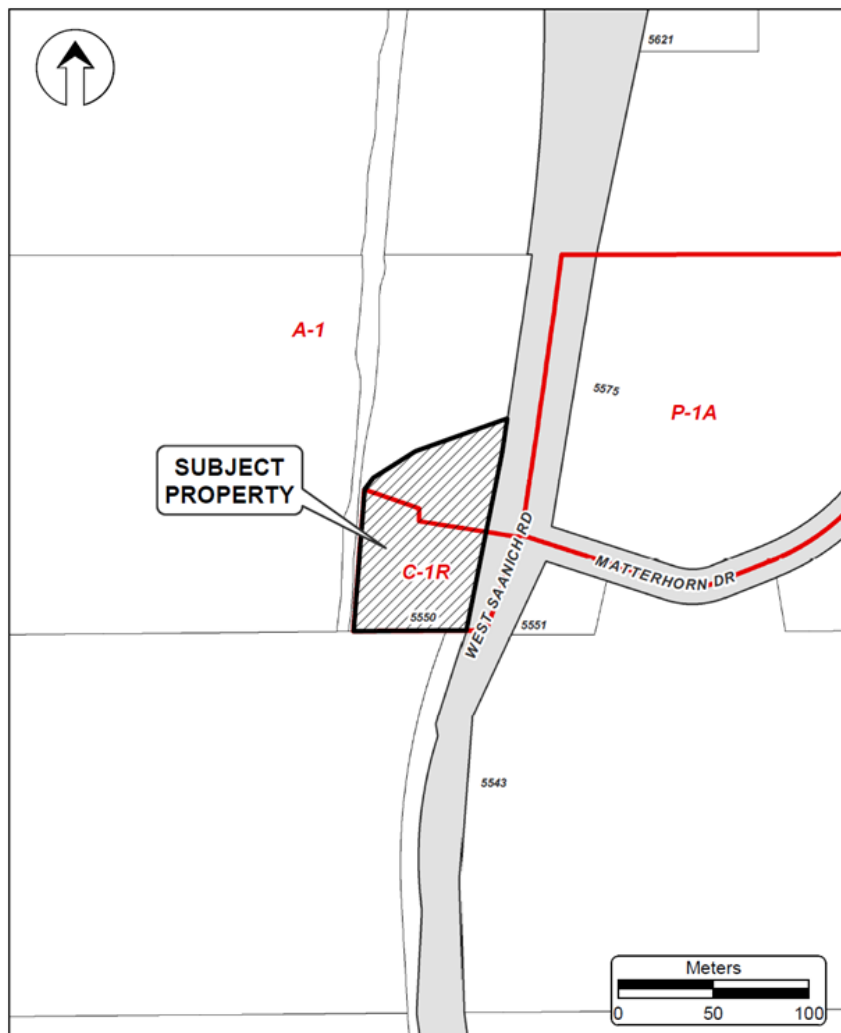


Figure 1. Neighbourhood Context

CONSULTATION

Referrals were sent from the District of Saanich Planning Department to the Peninsula & Area Agricultural Commission (PAAC) as part of the rezoning application. A response was received from PAAC indicating that they have no objection to the application.

Referrals were sent from the Planning Department to the Prospect Lake Community Association (PLCA). At the time of this report, no response has been received from the Community Association.

The application was referred to the Agricultural Land Commission (ALC) as part of the rezoning and development variance permit application and the ALC stated that “the ALC does not have any objection to the proposed variance to the building setback – as the building lies adjacent to West Saanich Road.”

As per Administrative Policy 1/LRS Licensee Retail Store Rezoning Policy, the application was referred to Saanich Police, School District No. 63 and to owners/occupiers of properties within a 180-metre radius of the application. Saanich Police have indicated support for the application. At the time of this Report, no response has been received from the School District.

DISCUSSION

Proposed Land Use

The applicant is proposing to rezone the subject property from part A-1 (Rural) Zone and part C-1R (Rural Commercial) Zone to an amended C-1R (Rural Commercial) Zone applicable to the entire property to formalize the use of the red roofed barn for retail use (see Figure 2). This new zone would permit an increase the allowable floor area for non-agricultural uses and add liquor sales as a permitted use. Attachment 1 to this Report is a Zoning Bylaw Amendment for Council’s consideration. The retail sales of non-farm products including liquor sales are not permitted uses in the Agricultural Land Reserve (ALR) and approval from the Agricultural Land Commission (ALC) is required. This is discussed in the Agricultural Land Reserve section of this Report.

The applicant is seeking variances to the front setback. This is discussed in the Variances section of this Report.

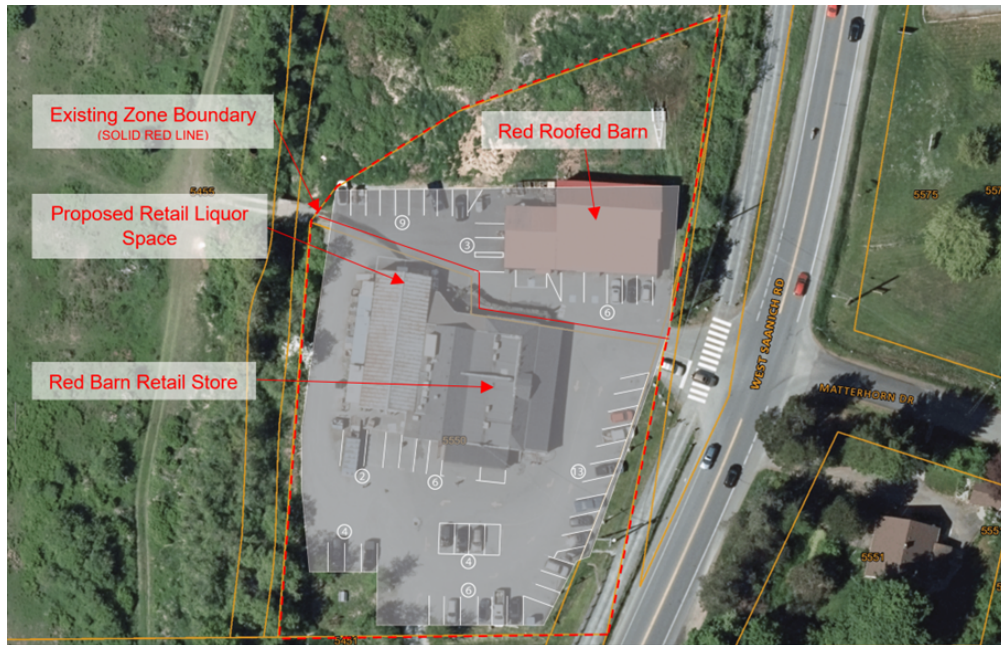


Figure 2: Proposed Parking Plan (applicant plans, annotated by staff)

No frontage improvements are required as part of the rezoning application other than driveway crossing improvements (see Figure 3) which have been included as part of the recommended conditions of approval for the rezoning application.

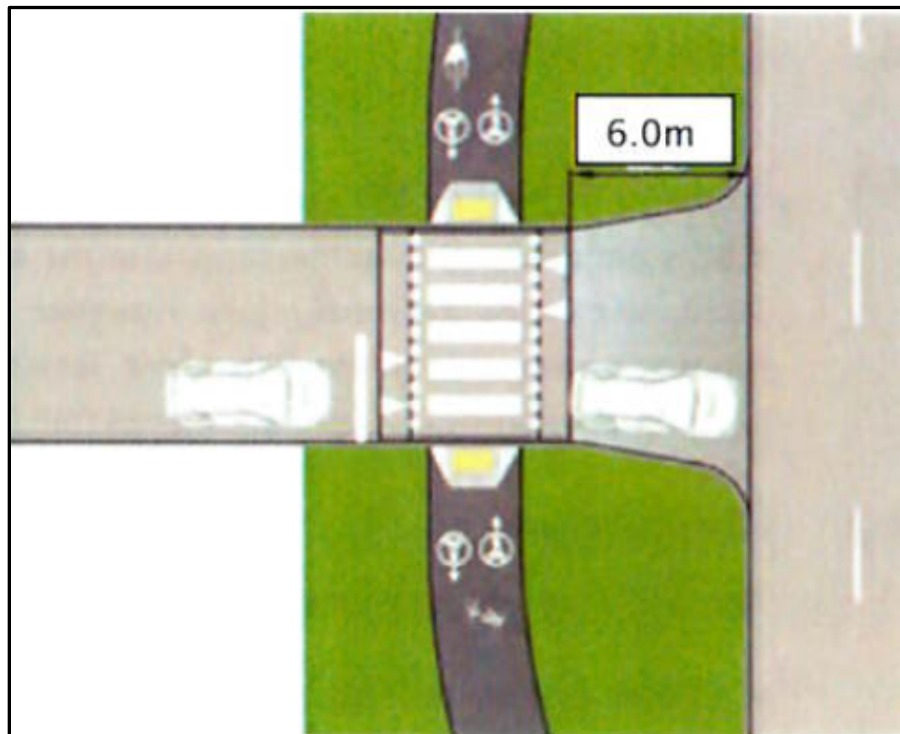


Figure 3: Proposed Driveway Crossing Improvements (Figure 4.1b of the Bunt & Associates Transportation Impact & Driveway Operations Safety Review)

Agricultural Land Reserve

The site is located within the ALR and an application to permit a non-farm use of ALR land has been submitted. The subject property has been used for some form of “Farm Market” use for many years. The Red Barn Market at 5550 West Saanich Road has been a long-standing fixture

in Rural Saanich. The property does not include any active farming on-site and involves the sale of food, beverages and other items produced off-site, some of which are farm products and others that are not. Select products are produced on-site and many products sold are produced by vendors local to Vancouver Island. The applicant is seeking to introduce liquor sales as a permitted use of the property in addition to the existing commercial use of the site, within the existing footprint of the Red Barn market retail storefront.

The red roofed barn on the property has been used for various uses over the years, including as the original farm market, a storage space, and for the sale of hay, animal feed and other nonperishable items. The applicant intends to repair and restore the interior of the barn and to add tills for retail purchases within the barn. This requires approval of a non-farm use application.

The current non-farm uses of the property have not previously been considered by the ALC for approval. Section 23 of the *Agricultural Land Commission Act* (ALCA) provides for two exceptions from the restrictions on the use of agricultural land set out in the ALCA. Local governments do not determine whether an exception to the ALCA applies. Section 23(1) provides an exception for restriction of use of ALR land where a parcel of land (for which there was a separate certificate of title issued under the *Land Registry Act* on December 21, 1972) is less than two acres in area. This regulation may have applied to the property in the past (subject to ALC confirmation), however, the boundary adjustment in 2023 has created a new title and this exception would no longer be applicable.

The second exception regulation at Section 23(2) of the ALCA applies only to the portion of the land that was being used for a non-farm use prior to and continuously since December 21, 1972, and not to the entire parcel on which that use was being carried on. In this instance, the red roofed barn or red barn retail storefront *may* qualify for an exemption. Through consideration of the non-farm use application request for the red roofed barn, the ALC will determine if the current uses of the site (without the addition of the proposed liquor sales) are considered exempt from the current regulations. If the ALC finds that the current use is exempt, they would then go on to determine if the addition of liquor sales is considered a change of use or not and determine if a non-farm use approval is required for this use, or for any other uses of the site.

For clarity, the exceptions in Section 23 of the ALCA pertaining to the land use are limited and do not provide a general exemption from the ALCA or its regulations. The land remains within the ALR.

If Council decides to advance the proposal, the application for a non-farm use would proceed to the Agricultural Land Commission (ALC) for consideration. If the ALC approves the non-farm use request, the application would return to Council for a Public Hearing to consider the Zoning Bylaw Amendment.

Liquor License

The applicants have applied to amend the C-1R (Rural Commercial) Zone to add "Liquor Retail Store" as a permitted use. The Provincial Liquor and Cannabis Regulation Branch has advised that no new liquor licenses are currently available. However, if the rezoning is approved, the use will be in place for when a liquor license does become available at which time an application to the province for a Liquor License, and an application to the District of Saanich for a Liquor License Referral Application would be required. A Liquor License Referral Application would also trigger the requirement for public consultation with nearby community associations, schools, businesses, and social facilities.

Administrative Policy 1/LRS states that rezoning applications for new Licensee Retail Stores (LRS) should be contained within an established retail location zoned for retail use, should be at least 200 metres from an existing LRS and should be at least 200 metres from an elementary or secondary school.

In this instance, the liquor retail space would be contained within an existing retail store and is more than 200 metres from any existing LRS. While there are no elementary or secondary schools within 200 metres of the proposed liquor retail space, Island Montessori daycare and preschool is located on a neighbouring property on the west side of West Saanich Road. However, impacts to the surrounding neighbour and/or inappropriate activity related to the addition of the liquor retail use are expected to be minimal.

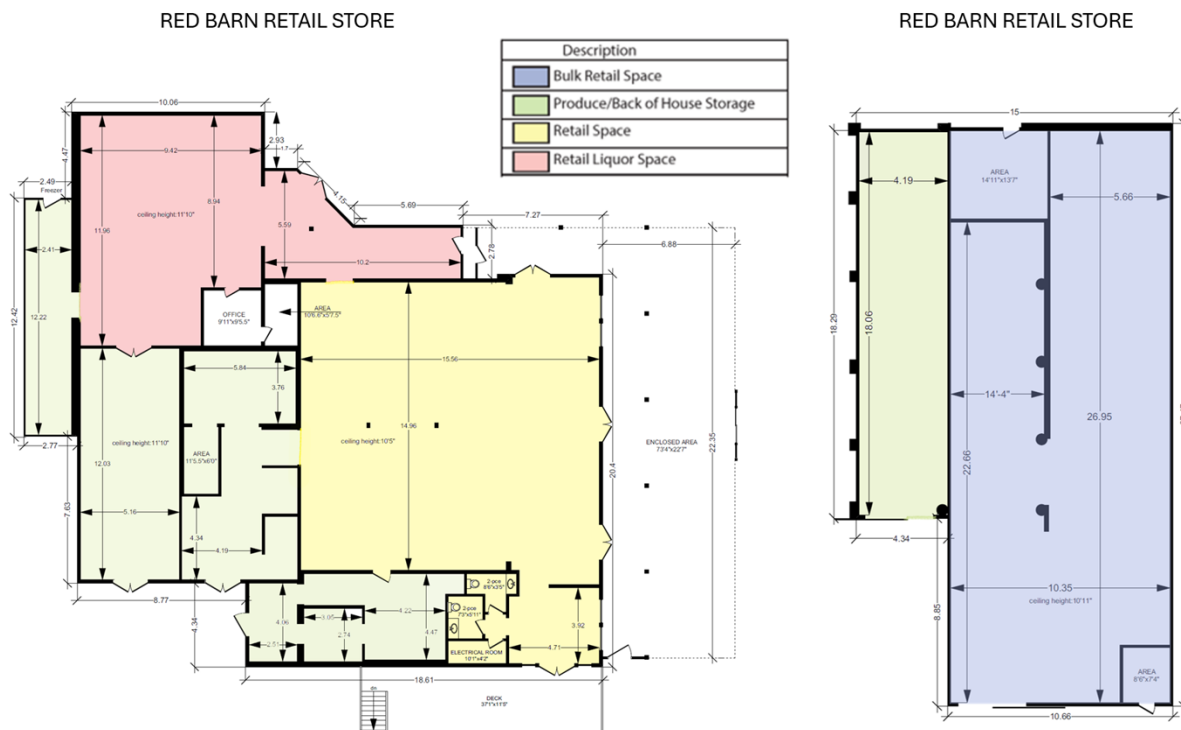


Figure 4: Proposed Uses (applicant Plans, annotated by staff)

PLANNING IMPLICATIONS

Policy Analysis

The following District of Saanich Planning Policies are most applicable to the subject proposal:

Official Community Plan (2024)

- 7.7.1 Support the retention of rural and farmlands through adherence to the Urban Containment Boundary policy and preservation of the Agricultural Land Reserve (Map 7).
- 7.7.2 Maintain farming, food production, and large lot residential as the predominant land use in rural areas.

- 7.2.21 Consider future land use designation as identified on Map 2 or Map 3, as amended from time to time, in the context of the applicable Agricultural Land Commission Act and associated regulations.
- 12.1.2 Ensure a healthy, sustainable, and stable food supply by working with the Capital Regional District, the Province, food producers, the Vancouver Island Health Authority, municipalities, and other stakeholders to implement the Capital Regional District Food and Agriculture Strategy.
- 12.1.4 Discourage the deposit of fill on rural and ALR lands that results in the soil's agricultural capability being diminished.
- 12.1.5 Support the preservation and enhancement of the soil's agricultural capability on rural and ALR lands
- 14.2.4 Support a balanced economy by encouraging a broad range of commercial, service, research, high tech, and industrial uses.

Agriculture and Food Security Plan (2018)

Theme 2. Connect gaps in the local food system to improve food self-sufficiency.

Objective 2B Enhance Community's Capacity to Access Healthy Local Food

- 5.7 Require Agricultural Impact Assessments, performed by a Professional Agrologist, to be accompanied with ALR applications such as: non-farm use, deposit of fill, exclusions and/ or subdivision. Agriculture impact assessments should assess impacts to the subject property and adjacent property.

The Official Community Plan (OCP) acknowledges the need for a healthy, sustainable, and stable food supply, and enhancement of local food production through protection of agriculture and arable land and the use of sustainable farming practices. Further, the Agriculture and Food Security Plan supports maintaining and increasing access to local food sources. The Red Barn Market provides access to local food and farm related products as well as other grocery items for Rural Saanich and the surrounding area.

While the applicant has not provided an Agriculture Impact Assessment for the property prepared by a Licensed Professional Agrologist, or other information about the quality of the soils on the site, they have provided photographs which demonstrate that the property has been used as a farm market for many decades. The red roofed barn was the main storage and retail outlet dating back to the 1940's. The retail use was transitioned to what is now the Red Barn Retail store and the red roofed barn became used for storage. As a result, the continuation of the commercial use of the property and the proposed retail use of the red roofed barn does not appear to negatively impact the agricultural capability of the parcel as the use would be contained within existing structures and there would be no increase to the amount of impervious surfacing.

Similarly, the proposed liquor sales area would be contained within an existing area of the Red Barn Retail store. No land would be taken out of agricultural production and the rezoning would not impact the agricultural services currently provided on-site. Further, Red Barn Market enhances community access to local foods which is an objective of the Agriculture and Food Security Plan.

Variances

The applicant is requesting a variance to the front parcel line setback from 15 m to 4.25 m for the red roofed barn (a variance of 10.75 m). Attachment 2 to this Report is a draft Development Variance Permit for Council's consideration. The applicant has provided photographic evidence that the barn has been in this location since the 1940's and no further encroachment to the front setback is proposed. Staff support the Variance request to formalize the siting of an existing structure.

Servicing

The existing driveway crossing must be reconstructed as shown in Figure 4.1b of the Bunt & Associates Transportation Impact & Driveway Operations Safety Review dated September 26, 2023, to reduce observed conflicts and improve the trail crossing. This work is to be completed, or the costs secured prior to adoption of the zoning bylaw amendment.

COUNCIL OPTIONS

1. That the application to rezone 5550 West Saanich Road be supported and that Council authorize the application to proceed to the Agricultural Land Commission with a supportive recommendation. With this option a public hearing on the rezoning application would be scheduled following approval from the ALC.
2. That the application to rezone 5550 West Saanich Road be approved and that Council forward the application to the ALC without a recommendation. As above, a public hearing would be scheduled following approval from the ALC.
3. That the application to rezone 5550 West Saanich Road be denied and that Council not support the application to proceed to the ALC.

If Council resolves not to forward the application to the ALC, the application process proceeds no further.

FINANCIAL IMPLICATIONS

The proposal has no immediate implications related to the District of Saanich's 2024-2028 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposal has no immediate implications related to the District of Saanich's 2023-2027 Strategic Plan.

CONCLUSION

Retail sales and related storage in the red roofed barn building is supported by the Official Community Plan, and the Agriculture and Food Security Plan which provide support for ensuring a healthy, sustainable, and stable food supply. Further, the addition of liquor sales in the existing retail storefront is expected to minimally impact the site and surrounding area. The proposed setback variance is considered minor as it is to accommodate an existing building.

For the above noted reasons, staff support the rezoning application, development variance permit and ALR Non-Farm Use application and recommend that the ALR Non-Farm Use application be forwarded to the Agricultural Land Commission.

If the ALC approves the non-farm use request, the application would return to Council for a Public Hearing to consider the Zoning Bylaw Amendment and Development Variance Permit.

Prepared by: Fiona Titley, Planner

Reviewed by: Carl Purvis, Manager of Current Planning

Approved by: Lindsay Chase, Director of Planning

FT/kb

Attachment 1: Draft Zoning Bylaw Amendment Bylaw 2025, No. 10124

Attachment 2: Draft Development Variance Permit DVP00513

Attachment 3: Plans

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.

Brent Reems, Chief Administrative Officer