

Report to Development Permit Panel Fast Track Application

Re:	Application by Maybog Farms Ltd. for a Develop	ment Va	ariance Permit at
From:	Wayne Craig Director of Development	File:	DV 21-934707
To:	Development Permit Panel	Date:	July 30, 2021

Staff Recommendation

PID 013-082-434

That a Development Variance Permit be issued which would vary the provisions of Richmond Zoning Bylaw 8500 to increase the maximum cumulative lot coverage for agricultural buildings with an impermeable surface floor at or below the natural grade of the site from 750 m² to 2,842 m² to permit the construction of a cranberry processing facility at PID 013-082-434 on a site zoned "Agriculture (AG1)".

Wayne Craig Director of Development

WC:sds Att. 5

Staff Report

Origin

Maybog Farms Ltd. (Directors: John & Lila May) has applied to the City of Richmond for permission to increase the maximum cumulative lot coverage for agricultural buildings with an impermeable surface floor at or below the natural grade of the site from 750 m² to 2,842 m² to permit the construction of a cranberry processing facility at PID 013-082-434 on a site zoned "Agriculture (AG1)". An aerial photograph showing the subject property and the proposal is provided in Attachment 1. The site currently contains an active cranberry farm.

In 2018, Council adopted Bylaw 9861 to amend the "Agriculture (AG1)" zone to add regulations for agricultural buildings and structures, and greenhouses to restrict the construction of concrete slabs or other impermeable structures and surfaces at or below the natural grade. As per the current AG1 zone, for agricultural buildings and structures with a concrete slab, an area up to 750 m² (8,073 ft²) is permitted to be concrete construction, hardsurfacing or other impermeable structure or construction. At the time of Bylaw 9861 adoption, Council also implemented a "fast track" application process (in this case a Development Variance Permit (DVP) application) for property owners proposing a larger area of concrete construction for agricultural buildings, in support of a farming operation. This includes a concurrent building permit and soil deposit review process, and a "fast track" staff report process. The subject DVP proposal for a larger area of concrete construction.

Development Information

Please refer to attached Development Application Data Sheet (Attachment 2) for a comparison of the proposed development data with the relevant Bylaw requirements.

Background

Development surrounding the subject site is as follows:

To the north, cranberry farm operation on a parcel zoned "Agriculture (AG1)" and located in the Agricultural Land Reserve (ALR).

To the east, across the No. 8 Road allowance, cranberry farm operation on parcels zoned AG1 located in the ALR, and a drainage canal designated Riparian Management Area (RMA).

To the south, property owned by Maybog Farms Ltd. zoned AG1, located in the ALR, and associated with the subject cranberry farm operation.

To the west, cranberry farm operation on a parcel zoned AG1 and located in the ALR.

Staff Comments

The proposed scheme attached to this report has satisfactorily addressed the staff comments identified as part of the review of the subject Development Variance Permit application. In addition, it complies with the intent of the applicable sections of the Official Community Plan and is generally in compliance with the "Agriculture (AG1)" except for the zoning variances noted below.

Zoning Compliance/Variances (staff comments in bold italics)

The applicant requests to vary the provisions of Richmond Zoning Bylaw 8500 to increase the maximum cumulative lot coverage for agricultural buildings with an impermeable surface floor at or below the natural grade of the site from 750 m² to 2,842 m² to permit the construction of a cranberry processing facility at PID 013-082-434 on a site zoned "Agriculture (AG1)".

- The purpose of the cranberry processing facility is to support the existing cranberry farm operation (Maybog Farms Ltd.), including receiving, processing, packing and storing farm product.
- The existing farm operation (Maybog Farms Ltd.) has over 400 acres in production and an average yearly production of over 10,000,000 lbs of cranberries. The cranberry processing facility is proposed to specialize in fresh cranberries, which will account for approximately 10% (approximately 1,000,000 lbs) of the total production. The remaining balance of cranberries will continue to be processed at another facility. The subject property has farm status as per BC Assessment and an Agrologist Report has been submitted in support of the application (Attachment 3).
- The proposed location of the cranberry processing facility is in an area that utilizes existing farm infrastructure and minimizes the impact to the existing farm production. The submitted Agrologist Report indicates the location is the least productive portion of the farm and the site is adjacent to associated farm buildings and services on the property to the south. The Report also indicates that the location is well positioned to receive cranberries from the fields and minimizes transport times and distances to local markets.
- Emergency access is proposed through a Statutory Right-of-Way (SRW) on the two adjacent lots to the south (PID 016-472-942 & 4811 No. 8 Road), in order to provide access to the No. 8 Road overpass. The SRW would only allow access to the subject property and only for the purposes of the farm operation and emergency vehicles (no residential access permitted). The emergency access road (fire lane) is required to be a minimum 6.0 m wide and capable of supporting a fire truck. Prior to Council consideration of the DVP, the registration of the SRW will be required.
- The Riparian Management Area (RMA) designation along the east property line will not be impacted by the proposal. Although agricultural activities are exempt from RMA setback requirements, the proposed cranberry processing facility is located outside of the RMA setback area.
- As a condition of the Development Variance Permit, the applicant is required to register a legal agreement on Title to prohibit the use of the building for medical or non-medical cannabis production. At Building Permit stage, the applicant is also required to submit a Statutory Declaration confirming that all proposed uses shall comply with Zoning Bylaw 8500.
- The Food Security and Agricultural Advisory Committee (FSAAC) reviewed and supported the subject Development Variance Permit application at its meeting held on June 29, 2021. An excerpt from the June 29, 2021 FSAAC meeting minutes is provided in Attachment 4.

Analysis

The purpose of the subject Development Variance Permit application is to allow the construction of a 2,842 m² (30,591 ft²) cranberry processing facility, in support of the existing cranberry farm operation. The proposed facility will be used to receive cranberries harvested from the cranberry farm operation and to process, package and store cranberry farm product. The proposed use is consistent with the "Agriculture (AG1)" zone and the Agricultural Land Reserve (ALR) Regulations. As a condition of the DVP, the applicant is required to register a legal agreement on Title to prohibit the use of the building for medical or non-medical cannabis production. In addition, at Building Permit stage, the applicant is required to submit a Statutory Declaration to ensure all proposed uses comply with the Zoning Bylaw. The facility is proposed to be located in the southeast corner of the subject property, near existing farm infrastructure on the property to the south.

The proposed cranberry processing facility is consistent with the "Agriculture (AG1)" zone, except for the maximum cumulative lot coverage for concrete construction in association with an agricultural building/structure. The subject DVP requests to vary this provision in order to allow the construction of the proposed cranberry facility.

The property is classified as a "no access parcel" as it does not front a constructed municipal road to municipal standards that meet the necessary specification for emergency vehicle access and life safety access. A Statutory Right-of-Way (SRW) on the two adjacent lots to the south (PID 016-472-942 & 4811 No. 8 Road) is required, in order to provide emergency access from the No. 8 Road overpass to the subject property. The SRW would only allow access to the subject property and only for the purposes of the farm operation and emergency vehicles. No residential access would be permitted. The access road (fire lane) is required to be a minimum 6.0 m wide and capable of supporting a fire truck. Registration of the SRW on Title is a condition of DVP issuance.

A Soil Use for the Placement of Fill Application has also been submitted in association with the proposal, which proposes to retain 3,600 cubic metres of soil (i.e. structural fill) recently deposited onto the Property without Agricultural Land Commission (ALC) or City approval. The purpose of the fill is to facilitate the construction of the proposed cranberry processing facility. The soil deposit area includes the proposed building and a concrete loading apron outside of the building envelope for loading of farm product and maneuvering vehicles associated with the farm operation. As part of the soil deposit application, the applicant provided security bonds in the amount of \$15,000 to ensure the material is removed if the proposal is denied. The soil deposit application was recently considered by Council on July 26, 2021 and forwarded to the Agricultural Land Commission (ALC) for review and decision. Approval of the soil deposit application by the ALC is a condition of DVP issuance.

July 30, 2021

Conclusions

As the proposed development would meet applicable policies and Development Permit Guidelines, staff recommend that the Development Variance Permit be endorsed, and issuance by Council be recommended.

The list of Development Variance Permit Considerations is included in Attachment 5, which has been agreed to by the applicant (signed concurrence on file).

Steven De Sousa Planner 1

SDS:cas

Attachment 1: Aerial Photograph

Attachment 2: Development Application Data Sheet

Attachment 3: Agrologist Report

Attachment 4: Excerpt from the June 29, 2021 FSAAC Meeting Minutes

Attachment 5: Development Variance Permit Considerations





Development Application Data Sheet

Development Applications Division

Attachment 2

DV 21-934707

Address: PID 013-082-434

Applicant: Maybog Farms Ltd.

Owner: Maybog Farms Ltd.

Planning Area(s): _East Richmond

	Existing	Proposed
Site Area:	8.12 ha (20.06 acres)	No change
Land Uses:	Agriculture	No change
OCP Designation:	Agriculture (AGR)	No change
Zoning:	Agriculture (AG1)	No change

	Bylaw Requirement	Proposed (Agricultural Building)	Variance
Lot Coverage – Agricultural Buildings:	Max. 35%	4%	None
Lot Coverage – Concrete Construction:	Max. 750 m ² (8,073 ft ²)	2,842 m ² (30,591 ft ²)	Variance requested
Setback – Front Yard (East):	Min. 7.5 m	50.0 m	None
Setback – Side & Rear Yard (North, South & West):	Min. 4.5 m	30.0 m	None
Height – Agricultural Buildings:	Max. 35.0 m	11.3 m	None

Agrologist Report

Agricultural Development Plan for a Fresh Cranberry Facility

Report Prepared for: Maybog Farms Ltd

Jan 23, 2020

Prepared by: David Melnychuk, P.Ag 19915-37A Avenue Langley, BC, V3A 2S8 January 23, 2020

Introduction

The success of agricultural enterprises in the City of Richmond will be dependent on a partnership between farmers and its citizens. Finding a balance of farmers willing to reinvest in their farms through horticultural and technological advancements, and the support of local consumers desirous of safe and secure sources of healthy and nutritious foods will ultimately support agricultural viability in this community.

Maybog Farms Ltd is a large well established cranberry farm in the City of Richmond. To ensure continued agricultural viability, they are expanding a value added component to their overall farm operations. The 5th generation farming family is ensuring that the healthful product that they grow will have direct market access in their local communities. Activities are expected to include: sizing, sorting, grading, cooling, storage and packing of fresh cranberries grown on the farm. Finished product will be transported from this location directly to the local and regional market place. Agriculture is changing, and adapting to industry best practices, and embracing value adding is proving to be an important pillar supporting the long term sustainability of the family farm. To reach this goal of economic sustainability will require a facility with the technological advancements and the capacity to handle the volume of cranberry crop grown on their farm.

Proposed location

The following aerial photograph outlines in blue the property located at 4711 # 8 Road, its configuration and size. The property contains approximately 8 hectares and has historically been utilized for cranberry production. The proposed site (0.36 hectares) for the sorting and packing facility is located in the South East corner of the property and is outlined in red , only for illustrative purposes (not a legal survey).



Soil considerations

The original mapping of the *"Soils of the Langley-Vancouver Map Area"* completed by the province of BC in 1980, indicated that the original soils on this property consists of 3 different soil types as described below;

The property is located in a soils transition zone, where the soils transition from the mineral Bates soil (medium textured local stream deposits) with a shallow topping of organic material to an organic Lumbum-Richmond soil with 40 to 160 cm of semi-decomposed organic material underlain with moderately fine textured deltaic deposits. The variance in soil type and depth of organic matter generates several challenges from a crop production perspective when attempting to achieve high yields of top quality cranberry fruit. This is evident in the health of some of the plants with sporadic die off throughout the field. The building site itself has only 5-10 cm of organic matter in the inferior production areas, by stripping off the organic material (5-10 cm) from the facility site and distributing the organic matter to enhance the remaining challenged sites in the field.

Facility Location

The proposed facility is located in an excellent location for the following reasons:

- The proposed facility site will have a minimal disturbance on the remaining cranberry production area in this field and is located on the least productive portion of the farm.
- The site is adjacent to the other farm buildings and services (i.e., machinery storage and maintenance) located on the property south of the proposed building, minimizing the need to duplicate infrastructure around the packing shed
- Logistically the site is well positioned to receive cranberries from the other fields on the farm.
- On farm facilities minimizes transport times and distances to local markets. Fresh produce logistics are simplified, removing the need to be transported out of the country for further preparation, only to be returned back to the consumer in the locality where it was first grown. This investment is ensuring the product has direct access to local markets in Metro Vancouver and other regions in BC.

Facility

The proposed facility is to receive cranberries harvested from Maybog Farms, with over 400 acres in production, with an average yearly production of over 10,000,000 lbs of cranberries. The facility will be sized to handle a portion of this product, providing the following activities: receiving, cleaning, sizing, colour sorting, grading, cooling, storing and packing. In terms of size, the facility will be 60 meters by 60 meters, an area of 3,600 square meters (0.36 hectares) on a parcel containing 8 hectares.

The site coverage will be approximately 4 %

Facility as it applies to Provincial legislation

The <u>Farm Practices Act (Right to Farm</u>) states in the definition section regarding "farm operation" under (k) means " processing or direct marketing by a farmer of the products owned or operated by the farmer to the extent that the processing or marketing of those products is conducted on the farmer's farm".

Further under the <u>Ministers Bylaw Standards</u> for bylaw development in the Agricultural Land Reserve, section in 2.4.5 states that "Bylaws should not restrict the area of a lot which may be covered by buildings and structures for farm use, to an area less than <u>35%</u> or less than 75% for greenhouses."

The proposed project meets all the Provincial regulations regarding on-farm value added activities.

Comparable agricultural facilities on farms in the Fraser Valley

To provide a perspective on scale and size of agricultural buildings and structures which are common on farms throughout the Fraser Valley, the following examples of farm building and structures are provided for added information. These examples are taken from existing facilities on farms in Delta and Surrey.

- Dairy and Poultry barns and supporting structures 1 to 2 hectares
- Vegetable Green houses with on farm packaging facilities- over 5 to 10 hectares

• On farm potato and vegetable storage and handling facilities – 1 to 2 hectares As is evident by many real life illustrations, the sizes of agricultural facilities on farm are trending upwards because of economic pressures and market demand for local food products. There is also an extreme shortage of local packing facilities, often causing local produce to leave the province or country before returning back to consumers in the same marketplace where it was grown.

Final Comments

Maybog Farms is making a major investment in agriculture. The establishment of a facility on their 5th generation family farm which is capable of receiving, handling, packing and distributing fresh cranberries to the local market and beyond will directly support future viability. The proposal reflects the economic realities of farming and illustrates the trends towards value adding of primary agricultural products. Healthy products, grown locally, will be directly available to consumers in their own backyard. The proposal fits in well with provincial regulations and provincial agricultural policy which encourages increased value added activities on farm, leading to a greater share of the product value remaining with farmers who live and work in the local community. The current generation's substantial commitment reflects their vision, that the healthy food grown on their farm be available to the community in which they participate. This thoughtful and deliberate action ensures that farming in Richmond continues to be viable long in to the future.

David Melnychuk, P.Ag January 23, 2020



Excerpt from the Meeting Minutes of the Food Security and Agricultural Advisory Committee (FSAAC)

Tuesday, June 29, 2021 – 7:00 p.m. Webex

ALR Soil Use for the Placement of Fill Application & Development Variance Permit Application – PID 013-082-434

Steven De Sousa, Planner 1, Policy Planning, introduced the proposal at PID 013-082-434, provided clarification regarding the two separate applications, and provided the following comments:

- The proposal is to construct an approximately 30,000 ft² cranberry processing facility at the subject property, in support of the existing cranberry farm operation;
- The Development Variance Permit application is required in order to vary the maximum lot coverage permitted for agricultural buildings with concrete construction;
- In 2018, Council amended the AG1 zone to limit concrete construction in agricultural buildings (approximately 8,000 ft² maximum) and implemented a fast track process for farmers who needed a larger building to support their farming operation;
- Access to the property will be provided through a Statutory Right-of-Way (SRW) on the adjacent lots to the south, which have access from the No. 8 Road overpass. The SRW would only allow access to the farm operation and for emergency vehicles (no residential access is permitted); and
- Prior to Council consideration of the DVP, Council and ALC approval of the associated fill application is required.

Mike Morin, Soil Bylaw Officer, Community Bylaws, introduced the ALR Soil Use for the Placement of Fill Application and provided the following comments:

- The application is being made to retain 3,600 cubic metres of soil (structural fill) recently deposited onto the subject property prior to approval from the Agricultural Land Commission (ALC) or City approval;
- The purpose of the soil importation is to establish an area to construct a cranberry processing facility; and
- If approved, the structural fill shall remain and form part of the foundation for the future building.

Todd May, Applicant, provided the following comments:

- The applicant is a fifth generation farmer with a current focus on cranberry production;
- Majority of cranberry production in the region focuses on processed cranberries (e.g. cranberry juice, sweetened cranberries and dried cranberries);

- The purpose of the proposed cranberry production facility is to process fresh cranberries locally; and
- The facility has been located to minimize impact to the existing cranberry farm operation and utilize existing farm operation infrastructure in the surrounding area.

In response to questions from the Committee, the applicant provided the following additional information:

- The layout and equipment within the facility is designed specifically to process fresh cranberries;
- The material deposited on the property and proposed to be retained is structural material for the purposes of building the proposed cranberry production facility;
- Tipping fees were not received by the applicant for the deposition of the structural material;
- In order to achieve traceability and food safety standards, impermeable concrete construction is required; and
- It is estimated approximately 10% of the current cranberry production (approximately 10 million pounds) will be fresh cranberries, with an opportunity for growth in the future.

In response to question from the Committee, staff noted that due to the soil importation exceeding 0.1 ha and having received no ALC approval in advance of the importation, the ALC has determined that the applicant must submit a Soil Use for the Placement of Fill Application to the ALC.

Discussion ensued regarding the proposed business plan and association with Ocean Spray, the uniqueness of the proposal as the structural material is required for the construction of the building, and the potential to set a precedent by approving a proposal that deposited material without appropriate approvals.

The Committee passed the following motion:

That the Food Security and Agricultural Advisory Committee (FSAAC) support the Agricultural Land Reserve Soil Use for the Placement of Fill Application at PID 013-082-434 (CD 127964) subject to removal of the structural material deposited on the subject property if the proposed farm building is not approved.

In addition, the FSAAC is concerned with potentially setting a precedent by supporting a proposal that deposited material prior to approval. However, the FSAAC recognize that this is not a typical fill application as the structural material is required for a farm building and is not being used for the farm operation.

Carried with Lynn Kemper and Cory May abstained

Discussion ensued regarding the proposed size of the cranberry processing facility, the size of the associated farm operation, the origin of the AG1 zone regulations limiting concrete construction, and the fast track process for farmers.

In response to questions from the Committee, staff noted that a Statutory Declaration is required as part of the Building Permit process for agricultural buildings to confirm the use is consistent with Zoning Bylaw requirements.

The Committee passed the following motion:

That the Food Security and Agricultural Advisory Committee (FSAAC) support the Development Variance Permit Application at PID 013-082-434 (DV 21-934707).

Carried with Lynn Kemper and Cory May abstained

ATTACHMENT 5



Development Variance Permit Considerations

Development Applications Department 6911 No. 3 Road, Richmond, BC V6Y 2C1

Address: PID 013-082-434

File No.: DV 21-934707

Prior to approval of the Development Variance Permit, the applicant is required to complete the following:

- 1. Agricultural Land Commission (ALC) approval of the associated Soil Use for the Placement of Fill Application.
- 2. Registration of a cross-access easement, statutory right-of-way, and/or other legal agreements or measures, as determined to the satisfaction of the Director of Development and Director of Building Approvals, along the east property line of PID 016-472-942 and the northeast corner of 4811 No. 8 Road (minimum 6.0 m wide) to provide access to the subject site only for the purpose of the farm operation and emergency vehicles, and prohibiting residential access to the subject site. The emergency access road (fire lane) is required to be a minimum 6.0 m wide and capable of supporting a fire truck.
- 3. Registration of a restrictive covenant on Title to prohibit the use of the building for medical or non-medical cannabis production.

Prior to Building Permit Issuance, the developer must complete the following requirements:

- 1. Submission of a Statutory Declaration confirming that all proposed construction shall comply with the permitted uses specified in Zoning Bylaw 8500, consistent with the City's Bulletin No. BUILDING-32 "Statutory Declaration Requirement for Building Permit Applications in AG1 Zones".
- Submission of a Construction Parking and Traffic Management Plan to the Transportation Department. Management Plan shall include location for parking for services, deliveries, workers, loading, application for any lane closures, and proper construction traffic controls as per Traffic Control Manual for works on Roadways (by Ministry of Transportation) and MMCD Traffic Regulation Section 01570.
- 3. If applicable, obtain a Building Permit (BP) for any construction hoarding. If construction hoarding is required to temporarily occupy a public street, the air space above a public street, or any part thereof, additional City approvals and associated fees may be required as part of the Building Permit. For additional information, contact the Building Approvals Department at 604-276-4285.

Note:

- * This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contains prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

[Signed copy on file]

Signed



Development Variance Permit

No. DV 21-934707

Address:	15411 Cambie Road Richmond, BC V6V 1T3
Property Address:	PID 013-082-434
To the Holder:	Todd May

- 1. This Development Variance Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied by this Permit.
- 2. This Development Variance Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
- 3. The "Richmond Zoning Bylaw 8500" is hereby varied to increase the maximum cumulative lot coverage for agricultural buildings with an impermeable surface floor sunk into, at or below the natural grade of the site from 750 m² to 2,842 m².
- 4. Subject to Section 692 of the Local Government Act, R.S.B.C.: buildings and structures shall be constructed generally in accordance with Plan #1 attached hereto.
- 5. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.
- 6. If the Holder does not commence the construction permitted by this Permit within 24 months of the date of this Permit, this Permit shall lapse.

This Permit is not a Building Permit.

AUTHORIZING RESOLUTION NO. ISSUED BY THE COUNCIL THE DAY OF , .

DELIVERED THIS DAY OF ,

MAYOR





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Plan #1.C **DV 21-934707** July 19, 2021 RODUCED BY AN AUTODESK STUDENT VERSI

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Plan #1.D **DV 21-934707** July 19, 2021

+/- 37'-@"



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EAST ELEVATION SCALE: 1/8" = 1"-0"

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Plan #1.E DV 21-934707 July 19, 2021	PROJECT MAYBOG FARMS LTD. 4711 NO. 8 ROAD RICHMOND, BC DRAILING TITLE WEST ELEVATION EAST ELEVATION DRAILN LL DATE MAR 28 CHECD EL JOB NO DEBIGH DRAILING NO. CHECD _ SCALE V8** 1-6*	









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