

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **January 16, 2018 at 7 p.m.**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

AGENDA

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of November 21, 2017
4. Chair's Report
5. Planner's Report
6. Rezoning Application
 - a) RZ000245 – Block 1043, Malahat District (3950 Goldstream Heights Drive)
 - b) RZ000251 – Lot 12, District Lot 17, Renfrew District, Plan 13240 (17239 Parkinson Road)



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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, November 21, 2017, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Mike Hicks (Chair), Roy McIntyre, Ron Ramsay, Sandy Sinclair, Art Wynans
Staff: Iain Lawrence, Manager, Local Area Planning; Wendy Miller, Recorder
ABSENT: Stan Jensen, Dale Risvold
PUBLIC: 3

The meeting was called to order at 7:03 p.m.

1. Approval of the Agenda

MOVED by Roy McIntyre, **SECONDED** by Art Wynans that the agenda be approved. **CARRIED**

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of Minutes from the Meeting of October 17, 2017

MOVED by Roy McIntyre, **SECONDED** by Sandy Sinclair that the minutes from the meeting of October 17, 2017, be adopted. **CARRIED**

4. Chair's Report

- a) The Chair reported that at its November 8, 2017, meeting the CRD Board considered a letter from the Ministry of Municipal Affairs and Housing outlining that the non-binding process for the Regional Growth Strategy (RGS) is to be concluded by November 30, 2017. At this meeting, the CRD Board resolved to request that the Minister grant a time extension to January 15, 2018, for completion of the non-binding process and that the RGS mediator be advised to allow a presentation by the Juan de Fuca Electoral Area Director in the RGS mediation process.

5. Planner's Report

- a) Iain Lawrence reminded the LUC of its practice of adjourning for the month of December and requested confirmation that the Committee intended to adjourn for December 2017 if no pressing matters arose.

The Chair confirmed that the Committee would adjourn for December 2017.

6. Rezoning Application

- a) RZ000248 - Lot 2, Section 2, Renfrew District, Plan VIP4194; Lot 6, Section 2, Renfrew District, Plan VIP4194; Lot C, Section 2, Renfrew District, Plan VIP60061; Lot 1, Section 2, Renfrew District, Plan VIP11741; Lot 1, Section 2, Renfrew District, Plan VIP4194; Lot A, Section 2, Renfrew District, Plan VIP60061; Lot 8, Section 2, Renfrew District, Plan VIP4194; Lot 9, Section 2, Renfrew District, Plan VIP4194; Parcel Number 1 (DD130151I) of Parcel A (DD88175I), of Section 2, Renfrew District; Lot A, Section 2, Renfrew District, Plan VIP50879; Lot 1, Section 9, Renfrew District, Plan EPP59131; Lot 2, Section 9, Renfrew District, Plan EPP59131; and Lot 3, Section 9, Renfrew District, Plan EPP59132 (Jordan River)

Iain Lawrence spoke to the staff report and the request to rezone four parcels from the Jordan River Hamlet (JR-1) zone, five parcels from the Jordan River Hamlet Commercial (C-1B) zone, one parcel from the Jordan River Destination Resort (CR-1A) zone, and three parcels from the Rural A zone to a new Restricted Development – Flood Hazard Area (RD-1) zone (proposed Bylaw No. 4188), in order to restrict development within an area found to be at risk of catastrophic flooding due to dam failure associated with an extreme seismic event.

Iain Lawrence reported that at its July 18, 2017, meeting the LUC recommended that the proposal be referred to agencies and to the Shirley/Jordan River Advisory Planning Commission (APC). Iain Lawrence summarized the referral comments included in the staff report and highlighted the changes made to Bylaw No. 4188 in response to the comments received from referral agencies. It was confirmed that, as requested by the Shirley/Jordan River APC, a meeting was held by Director Hicks in Jordan River on September 22, 2017. At this meeting a representative of Pacheedaht First Nation (PFN) clarified that PFN intends to purchase the lands from BC Hydro.

Iain Lawrence responded to a question from the LUC advising that BC Hydro is responsible for contamination for the properties on the west side of Jordan River related to home heating oil tanks. Any contamination on the east side of the river is the responsibility of the original polluter.

The Chair clarified that should the lands be identified as treaty settlement lands through the treaty process, they would no longer be subject to local government zoning bylaws. In the interim, the proposed zone restricts overnight accommodation as requested by BC Hydro and addresses comments received from PFN.

The Chair confirmed that the spokespersons for the applicant were present.

A spokesperson for the applicant responded to questions from the LUC advising that:

- the Jordan River dam is considered one of the strongest dams in BC Hydro's system
- the dam is considered integral to the power system for southern Vancouver Island
- BC Hydro followed the disposition process for sale of Crown lands, which includes priority sale to First Nations

MOVED by Ron Ramsay, **SECONDED** by Sandy Sinclair that the Land Use Committee recommends to the CRD Board:

- a) That the referral of proposed Bylaw No. 4188 directed by the Juan de Fuca Land Use Committee to CRD Building Inspection, CRD Protective Services, CRD Regional

Parks, Fisheries & Oceans Canada, Island Health, Ministry of Environment, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, Te'Mexw Treaty Association, T'Sou-ke First Nation, and the Shirley/Jordan River Advisory Planning Commission be approved and the comments be received;

- b) That proposed Bylaw No. 4188, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 132, 2017", be introduced and read a first time, read a second time; and
- c) That in accordance with the provisions of Section 469 of the Local Government Act, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4188.

CARRIED

7. Proposed Bylaw

a) Bylaw No. 4179, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017"

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4179, which would add Agriculture as a permitted use in the Forestry (AF) zone.

Iain Lawrence reported that at its June 20, 2017, meeting the LUC recommended that the proposal be referred to agencies and to the Otter Point Advisory Planning Commission (APC) and the Shirley/Jordan River APC. Iain Lawrence outlined the referral comments included in the staff report and highlighted the changes made to Bylaw No. 4179 in response to the comments received from referral agencies.

LUC comments included:

- the AF zone applies to private lands classified as private managed forest land (PMFL)
- local government zoning bylaws do not apply to PMFL
- private property owners can apply to have parcels removed from PMFL and then subdivide land into smaller, residential parcels

Iain Lawrence responded to questions from the LUC confirming that:

- all other zones in the Juan de Fuca that permit forestry use also permit agricultural use including lands zoned Rural Resource Land
- adding a use to AF zoned properties is considered beneficial to the property owner when land is removed from PMFL
- owners of AF zoned properties will be able to apply to have land classified as a farm should Bylaw No. 4179 proceed

MOVED by Art Wynans, **SECONDED** by Sandy Sinclair that the Land Use Committee recommends to the CRD Board:

- a) That the referral of proposed Bylaw No. 4179 directed by the Juan de Fuca Land Use Committee to the Agricultural Advisory Planning Commission, Cowichan Valley Regional District, District of Sooke, Managed Forest Council, Ministry of Agriculture, Ministry of Forests, Lands and Natural Resource Operations, Ministry of Transportation & Infrastructure, Otter Point Advisory Planning Commission, Pacheedaht First Nation, Scia'new First Nation, Shirley/Jordan River Advisory Planning Commission, T'Sou-ke First Nation, and appropriate CRD departments be approved and the comments be received;

- b) That proposed Bylaw No. 4179, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017" be introduced and read a first time, read a second time; and
- c) That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4179.

CARRIED

8. Adjournment

The meeting adjourned at 7:37 p.m.

Chair



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JANUARY 16, 2018**

SUBJECT **Zoning and Official Community Plan Amendment Application for Block 1043, Malahat District – 3950 Goldstream Heights Drive**

ISSUE

To receive referral comments and to consider an amended application to rezone and designate a portion of the property to permit a licensed medical marihuana production facility.

BACKGROUND

The 32 ha subject property is located in the Malahat at 3950 Goldstream Heights Drive and is accessed by way of an easement over the properties to the north (Appendix 1). The subject property is zoned Greenbelt 2 (Gb2) in the Malahat Land Use Bylaw, 1981, Bylaw No. 980, and is adjacent to Gb2 zoned properties to the north and east, and to the Sooke Hills Wilderness Regional Park (SHWRP) to the west and south. The Gb2 zone permits a residence, agriculture and intensive agriculture, silviculture, dog boarding and breeding kennels, community care facilities, and accessory uses. The zone establishes a minimum lot size for subdivision of 12 ha.

The property is designated as Settlement Area in the Malahat Official Community Plan (OCP) Bylaw, 2012, Bylaw No. 3721. The property is also designated within the Steep Slopes, Sensitive Ecosystems and the Watercourses, Wetlands and Riparian Areas development permit (DP) areas. A DP was issued for the placement of a manufactured home and construction of an accessory building in 2011 (DP-01-11) and for additional site clearing and grading in 2016 (DP000235).

The Land Use Committee considered the original application to rezone the property for the purpose of developing a campground and licensed medical cannabis production facility at their meeting on July 18, 2017. At that time, the Land Use Committee recommended referral of the application to a public information meeting and to the following agencies:

BC Hydro	Halalt First Nation	Pauquachin First Nation
BC Parks	Health Canada	Penelakut Tribe
City of Langford	Island Health	RCMP
Cowichan Tribes	JdF Electoral Area Parks and	School District #79
Cowichan Valley Regional	Recreation Advisory Commission	Stz'uminus First Nation
District	Lake Cowichan First Nation	Te'Mexw Treaty
CRD Building Inspection	Lyackson First Nation	Association
CRD Integrated Water Services	Malahat First Nation	Tsawout First Nation
CRD Protective Services	Ministry of Transportation &	Tsartlip First Nation
CRD Regional Parks	Infrastructure	Tseycum First Nation

Comments were received from 13 agencies (Appendix 2). The application was considered at a public information meeting on September 7, 2017, (Appendix 3) and nine written submissions were received (Appendix 4).

In response to agency comments and to feedback gathered at the public information meeting, the applicant has submitted a modified development proposal. The amended proposal includes subdivision of the subject property into two separate lots, dedication of public road through the proposed northern property and to lands beyond, and rezoning the proposed southern parcel to allow intensive agriculture – medical marihuana production, in accordance with Health Canada's *Access to Cannabis for Medical Purposes Regulation (ACMPR)* (Appendix 5). Staff recommend that this amended application be re-referred to those agencies and departments that indicated their interests were affected by the earlier proposal.

ALTERNATIVES

Alternative 1

That the Juan de Fuca (JdF) Land Use Committee recommends to the Capital Regional District (CRD) Board:

1. a) That the referral of Bylaw Nos. 4196 and 4197, directed by the JdF Land Use Committee on July 18, 2017, to a public information meeting, BC Hydro, BC Parks, City of Langford, Cowichan Tribes, Cowichan Valley Regional District, CRD Building Inspection, CRD Integrated Water Services, CRD Protective Services, CRD Regional Parks, CRD Regional and Strategic Planning, Halalt First Nation, Health Canada, Island Health, JdF Electoral Area Parks and Recreation Advisory Commission, Lake Cowichan First Nation, Lyackson First Nation, Malahat First Nation, Ministry of Transportation & Infrastructure, Pauquachin First Nation, Penelakut Tribe, RCMP, School District #79, Stz'uminus First Nation, Te'Mexw Treaty Association, Tsawout First Nation, Tsartlip First Nation and Tseycum First Nation be approved and the comments be received; and
- b) That staff be directed to refer revised proposed Bylaw No. 4196, "Malahat Land Use Bylaw, 1981, Amendment Bylaw No 147, 2017" and proposed Bylaw No. 4197, "Malahat Official Community Plan, 2012, Amendment Bylaw No. 2, 2017" to a public information meeting and to the following agencies and departments for comment:

Cowichan Tribes	CRD Aboriginal Initiatives	Malahat First Nation
Cowichan Valley Regional District	CRD Regional Planning	MFLNRORD
CRD Integrated Water Services	Island Health	MoTI
CRD Regional Parks	JdF EA Parks & Recreation	School District #79
CRD Protective Services	Advisory Commission	Westshore RCMP

2. That the CRD Board not proceed with proposed Bylaw Nos. 4196 and 4197.
3. That more information be provided by staff.

LEGISLATIVE IMPLICATIONS

Pursuant to Section 475 of the *Local Government Act (LGA)*, an amendment to an OCP requires that local governments provide one or more opportunities for consultation it considers appropriate to persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of an OCP.

Specific consideration must be given to referring the proposed amendment to adjacent regional districts or municipalities, and First Nations. Consideration should also be given to referring the proposed amendment to improvement districts and applicable provincial and federal agencies. Pursuant to Section 476 of the *LGA*, a proposed amendment to an OCP must also be referred to the School District. Where an amendment or new land use and subdivision bylaw will apply to land within 800 m of a controlled access highway, the bylaw must be referred to the Ministry of Transportation and Infrastructure.

Consultation under the above noted sections of the *LGA* must occur prior to the requirement under Section 477 to hold a public hearing as part of the amendment process. In this case, the comments will be received prior to proceeding to first reading of the bylaw.

PUBLIC CONSULTATION IMPLICATIONS

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *LGA*; however, no APC has been established for the Malahat. Staff propose holding a second public information meeting to obtain public comments on proposed Bylaw No. 4196 and Bylaw No. 4197.

REGIONAL GROWTH STRATEGY AND OFFICIAL COMMUNITY PLAN IMPLICATIONS

The subject property is designated within the Rural/Rural Residential policy area in the Regional Growth Strategy (RGS), 2003, Bylaw No. 2952. This policy area includes land designated in OCPs for rural and rural residential purposes, as well as small pockets of commercial and industrial land uses. Section 445 of the *LGA* requires that all bylaws adopted by a regional district board and all services undertaken by a regional district after the board has adopted an RGS be consistent with the RGS.

The Juan de Fuca Development Procedures Bylaw, 2003, Bylaw No. 3110, establishes an OCP amendment process that requires that proposed amendment Bylaw No. 4197 be referred to the full CRD Board for a determination of consistency with the RGS prior to first reading of the bylaw.

The Malahat OCP designates the subject property as Settlement Area, which signifies that the predominant land use is for residential purposes and supports additional uses including neighbourhood commercial and tourism development activities. Whereas a campground would be considered tourism development, a medical marihuana production facility does not meet the intent of what constitutes a neighbourhood commercial use. Since development must be consistent with the policies and objectives of the Malahat OCP, an amendment to the Settlement Area designation is required as the proposed use is more industrial in nature.

The Malahat OCP establishes objectives for the form and character of commercial development and designates Commercial DP areas. An amendment would be required to add industrial development to the DP designation and include a portion of the subject property on Map 5d.

The subject property is designated as a Development Approval Information area in the Malahat OCP. Information related to the environment, groundwater, traffic, community services or local infrastructure can be requested from the applicant as part of the rezoning process. Bylaw No. 3031 outlines the CRD's authority to request additional information. At this time, no additional information has been requested.

REFERRAL COMMENTS

Referrals were sent to agencies on July 19, 2017. The **City of Langford** and **Cowichan Valley Regional District** responded to advise that either their interests were unaffected by the proposal rezoning, or that they had no objections or requirements for approval.

First Nations Comments

Cowichan Tribes responded to request an environmental impact assessment and mapping of the property in order to be in a position to provide comment on the proposal.

Malahat First Nation objected to the application due to the proposed volume of groundwater use, lack of aquifer data, aboriginal claim to water rights and title, lack of an environmental impact assessment, compliance with *ACMPR*, traffic impacts, and the present availability of appropriately-zoned land for a campground within the region.

Agency Comments

Island Health recommended adherence to *ACMPR* licencing requirements for medical marihuana production, the establishment of buffers between proposed uses, incorporation of accessible design standards, and that environmental protection be implemented through the development permit conditions. Island Health has regulatory requirements for aspects of the proposal related to food premises, recreational water (pools and hot tubs), water supply systems, and sewerage. Island Health also stated positive comment for the health benefits proposed by the development of multi-use trails and recreation facilities.

Ministry of Forests, Lands and Natural Resource Operations responded to request that the property retain the existing development permit area designations and the environmental covenant FB0423199. Recommendations support completion of a detailed biological inventory, for incorporating the Province's Development with Care guidelines, and maintaining stormwater discharge rates and water quality.

Ministry of Transportation & Infrastructure outlined conditions including completion of a Traffic Impact Assessment, construction of a commercial access via a publicly dedicated road or identification of an alternative access.

Westshore RCMP relayed concerns regarding response time to access the property, limited staff resources, and potential for increased traffic accidents. Clarification was requested regarding consumption of liquor in the campground, the medical marihuana production facility and compatibility of uses.

CRD Comments

CRD Integrated Water Services did not support the proposal and indicated three main concerns including potential for wildfire, potential for unauthorized recreation access into the adjacent park and water supply area, and potential for increased staff resources.

CRD Protective Services stated concern about lack of a secondary means of ingress/egress, fire protection, and safe storage of combustible materials.

CRD Regional Parks did not support the application due to concerns about unauthorized access into the regional park, risk of wildfire, increased visitation to Wrigglesworth Community Park, potential negative aesthetic impacts from proposed amusement facilities, and compatibility of medical marihuana production with adjacent uses.

CRD Regional and Strategic Planning did not identify any implications from a RGS policy perspective as the proposal does not impact subdivision and development levels, there are opportunities for requiring buffers between the proposed development and adjacent uses, and there are no proposed extensions of water or sewer services.

JdF Electoral Area Parks and Recreation Advisory Commission considered the application at their meeting of September 12, 2017, and indicated support for the proposed development. The Commission noted that there is a lack of RV campground facilities on southern Vancouver Island, that campgrounds can be designed to incorporate the natural environment, that there is an interest to connect Wrigglesworth Park to Sooke Hills Wilderness Trail/The Great Trail, and questioned the compatibility of uses and feasibility of commercial access to the property by easement.

Public Comments

A public information meeting was held on September 7, 2017, with approximately 40 members of the public in attendance (Appendix 3). Staff and the applicant responded to questions from the public regarding fire protection and emergency access, campground design, traffic impacts, economic impacts for community, environmental protection including soil deposit, and licensing requirements for a medical marihuana production facility. Concerns were expressed about notification procedures and that another public information meeting should be held. Nine written submissions were received at the meeting from members of the public (Appendix 4).

PLANNING ANALYSIS

In response to concerns raised about the original campground proposal during the referral process, specifically regarding fire protection, traffic impacts, protection of capital water supply and park lands, and compatibility of uses, the applicant has submitted a modified proposal for a licenced medical marihuana production facility on a 12 ha portion of the property (Appendix 5). Staff have prepared Bylaw No 4196, which establishes a new Industrial – Medical Marihuana Production (M4) zone that permits a dwelling unit and one medical marihuana production facility. Staff have also prepared a new

proposed Bylaw No. 4197 that adds intensive agriculture – medical marihuana production as a supported use under the Settlement Area land use designation specifically for the subject property, and that designates the property as a Commercial and Industrial DP area (Appendices 6 and 7).

The current terminology in Bylaw No. 980 references the now repealed *Marihuana for Medical Purposes Regulations (MMPR)*. Under the *Interpretation Act*, when an enactment replaces an old enactment, reference to the old enactment must be construed as a reference to the new enactment. Staff recommend revisiting the bylaw terminology at such time as all Juan de Fuca land use bylaws are reviewed.

Health Canada's requirements for commercial producers of cannabis under the *ACMPR* include licensing, security measures, client registration, and production practices, packaging, shipping, labelling, and record-keeping. Applicants must provide notice to local government, local fire authority and local police as part of their application for a producer's license. Health Canada requires confirmation from local governments that appropriate land use zoning is in place.

Access to the subject property is from the north along Goldstream Heights Drive, currently by way of easement. Residential construction in the Goldstream Heights subdivision is ongoing, with an additional 84 lots currently being developed. Impacts on roads and the residential character of the community are considered minimal with respect to the medical cannabis production facility. The *ACMPR* imposes security measures that restrict only authorized personnel from accessing the site, all products are shipped securely by courier, and on-site retail sales are not permitted. Therefore, traffic volumes should not be affected by the proposed rezoning. Health and safety measures will be implemented through Health Canada's requirements, as well as through the building permit process. The proposed facility is separated from residential properties and is not accessible from adjacent land. Staff recommend referring the proposal to Cowichan Valley Regional District, CRD Protective Services, Island Health, the Ministry of Transportation and Infrastructure, and Westshore RCMP for comment.

The subject property is adjacent to the SHWRP to the west and south and is in the vicinity of the Greater Victoria Drinking Water Supply Area and Wigglesworth Lake Community Park. Any heightened concerns about spread of wildfire and unauthorized access to these areas should now be alleviated as the campground use is no longer being pursued. Threats to the environment from the indoor production of medical cannabis are addressed through the strict measures imposed by the *ACMPR*, including air filtration, control of pests and contaminants, equipment and sanitation. Staff recommend referral of the proposal to CRD Integrated Water Services, CRD Regional Parks, and to the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission for further comment.

Much of the site is designated as a DP area for hazardous conditions and environmental protection. Covenant FB0423199 was registered on title in 2011 securing an environmental report that identifies environmentally sensitive habitats and species on the property including Arbutus Creek and an unnamed creek that flow south through the property. A development permit will be required as part of the rezoning process which will include further review of the site by qualified professionals. Additional information could be requested regarding hydrological impacts of the medical cannabis production facility. Staff recommend referral of the amended proposal to Cowichan Tribes, Malahat First Nation, CRD Aboriginal Initiatives and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD).

Staff also recommend that a second public information meeting be held to review the revised proposal.

CONCLUSION

The initial application to rezone and re-designate the property has been modified in response to concerns outlined by referral agencies and the public. The current application is for subdivision of the subject property into two separate lots, and rezoning the proposed southern parcel to allow intensive agriculture – medical marihuana production. Staff recommend that the referral comments be received and the amended application be referred to agencies and a second public information meeting.

RECOMMENDATIONS

That the Juan de Fuca (JdF) Land Use Committee recommends to the Capital Regional District Board that:

- a) That the referral of Bylaw Nos. 4196 and 4197 directed by the JdF Land Use Committee on July 18, 2017, to a public information meeting, BC Hydro, BC Parks, City of Langford, Cowichan Tribes, Cowichan Valley Regional District, CRD Building Inspection, CRD Integrated Water Services, CRD Protective Services, CRD Regional Parks, CRD Regional and Strategic Planning, Halalt First Nation, Health Canada, Island Health, JdF Electoral Area Parks and Recreation Advisory Commission, Lake Cowichan First Nation, Lyackson First Nation, Malahat First Nation, Ministry of Transportation & Infrastructure, Pauquachin First Nation, Penelakut Tribe, RCMP, School District #79, Stz'uminus First Nation, Te'Mexw Treaty Association, Tsawout First Nation, Tsartlip First Nation and Tseycum First Nation be approved and the comments be received;
- b) That staff be directed to refer revised proposed Bylaw No. 4196, "Malahat Land Use Bylaw, 1981, Amendment Bylaw No 147, 2017" and proposed Bylaw No. 4197, "Malahat Official Community Plan, 2012, Amendment Bylaw No. 2, 2017" to a public information meeting and to the following agencies and department for comment:

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CRD Protective Services	Advisory Commission	Westshore RCMP

Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ET:wm

Appendices:

1. Subject Property
2. Referral Comments
3. Public Information Meeting Notes
4. Development Proposal
5. Public Comments
6. Proposed Bylaw No. 4197
7. Proposed Bylaw No. 4196

Legend
Road Labels 50:10K

Subject Property

Scale
0 0.1 0.2 Kilometers

Notes
Important: This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the liability of the CRD for any errors or omissions. The CRD is not responsible for any damages or losses resulting from the use of this map. Information on the map and the map may be changed by the CRD at any time.

Appendix 2: Referral Comments

Wendy Miller

From: Matthew Baldwin <mbaldwin@cityoflangford.ca>
Sent: Wednesday, August 09, 2017 3:52 PM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000245 (3950 Goldstream Heights Drive) - CRD Referral

Hi Wendy,

Thank you for the referral. The City of Langford generally does not provide comment on neighbouring land use decisions.

Matthew G. S. Baldwin, MCIP, RPP
Director of Planning and Subdivision



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RESPONSE SUMMARY – REZONING APPLICATION RZ000245

___ Interest Affected by Proposal for Reasons Outlined Below

☒ Interest Unaffected by Proposal

Comments:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Signed Neil J. Jett Title MANAGER COMMUNITY/REG. PLANNING


2017/07/26 C.V.R.D.
Date Agency

RESPONSE SUMMARY – REZONING APPLICATION RZ000245

- ☒ Interest Affected by Proposal for Reasons Outlined Below
☐ Interest Unaffected by Proposal

Comments:

See attached comments by Island Health.


Signed
Aug 10, 2017
Date
Environmental Health Officer
Title
Vancouver Island Health Authority
Agency

Recommendations:

1. This rezoning is to allow for a Health Canada licensed medical marijuana production facility. As a licensed facility it will be subject to federally established practice standards. However, particular attention should be given to odour control containment measures for this operation. Studies have shown that exposure to environmental odours can lead to physiological stresses that may cause headaches, nausea, loss of appetite, and emotional disturbances. Exposure to odours may also exacerbate underlying medical conditions. Good odour control practices at the facility level will help reduce/eliminate these risks. If odour problems prevail, in addition to the physiological stress it can cause, there is the added risk of people remaining in the indoor environments as there may be reduced enjoyment in the outdoor environment. This in turn can have negative impacts on physical activity as well as engagement with nature. Both physical activity and engagement with nature has been shown to reduce stress and risk of chronic diseases for an overall improvement in health outcomes.
2. The property is designated as Settlement Area under the Malahat OCP, with residential land use as a predominant land use. Ideally there would be sufficient buffer zones, achieved through zoning designations, in place between a medical marijuana facility and residential use, as well as campground and other outdoor recreation uses, as proposed in this application. In this case, the proposed facility is to be located on a shared site as a campground with various outdoor recreation uses. Island Health is concerned with the capability of these uses. Significant separation between the uses, through linear separation and treed areas, should be considered as a minimum.
3. Consideration should be given to the accessibility of the campgrounds/recreation areas. Ideally, access would be provided for all ages and abilities. As the population of the province is aging, consideration in the design and construction for people with limited mobility can add value to the site.
4. It is vital that any conditions placed on development permits for this site as it pertains to the OCP are adhered to for the protection of the natural environment and the safety and well-being of the population.

Regulatory:

1. The Health Protection and Environmental Services (HPES) department in Island Health have a regulatory role in food premises and recreational water (pools and hot tubs) from construction to operation. Any changes to the existing food premises and the possible construction of new food premises and pools must be undertaken with the appropriate construction and operating permits.
2. Under the *Drinking Water Protection Act* and *Regulation*, any construction, installation, alteration or extension of the water supply system must be issued a construction permit from our Public Health Engineer (for more information: <http://www.viha.ca/mho/water>).

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3. Ideally the sewage disposal system (although not planned for right away) should be located and the area reserved, to ensure set-backs as well as the selection of the most suitable area (topography and soil profile) as well as the ability to maintain set-back distances.

Highlights:

1. The addition of hiking and biking trails will provide an opportunity to access nature. Health evidence shows a strong link between exposure and engagement with nature and the reduction of stress, chronic diseases, depression and anxiety as well as improvements in cognitive functions.
2. Outdoor recreation facilities, such as the proposed mini-golf, swimming pool and biking trails, will encourage visitors to increase physical activity, which in turn, leads to overall improvements in emotional and physical wellness, and can help lessen obesity rates and decrease the risk of chronic diseases.
3. The proposed plan to build separate trails for hikers and bikers is commendable, as it accounts for risk or perceived risk of shared trails for the different activities. It will allow hikers to enjoy the nature experience without concern of collision with a bike.

RESPONSE SUMMARY – REZONING APPLICATION RZ000245

☒ Interest Affected by Proposal for Reasons Outlined Below

☐ Interest Unaffected by Proposal

Comments:

Because of the steep slopes and environmentally sensitive habitats on the property, located at 3950 Goldstream Heights Drive, we recommend that rezoning and any subsequent development only proceed under the following conditions:

- That the property retain the existing development permit area designations (*Steep Slopes, Sensitive Ecosystems and Watercourses, Wetlands and Riparian Areas*)
- That Covenant FB0423199 protecting environmentally sensitive habitats and species on the property remain on title.
- That before a development permit is issued for the proposed development that a detailed biological inventory be conducted by qualified environmental professionals (R.P.Bio. designation) for the entire property focusing on red and blue listed plants, animals and plant associations. A plan protecting any features found should be developed and made available for review before the issuance of a development permit.
- That a geotechnical study be completed by qualified professionals (P.Geo. or P.Eng. designations) before the issuance of a development permit to assess the potential for mass wasting and severe erosion in the project area.

Should the proposed development proceed:

- We recommend that vegetation clearing be minimized and occur outside the nesting period from March 1 to August 31 to reduce impacts on all bird species. A search for the nests of birds (eagles, peregrine falcons, gyrfalcon, ospreys and herons) protected under Section 34(b) of the *Wildlife Act* should be conducted before the start of vegetation clearing. Should the nest of a bird requiring protection under Section 34(b) of the *Wildlife Act* be located, please refer to the recommended buffer distances in Table 4.1 (Section 4) of *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (MOE 2014)* available at <http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/index.html>.
- Follow other relevant best management practices in *Develop with Care*.
- Maintain post-development stormwater discharge rate and water quality as close to pre-subdivision levels as possible.

Should you have any questions regarding our response, please do not hesitate to contact the undersigned.

Dr. Grant Baecher PAg, RPBIO

DR. GRANT BAECHE

Signed

ECOSYSTEM BIOLOGIST

Title

FOREST, LANDS AND NATURAL
RESOURCE OPERATIONS

Date

JULY 20, 2017

Agency

Wendy Miller

From: Berube, Nikki TRAN:EX <Nikki.Berube@gov.bc.ca>
Sent: Thursday, July 20, 2017 1:05 PM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000245 (3950 Goldstream Heights Drive) - CRD Referral

Hi Wendy,

Please accept this as official response from the Ministry of Transportation and Infrastructure.

The Ministry has no objections to the proposed rezoning of 3950 Goldstream Heights Drive and designation as Commercial DP Area.

Any issues the Ministry may have will be dealt with upon subdivision.

Thank you,

Nikki Bérubé

District Development Technician
Ministry of Transportation and Infrastructure – Vancouver Island District
Ph: 250-952-5562 Cell: 778-679-1973
Fx: 250-952-4508



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For employees, by employees

Wendy Miller

From: Berube, Nikki TRAN:EX <Nikki.Berube@gov.bc.ca>
Sent: Friday, September 22, 2017 9:05 AM
To: Emma Taylor
Cc: Wendy Miller
Subject: Rezoning Application RZ000245 (3950 Goldstream Heights Drive)
Attachments: 2017-04719 comments.pdf

Good Morning Emma,

Please accept this as an amendment to the original response from the Ministry of Transportation and Infrastructure in regards to the rezoning application for 3950 Goldstream Heights Drive; MOTI File 2017-04719 and your file RZ000245. (original email attached)

The Ministry has no objections to the proposed rezoning subject to but not limited to the following conditions:

- The Ministry is requesting that a Traffic Impact Assessment be completed by the applicant. The scope of the assessment to include the impact on the Goldstream Heights Dr/Stebbing's and Stebbings/Shawnigan Lake Rd intersections as well as any mitigation efforts proposed to deal with those impacts.
- Access to the parcel is currently limited to easement. It is undesirable for access to a commercial property to be via easement and therefore the Ministry would like to request that the property owner wait until legal access is provided via public road through the construction and dedication of road in conjunction with the subdivision of the parcel to the north.
 - o Construction of primary access over 'unconstructed' road dedication is possible through permit application with the Ministry of Transportation and Infrastructure.
- Alternative access proposals can be discussed with the Ministry.

Should you have any questions in regards to the comments above, please let me know.

Have a great day!

Nikki Bérubé

District Development Technician
Ministry of Transportation and Infrastructure – Vancouver Island District
Ph: 250-952-5562 Cell: 778-679-1973
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Wendy Miller

From: LARRY CHOMYN <larry.chomyn@rcmp-grc.gc.ca>
Sent: Friday, July 28, 2017 11:34 AM
To: Wendy Miller
Cc: Scott Stephen
Subject: Fwd: Rezoning Application RZ000245 (3950 Goldstream Heights Drive) - CRD Referral
Attachments: Fwd: Rezoning Application RZ000245 (3950 Goldstream Heights Drive) - CRD Referral

Hello Wendy,

I was forwarded the email and information regarding a possible re-zoning of land in the Goldstream Heights area for camping, RV's, cabins, amusement site and a commercial marijuana grow operation. The Campground itself is said to be estimated at 150 RV's sites, 50 campsites, 10 tourist cabins, as well as an outdoor amusement facility such as mini-golf, swimming pool, and mountain biking facility. It also includes a provision for a commercial Medical Marijuana grow operation.

I am writing to reply to this and express concerns from the West Shore RCMP. Please accept this email as my submission.

As background, the Goldstream Heights area is within the boundary of the West Shore Detachment. This is a challenge for the West Shore Detachment as the only access to that area is for members of the West Shore Detachment to drive up the Malahat, into the Shawnigan Lake area (Shawnigan Lake Rd turn off) and backtrack to the Goldstream Heights area. Further with the on going constructions and highway delays access to this area for West Shore members can exceed an hour of travel time one way and immediate and rapid response is difficult at best.

Due to the isolated location of this area RCMP policy requires that the Detachment would respond to calls for service in this area with a minimum of two members, and possibly more depending on the nature of the call.

As you can imagine, calls for service to this area are a significant drain on West Shore resources and may result in a shortage of available members for the remainder of the West Shore area.

The West Shore Detachment has 5 provincially funded regular members. These resources are funded due to the Provincial areas including the CRD, Metchosin, and Highlands. The remainder of the Detachment strength consists of Municipally funded regular members. Any calls for service to this area would result in a municipally funded member having to attend as part of the response team, and ultimately place the Detachment in an operationally challenged position where there are delays for service to that area, while the municipally funded member is responding to the Goldstream Heights area.

I have also had discussions prior to receiving your email and have been advised there are no immediate or foreseeable plans to connect roadways to the Goldstream Heights area, which would reduce the travel time for RCMP Members to respond via Langford.

Logistically, any growth and development in this area will be a challenge and drain on the West Shore Detachment to police. Should this proposal go forward, or an increase in residential housing in the area occur, the CRD would need to turn their minds to arranging additional police resources for the West Shore Detachment to ensure sufficient coverage for this area and all of the areas of provincial police responsibility we police.

Specifically speaking to this proposal, it is silent regarding any request or application for liquor permits. As you can imagine, this in itself would have an impact on policing demands and I would recommend this is explored and clarified prior to any re-zoning or approval for commercial ventures.

The size and scope of the campground proposed will bring in a significant amount of traffic and temporary land users to the area. This may result in increases to traffic congestion and accidents, not to mention general calls for service and possible fire risks. It can also be anticipated that having a campground and commercial venture would increase demands for police presence and preventative patrols. As noted above, the Detachment is not resourced to extend our routine patrols into this area without significantly affecting Operations at the Detachment.

In regard to the application for the Commercial Medical Marijuana facility. The Detachment has not received any permits, requests, or information regarding an application. We have no information regarding who the applicant is or what that individual or groups background is. In general terms there are concerns around commercial facilities and security. Both Commercial and illegal grow operations can attract an element of criminal activity and be subject to break and enters up to armed invasion from criminal elements seeking the drugs. This returns us to the issue of the isolated location and difficulty members would have in responding to and accessing the location, especially in a timely manner.

As you can imagine commercial marijuana grow operations involve a large amount of light and electricity. This may result in increased fire risk and may involve a variety of chemicals as part of the grow operation. From a policing point of view, when we enter marijuana grow operations they are deemed to be hazardous environments and require special protective gear. Fire and emergency response protocols and coverage would have to be a consideration. I cannot speak to fire coverage for this area or what contingency plans would be in place. for such a commercial operation.

Finally, with a campground in close proximity to the commercial marijuana grow operation there would be concerns about the security of the facility and implied messaging of a "family" campground beside such a commercial venture. As you are likely aware, the various communities of the West Shore have not been supportive of commercial enterprises involving the marijuana industry. The West Shore currently does not have any medical marijuana dispensaries within the policing boundaries.

I wish to offer my appreciation for reaching out and soliciting the West Shore Detachment input regarding this matter. It would be appreciated if an update could be provided on the results of the CRD decision on this matter. I have also copied the Detachment Commander for Shawnigan Lake. If this proposal and re-zoning proceeds and the development moves forward this would also impact their Detachment area as ingress and egress from the area is through their jurisdiction.

Sincerely,

Larry Chomyn

Insp. Larry Chomyn
Officer in Charge
West Shore Detachment

From: Wilf Marquis
Sent: Friday, July 21, 2017 8:32 AM
To: Wendy Miller <wmliller@crd.bc.ca>
Subject: RE: Rezoning Application RZ000245 (3950 Goldstream Heights Drive)

Interesting proposal for an RV park campground and then in a corner of the property the ability to have a medical marihuana facility. In comparison to one of your previous proposals (Rezoning Application RZ000247-Sooke Business Park) where the uses around it are within an Industrial Park in the Electoral Area, which seems more suitable for such a use. I guess it's a sign of the times, but seems in my mind to be somewhat out of place or conflicting, although being Federally regulated should mitigate many concerns of security, nuisance, etc.

As outlined in the proposal I could foresee the biggest concern for nearby resident be the volume of traffic to and from the RV campground site being the limited access, albeit this is the case in many such facilities.

Wilf MARQUIS
Senior Bylaw Officer

Bylaw and Animal Care Services
212-2780 Veterans Memorial Parkway, Victoria, BC, Canada V9B 3S6
Ph. 250.474.3351 ext. 22 \ Fax: 250.391.9727 \ TF: 800.665.7899
email: wmarquis@crd.bc.ca

**Comments on Rezoning Application RZ000245 for Block 1043 Malahat District
CRD Integrated Water Services**

Integrated Water Services has been asked to comment on Rezoning Application RZ000245 for Block 1043 Malahat District. The subject property is located directly adjacent to Sooke Hills Wilderness Regional Park. The property is proposed to be rezoned for 150 RV sites, 50 tent sites, 10 tourist cabins, amusement facilities including mountain bike facilities, and a medical marijuana processing plant, which represents a substantial shift from the current zoning. This is a particular concern given that the property is outside of the Malahat Fire Protection Service Area.

The western boundary of the subject property is adjacent to Sooke Hills Wilderness Park. From this boundary it is about 675 m in a straight line to The Great Trail running through the park and about 2.3 km to the catchment boundary of the Goldstream Water Supply Area. The portion of the park immediately west of The Great Trail is designated as a no-public-access Drinking Water Protection Zone. There is no existing road connection between the property and the park. However, a road has been developed directly adjacent and parallel to the park boundary.

The proposed development would create one of the larger campgrounds on Vancouver Island. When full it is estimated that there could be 420-840 persons (2-4 persons per site/structure) on the property in the summer. The cabins and most of the RV and tent sites would be located very close to the boundary of Sooke Hills Wilderness Regional Park. Neither the development plan nor the draft bylaw for the rezoning make a clear mention of a setback from the property line for the development of facilities.

Integrated Water Services has three major concerns related to the proposed development: 1) the potential for a fire starting on the property to spread into the adjacent regional park; 2) the potential for unauthorized recreation into Sooke Hills Wilderness Regional Park and the Goldstream Water Supply Area; and 3) additional staff time needed for patrols and enforcement.

Potential for Wildfire

The large number of people that would be concentrated adjacent to a forested natural area during the height of wildfire season is a major concern. A fire starting near the park boundary could quickly spread into the relatively dense forest in the adjacent park. The terrain in the park would facilitate a wildfire spreading west toward the Goldstream Water Supply Area. Since the property is outside of the Malahat Fire Protection Service Area, it will be extremely important that there is an adequate water supply, wildfire suppression equipment, and people trained in wildfire suppression on site during wildfire season. While the developer states that there is adequate water and a fire pump on site, this should be evaluated by a person with expertise in fire protection and if this is not adequate additional capabilities should be required.

Potential for Unauthorized Recreation Access

Given the relatively small size of the undeveloped area of the property with the proposed development plan, it is extremely unlikely that any trail development on the property will be adequate to satisfy the number of people that could be present. Therefore people staying on the site will be looking for recreational opportunities in other areas.

The proposed development plan has RV parking and tenting sites almost directly adjacent to the park boundary so it seems inevitable that people will develop informal trails into the park. The potential for people and domestic animals to encounter wildlife and leave behind waste in the park is a concern.

An even greater concern would be if people and domestic animals from the property entered the Drinking Water Protection Zone and continued west until they reached the Water Supply Area. There should be education and signage to inform park visitors to stay on established trails on the property and to only enter Sooke Hills Wilderness Park and the Great Trail through designated access points. Ideally some form of fencing would be installed along the park boundary to prevent unauthorized access. Education messages and trail maps should be developed in consultation with staff from CRD Regional Parks.

The intent to attract mountain bikers is also a concern. Mountain bikers are capable of travelling longer distances to hikers and may not be content to stay to the property. While it is possible for the mountain bikers to stay to existing roads to access and follow The Great Trail, there is the potential that they will develop new trails or try to access existing roads linking the Great Trail, the Drinking Water Protection Zone, and the Goldstream Water Supply Area. Again education, signage, and barriers would be required to ensure mountain bikers were aware of access constraints and the location of authorized trails.

Potential for Increased Staff Time

Given the potential for increased potential for wildfire and unauthorized recreational access, Watershed Protection and Regional Parks staff will likely be tasked with more patrols in the vicinity of the property if the proposed development proceeds. If authorized people are encountered additional time will be required for education and enforcement.

Conclusions

IWS is very concerned that the type and scale of the proposed development would increase the threat of wildfire and unauthorized access to Sooke Hills Wilderness Regional Park and the Goldstream Water Supply Area. If such a development was allowed to proceed, considerable staff time could be required to monitor and enforce compliance with CRD bylaws relating to the park and water supply area, and work with the developer to put measures in place to reduce unauthorized access to CRD lands from the property. Given these factors, IWS does not support the rezoning of the property.

If the rezoning was to be granted, we strongly recommend that a number of conditions be attached:

- Adequate equipment and water supply for wildfire suppression as judged by a person with expertise in wildfire protection, and personnel with provincial certification in wildfire suppression on the property full time during wildfire season
- Provincial campfire and burning restrictions are to be followed on the property without exception and local CRD wildfire danger indices to be used to guide restrictions on the property in advance of an outright campfire ban
- Fencing and signage on the boundary of the regional park to avoid people exploring into areas where there are no trails or facilities

- Information provided to all campers and recreationalists on the property showing the authorized access points to The Great Trail and authorized trails for mountain bikes

Thank you for the opportunity to provide comments on this Rezoning Application.

Joel Ussery, MRM
Manager, Resource Planning
Watershed Protection Division
CRD Integrated Water Services

From: Peter Ensor
Sent: Thursday, July 20, 2017 3:16 PM
To: Iain Lawrence <ilawrence@crd.bc.ca>
Cc: Shawn Carby (<scarby@crd.bc.ca> <scarby@crd.bc.ca>); Ian Elliott <ieliott@crd.bc.ca>
Subject: RE: Rezoning Application RZ000245 (3950 Goldstream Heights Drive)

From a Protective Services perspective this application raises the following concerns

- 1) Proposed occupancy has the potential to bring a significant number of overnight user into the area. In the event of incident occurring a second means of ingress/egress will need to be provided for.
- 2) It is appreciated that there may be a water source(s) on site however firefighting personnel are not be provided for on a 24/7 basis
- 3) Any chemicals/combustible/explosive material being stored in support of the agricultural facility create conditions so as to endanger life, particularly of overnight users. Adequate separation distances would be required.

PE



Regional Parks
490 Atkins Avenue
Victoria, BC, Canada V9B 2Z8

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F: 250.478.5416
www.crd.bc.ca/parks

August 14, 2017

**Regional Park Comments on Juan de Fuca Rezoning Application RZ000245
(3950 Goldstream Heights Drive)**

Regional Parks has been asked to comment on Rezoning Application RZ000245 for Block 1043 Malahat District. The subject property is located directly adjacent to Sooke Hills Wilderness Regional Park. The property is proposed to be rezoned for 150 RV sites, 50 tent sites, 10 tourist cabins, amusement facilities including mountain bike facilities, and a medical marijuana processing plant. The proposed development would create one of the larger campgrounds on Vancouver Island.

Regional Parks' staff have several concerns with the proposed rezoning application, as follows:

Unauthorized Access into the Regional Park

- If developed as proposed, there could be in the order of 420-840 persons (2-4 persons per site/cabin) using the area at any one time, which could significantly increase the risk of informal accesses and trails being developed by campground users from the property in question into the adjacent Sooke Hills Wilderness Regional Park. This is a major concern to Regional Parks because of a significant "Sensitive Environment" zone located between 3950 Goldstream Heights Drive and the existing designated trail within Sooke Hills Wilderness Regional Park (Sooke Hills Wilderness Trail, which is part of The Great Trail). Trails and informal use through this sensitive environment could have significant impacts on the natural environment that the regional park was established to protect. It should be noted that the closest/only designated access to the Sooke Hills Wilderness Trail/The Great Trail in the vicinity is at Trail Way (road), approximately 4 km north of the property. No other access points will be permitted along the east boundary of the regional park.
- Such an intensive development could also increase the potential for public access into areas closed to public access, in particular the Drinking Water Protection Zone within Sooke Hills Wilderness Regional Park and the Greater Victoria Water Supply Area, both located to the west. This could increase the need for on-going monitoring and enforcement that is above the capacity of CRD's Regional Parks and Integrated Water Services divisions.
- If commercial recreation development is permitted, hiking opportunities on their property should be developed well away from the regional park boundaries to lessen the potential for encroachment/access into the regional park. In addition, a significant barrier to prevent clients of the development from entering the park from this location, such as a high fence with appropriate signage, should be installed and maintained by the property owners, along with a concerted effort to educate clients about the importance of not entering the park from this location.

Wildfire Risk

- The development of an intensive use as proposed, would also significantly increase the risk of wildfire from campfires and smoking. This is of great concern given both the adjacent Sooke



Hills Wilderness Regional Park and the Greater Victoria Water Supply Area. With continued hot and dry summer weather, fire is an increasing threat and could have significant negative implications for the Greater Victoria water supply.

Excessive Visitation to Wrigglesworth Community Park

- The proposed development increases the potential for overuse of the small lake in the Wrigglesworth Lake Community Park and the potential creation of additional informal accesses between the Community Park and the Sooke Hills Wilderness Trail/The Great Trail. There is an active bear den in the west section of the park, between the lake and the Sooke Hills Wilderness Trail/The Great Trail, and significant increase in human use in this area could impact the wildlife using this natural area (or create increased potential for human-wildlife interactions).

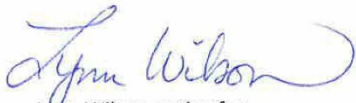
Aesthetic Impacts for Park Visitors

- Regional Parks would not be supportive of outdoor amusement facilities that could negatively impact the wilderness character of Sooke Hills Wilderness Regional Park or the scenic vistas from the Sooke Hills Wilderness Trail/The Great Trail.

Spread of Invasive Plants into Sooke Hills Wilderness Park

- With respect to rezoning the property to allow for a medical marijuana processing plant, in addition to a camping opportunity, Regional Parks' staff have concerns regarding the potential for the spread of the growing operations or the unintentional spread of marijuana plants through seed dispersal into the park. The development of such a facility adjacent to a large wilderness park and within a broader community of large lot residential does not seem like the appropriate location.

In conclusion, for the reasons noted above, CRD Regional Parks' staff do not support such an intensive level of commercial recreation development being proposed adjacent to Sooke Hills Wilderness Regional Park and the proposed medical marijuana processing plant adjacent to a wilderness regional park unless the concerns identified above can be satisfactorily addressed.



Lynn Wilson, acting for
Brett Hudson
Manager, Planning, Resource Management & Development
Regional Parks
Parks & Environmental Services

From: Emily Sinclair
Sent: Monday, October 02, 2017 3:15 PM
To: Wendy Miller <wmiller@crd.bc.ca>
Cc: Signe Bagh <sbagh@crd.bc.ca>; Iain Lawrence <ilawrence@crd.bc.ca>
Subject: FW: Rezoning Application RZ000245 (3950 Goldstream Heights Drive)

Hi Wendy / Iain,

Thank you for the opportunity to provide referral comments on the proposed amendment to the Malahat Official Community Plan (OCP). Comments from Regional and Strategic Planning are provided below. Comments relate to a review of the proposed amendment against the 2003 Regional Growth Strategy (RGS) Bylaw No. 2952. Staff do not identify any implications from an RGS perspective.

As identified in the Juan de Fuca Land Use Committee staff report, the CRD Board will consider the proposed amendment and make a determination of consistency with the RGS once the Land Use Committee directs first and second bylaw reading.

Designate the subject parcel as a Commercial Development Permit (DP) Area

The table below summarizes relevant RGS policies and offers an analysis of the proposed OCP amendment from an RGS perspective.

RGS Provision	Description	Analysis
Action 1.2(3)	Limit rural subdivision and development to the designated Official Community Plan capacity levels as determined at the date of adoption of the RGS.	The proposed DP designation does not impact rural subdivision and development levels.
Action 1.2(1) and (2)	Ensure the long-term protection of the Capital Green Lands Policy Area and the Renewable Resource Lands Policy Area by adopting policies to buffer policy areas from adjacent urban development.	The subject parcel abuts properties designated Renewable Resource Lands Policy Area to the north and east, and Capital Green Lands Policy Area to the south and west. The subject parcel is designated as Settlement Area in the OCP. The proposed DP provides for policies that could buffer the adjacent land from development through site design. It would be the responsibility of JdF planning to enact the DP provisions to ensure that the adjacent lands are adequately buffered from the proposed development.
Action 1.1(5)	Limit the extension of urban sewer and water services outside the Regional Urban Containment and Servicing Policy Area (RUCSPA)	The applicant is not requesting piped sewer or water service at this time. The applicant proposes to provide water by an existing well and sewage disposal by holding tank and trucking. Given the RGS provision limiting the extension of services, the applicant needs to be aware that piped sewer / water service would not be available in the future unless the RGS were to be amended.
Objective 5	Strengthen the regional economy.	The proposed commercial campground development provides an opportunity to diversify the economy through a tourism-focused venture.

Based on the analysis of the proposed OCP amendment, staff do not identify any implications from an RGS policy perspective.

Please let me know if you have any questions / comments.

Best,

Emily

Emily Sinclair MCIP, RPP
Planner
Regional and Strategic Planning

Capital Regional District | 625 Fisgard Street, Victoria, BC V8W 2S6
250.360.3163 | esinclair@crd.bc.ca | www.crd.bc.ca

Appendix 3: Public Information Meeting Notes



Notes from a Public Information Meeting
Held September 7, 2017 at the Shawnigan Lake Community Centre, 2804 Shawnigan Lake Road, Shawnigan Lake, BC

SUBJECT: Official Community Plan and Zoning Amendment Application for Block 1043, Malahat District – 3950 Goldstream Heights Drive

PRESENT: Director Mike Hicks
Staff: Iain Lawrence, Manager, Local Area Planning; Emma Taylor, Recorder

PUBLIC: Approximately 45

The meeting was called to order at 7:00 p.m.

Director Hicks welcomed everyone to the meeting and advised that the purpose of the meeting is to provide information about the applicant's proposal for a campground and licensed medical marihuana production facility and to obtain input from area residents regarding the proposal. The information collected from the meeting will be presented to the Juan de Fuca Land Use Committee (LUC) for recommendation to the CRD Board as to if the proposal should or should not proceed. It was noted that the LUC representative for the Malahat, Dale Risvold, was in attendance.

Iain Lawrence spoke to the staff report considered by the LUC at its meeting of July 18, 2017 and the application to amend the Malahat Official Community Plan (OCP), Bylaw No. 3721 and the Malahat Land Use Bylaw, 1981, Bylaw No. 980 to permit the operation of a campground and licensed medical marihuana production facility. Iain Lawrence showed a map of the property and the Regional District boundary and access roads were identified. Staff has prepared two proposed bylaws. Proposed Bylaw No. 4196 would rezone the subject property from Greenbelt 2 (Gb2) to a new Commercial Recreation – Medical Marihuana (CR1-MM) zone. Bylaw No. 4197 would amend the Malahat OCP to designate the property as a Commercial Development Permit Area.

Director Mike Hicks indicated that the applicants were in attendance.

The applicant stated that he has owned the subject property since 2004. Having investigated use of the property as a rock quarry in past, the applicant explained that the property offers a scenic setting for a campground. It was further outlined that the campground, if approved, would be developed in phases as demand warranted and as services are installed. The applicant further advised that:

- the campground use retains trees and is alternative to residential development
- the campground would cater to hikers and bikers on The Great Trail
- there is no hydro connection currently

The applicant introduced the partners representing the medical marihuana production facility.

Sally Davies asked what aspect of the development would be constructed first. The applicant advised that the campground would likely be the first to be developed.

Alex Hill, Goldstream Heights, inquired about fire protection and outlined the risk from campfires. The applicant indicated that there are existing ponds and water tanks on the property and additional equipment would be purchased to respond to wildfires on site.

PPSS-35010459-1516

Public Information Meeting Notes
September 7, 2017

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Iain Lawrence explained that the property is outside the Cowichan Valley Regional District (CVRD) fire protection service area for the Malahat. Director Mike Hicks expressed that the applicant would be required to implement fire protection measures to the satisfaction of CRD considering that the adjacent land is park and water supply area.

Tanya Patterson, Fire Chief for Malahat, indicated that CRD residents in the Malahat area could request inclusion into the CVRD fire protection service area and that a second fire hall is needed. It was explained that BC Wildfire Service responds to wildfires outside of a local government fire service area but may request assistance from local fire departments.

Kevin Searl asked whether soil material would be trucked onto the site to develop the campground and if the facility would be open year round and allow park model trailers.

The applicant responded that a cut and fill approach would be used for the campsites but may obtain a permit to bring blue clay to the site to line an existing pond to retain water. The applicant clarified that the ponds are used for fire protection and to capture runoff. It was stated that the facility would be open throughout the year to campers.

Annetta Douglas inquired about:

- the proposed swimming pool
- campground name
- relationship with medical marihuana production company
- impact on roads
- future sale of business
- seasonal use of campsites
- soil contamination
- benefit to community

The applicant responded by indicating the swimming pool would be concrete construction, a name for the campground had not been decided, that the medical marihuana production facility would be a partnership arrangement, and that the intent was to manage the property long-term.

The medical marihuana production facility representatives outlined their personal connections to the area and the opportunities for incorporating sustainable design, waste recovery technology, creating jobs and providing education at the proposed medical marihuana production facility. It was further stated that the product is for medicinal not recreational purposes, produced legally and without pesticides.

Deborah Jorgenson asked about security measures and if campers would have access to the marihuana facility.

The representatives confirmed there is no sale of product permitted from the facility under Health Canada's regulations and that strict security measures are required, similar to a military base.

Director Mike Hicks stated that rezonings for medical marihuana production facilities in the industrial area of Otter Point have been supported due to the tax benefit and job creation.

Discussion ensued about requesting the applicant have a traffic study conducted to determine impact on roads. Options for an alternative access to the Trans Canada Highway were suggested.

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Sally Davis inquired about the benefit of the development to Shawnigan Lake residents and about CRD bylaw enforcement.

The applicant noted that campers would likely shop locally and that the proposed bylaw states campers can stay for 30 days in a calendar year where other campgrounds are allowed 6 months.

An attendee stated that some facilities start out as campgrounds and become permanent.

Director Mike Hicks indicated that if the bylaw gets adopted then the CRD can enforce it. Iain Lawrence stated that the OCP designation would require the campground to have temporary occupancy and that CRD bylaw enforcement is complaint-driven.

Jennifer Young, South Shawnigan Lake, stated the meeting was not well advertised and expressed concern for impacts on road infrastructure and rural community from the potential volume of traffic visiting the campground. It was further stated that Ministry of Forests and CVRD have responded to forest fires in the area and that the park is at risk.

Bruce Stevens requested clarification from the applicant how the proposal evolved from a family business venture to a medical marihuana facility and questioned whether these were compatible uses.

The applicant responded that the property is 80 acres and can accommodate both uses, that the proposal includes health and education aspects.

Larry Jorgenson inquired about the size of the proposed medical marihuana facility, stated an alternative access from the highway is needed, and no apparent benefit to community. It was further stated that an industrial area would be appropriate for a medical marihuana facility.

A medical marihuana production facility representative responded that licensed production facilities can be in the range of 20,000 ft² and the proposed facility would be consistent with this size. The representative explained that different types of licenses are issued by Health Canada.

Ken Honor stated that notice of meeting was not advertised well nor invitations sent to treatment centres. It was further stated that no experts on medical marihuana are in attendance.

Iain Lawrence responded by outlining how the meeting was advertised according to the CRD procedures bylaw.

An attendee requested a second public information meeting.

Director Hicks acknowledged that CVRD Regional Directors were in attendance.

Sierra Acton, CVRD Regional Director for Area B, inquired about the proposed helicopter pad, development permit areas, and length of stay permitted in the campground.

The applicant stated that the helicopter pad would be for use by air ambulance only and that there would be no year-round accommodation permitted in the campground.

Emma Taylor stated that the applicant would obtain reports prepared by qualified professionals as part of the development permit application.

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**Public Information Meeting Notes
September 7, 2017**

4

Evo Barco asked about the timeline for development of the campground.

The applicant responded by stating that the rezoning process would take approximately one year and that 50 tent sites would be constructed as the first phase.

Kerry Davis, CVRD Regional Director for Area A, requested clarification of the rezoning process and whether First Nations were notified.

Director Hicks stated that First Nations and referral agencies were provided opportunity to comment and that the Land Use Committee would make recommendation to CRD Board. The public information meeting is in lieu of an Advisory Planning Commission meeting.

Sally Davis stated there is a lack of trust in the community and residents are concerned.

Kerry Davis inquired about sewage treatment. The applicant explained there would be an onsite engineered sewage treatment system.

Alex Hill inquired about options for an alternative road access to the property. The applicant noted that historically some parcels in the area have an easement for emergency access to the Trans Canada Highway. Emma Taylor confirmed that there is an easement registered on some parcels for emergency vehicles.

Cliff Evans, Shawnigan Lake, noted that an alternative access would take pressure off South Shawnigan Lake Road, reduce travel time, and increase value of property. The applicant stated that the Malahat alternative route will not go through Sooke Hills Wilderness Regional Park.

Cliff Evans stated that the nearby development referred to as "Elkinton Forest" in the CVRD was required to provide a fire hall amenity but is now in foreclosure and community will not get the amenity. It was further stated that an adequate water supply be required under provincial legislation. The applicant referred to a parcel of land dedicated to CRD for a future fire hall on Goldstream Heights Drive. Director Hicks stated that provision of water supply would be required later in the process.

Jennifer Young inquired about the existing wells. The applicant stated there was an existing drilled well supplying large volume of water.

Sierra Acton suggested using public engagement tools such as "PlaceSpeak" used to gather comments.

Larry Jorgenson asked what financial contribution will the applicant make to the community.

Shirley Crowler, Malahat, stated that traffic will go through the Goldstream Heights neighbourhood.

Director Mike Hicks stated that discussions with the representatives from CVRD will be held to determine an appropriate public process going forward and that an additional public information meeting would be held.

The meeting adjourned at 8:15 p.m.

PPSS-35010459-1516

Appendix 4: Public Comments

COMMENT FORM – REZONING APPLICATION RZ000245

Block 1043, Malahat District - 3950 Goldstream Heights Drive

Comments:

- request a traffic study
- infrastructure burden to Shawnigan Lake community
- no benefit to Shawnigan Lake
- water availability concern
- request a public meeting (second one) that is well publicize

NETTA DOUGLAS
Name

SHAWNIGAN LAKE
Community

SEPT 7 / 17
Date

Comments can be sent to:
jdfinfo@crd.bc.ca or 3-7450 Butler Road, Sooke, BC, V9Z 1N1

Comments received by Friday, September 8, 2017 at 4:30 p.m. will be included in a report to the Land Use Committee. Comments received after this time will be supplementary agenda items.

COMMENT FORM – REZONING APPLICATION RZ000245

Block 1043, Malahat District - 3950 Goldstream Heights Drive

Comments:

To Whom it may Concern:
We are very concerned about increased traffic on a very poorly built South Shawnigan exit/entrance on the #1 highway. Very concerned about mixing a family activity such as camping next to a razor wire compound. We were not given any notice of this meeting and strongly feel that our Shawnigan community is given another meeting before any further decisions are made. Shawnigan will have little financial benefit to this operation.

Esther & Michael Small Shawnigan Lake, B.C.
Name Community

Sept. 7/17
Date

Comments can be sent to:
jdfinfo@crd.bc.ca or 3-7450 Butler Road, Sooke, BC, V9Z 1N1

Comments received by Friday, September 8, 2017 at 4:30 p.m. will be included in a report to the Land Use Committee. Comments received after this time will be supplementary agenda items.

COMMENT FORM – REZONING APPLICATION RZ000245

Block 1043, Malahat District - 3950 Goldstream Heights Drive

Comments:

WITH NO BENEFIT TO OUR COMMUNITY
I WOULD HOPE THE REGIONAL DIRECTOR REFUSE
THE APPLICATION FOR A CAMPGROUND & GROW OP.

BRIAN TOWN SHAWNIGAN LAKE
Name Community

SEPT. 9 2017
Date

Comments can be sent to:
jdfinfo@crd.bc.ca or 3-7450 Butler Road, Sooke, BC, V9Z 1N1

Comments received by Friday, September 8, 2017 at 4:30 p.m. will be included in a report to the Land Use Committee. Comments received after this time will be supplementary agenda items.

COMMENT FORM – REZONING APPLICATION RZ000245

Block 1043, Malahat District - 3950 Goldstream Heights Drive

Comments:

I WOULD HOPE THAT SHAWNIGAN LAKE
WILL BE CONSULTED AND BE GIVEN INPUT
THROUGH THE PROCESS OF REZONING THIS
PROPERTY.

BOUCE STEVENS
Name

SHAWNIGAN LAKE
Community

SEPT 7, 2017
Date

Comments can be sent to:
jdfinfo@crd.bc.ca or 3-7450 Butler Road, Sooke, BC, V9Z 1N1

Comments received by Friday, September 8, 2017 at 4:30 p.m. will be included in a report to the Land Use Committee. Comments received after this time will be supplementary agenda items.

COMMENT FORM – REZONING APPLICATION RZ000245

Block 1043, Malahat District - 3950 Goldstream Heights Drive

Comments:

How will you handle the amount of traffic flow from the highway turning left and with the 3rd phase of the highway construction creating 2 lanes of traffic going south to Victoria from South Shawnigan. This will put an increase in traffic flow onto Shawnigan Lake rd. The road will be deteriorated and get into disrepair & it was just ~~beginning~~ ^{beginning} to be repaved. How will you handle security over the facility and increased noise level that we're bring to the community. We need another meeting to inform the public in the Goldstream Gazette, & Cowichan Citizen.

Deborah Jorgensen

Name

Malahat, Spectacle Lake

Community

September 7, 2017

Date

Comments can be sent to:

jdfinfo@crd.bc.ca or 3-7450 Butler Road, Sooke, BC, V9Z 1N1

Comments received by Friday, September 8, 2017 at 4:30 p.m. will be included in a report to the Land Use Committee. Comments received after this time will be supplementary agenda items.

COMMENT FORM – REZONING APPLICATION RZ000245

Block 1043, Malahat District - 3950 Goldstream Heights Drive

Comments:

Not enough water reservoirs/lakes for proper fire protection. 10000 gallons is NOT much water when fighting a single house fire. Totally insufficient for the length of time it could take for the fire department to get there if required.

No benefits for Shawnigan Lake.
Too much of a burden on Shawnigan's infrastructure.

Would have appreciated being notified on this meeting.

Sue Wilson
Name

Shawnigan Lake
Community

Sept 7/17
Date

Comments can be sent to:

jdfinfo@crd.bc.ca or 3-7450 Butler Road, Sooke, BC, V9Z 1N1

Comments received by Friday, September 8, 2017 at 4:30 p.m. will be included in a report to the Land Use Committee. Comments received after this time will be supplementary agenda items.

COMMENT FORM – REZONING APPLICATION RZ000245

Block 1043, Malahat District - 3950 Goldstream Heights Drive

Comments:

THERE IS ABSOLUTELY NOTHING POSITIVE FOR
SHAWNIGAN LAKE.

NO TAX BENEFIT

INCREASED TRAFFIC CONGESTION ON MALAHAT AND
BOTTLE NECK OF VEHICLES MAKING LEFT TURN OF THE
NORTH BOUND TRAFFIC TRYING TO EXIT ONTO
SOUTH SHAWNIGAN LAKE ROAD

INCREASED TRAFFIC THROUGH SHAWNIGAN EAST ROAD
LEADING INTO THE VILLAGE.

ROAD DEGRADATION IN THE CVRD DISTRICT WITH NO
COMPENSATION FOR THE SHAWNIGAN DISTRICT.

LARRY JORGINSON
Name

SHAWNIGAN LAKE
Community

SEPT. 7/2017
Date

Comments can be sent to:
jdfinfo@crd.bc.ca or 3-7450 Butler Road, Sooke, BC, V9Z 1N1

Comments received by Friday, September 8, 2017 at 4:30 p.m. will be included in a report to the
Land Use Committee. Comments received after this time will be supplementary agenda items.

COMMENT FORM – REZONING APPLICATION RZ000245

Block 1043, Malahat District - 3950 Goldstream Heights Drive

Comments:

I am all for low recreational use on the proposed site
& the medical cannabis. The medical cannabis
site is a good location, out of sight of the public.
My only concern is the possible run-off of
chemical fertilizers.

CAROLYN DOWELL

Name

Shawnigan LK

Community

Sept 7/17

Date

Comments can be sent to:

ldinfo@crd.bc.ca or 3-7450 Butler Road, Sooke, BC, V9Z 1N1

Comments received by Friday, September 8, 2017 at 4:30 p.m. will be included in a report to the
Land Use Committee. Comments received after this time will be supplementary agenda items.

0002

COMMENT FORM – REZONING APPLICATION RZ000245

Block 1043, Malahat District - 3950 Goldstream Heights Drive

Comments:

- Infrastructure
- S. Shawanigan Rd Intersection
- Volume of traffic on the highway
- no proper access to Malahat
- sewage disposal
- water

Name Winter Young Community Malahat.
Date Sept. 7/2017

Comments can be sent to:
jdfinfo@crd.bc.ca or 3-7450 Butler Road, Sooke, BC, V9Z 1N1

Comments received by Friday, September 8, 2017 at 4:30 p.m. will be included in a report to the Land Use Committee. Comments received after this time will be supplementary agenda items.

Appendix 5: Revised Development Proposal



December 6th 2017

Attn: Land Use Committee

We would like to amend the current rezoning application that is before the CRD Land use committee and also retract the current campground and amusement facility at this time. We are doing this as the result of referral comments from the public and feedback from the CRD following our public hearing in July of this year.

As part of the amendment we are applying to subdivide off 12ha/30acres from the 33ha/80acres parcel, which makes up our property, Block 1043, 3950 Goldstream Heights Drive.

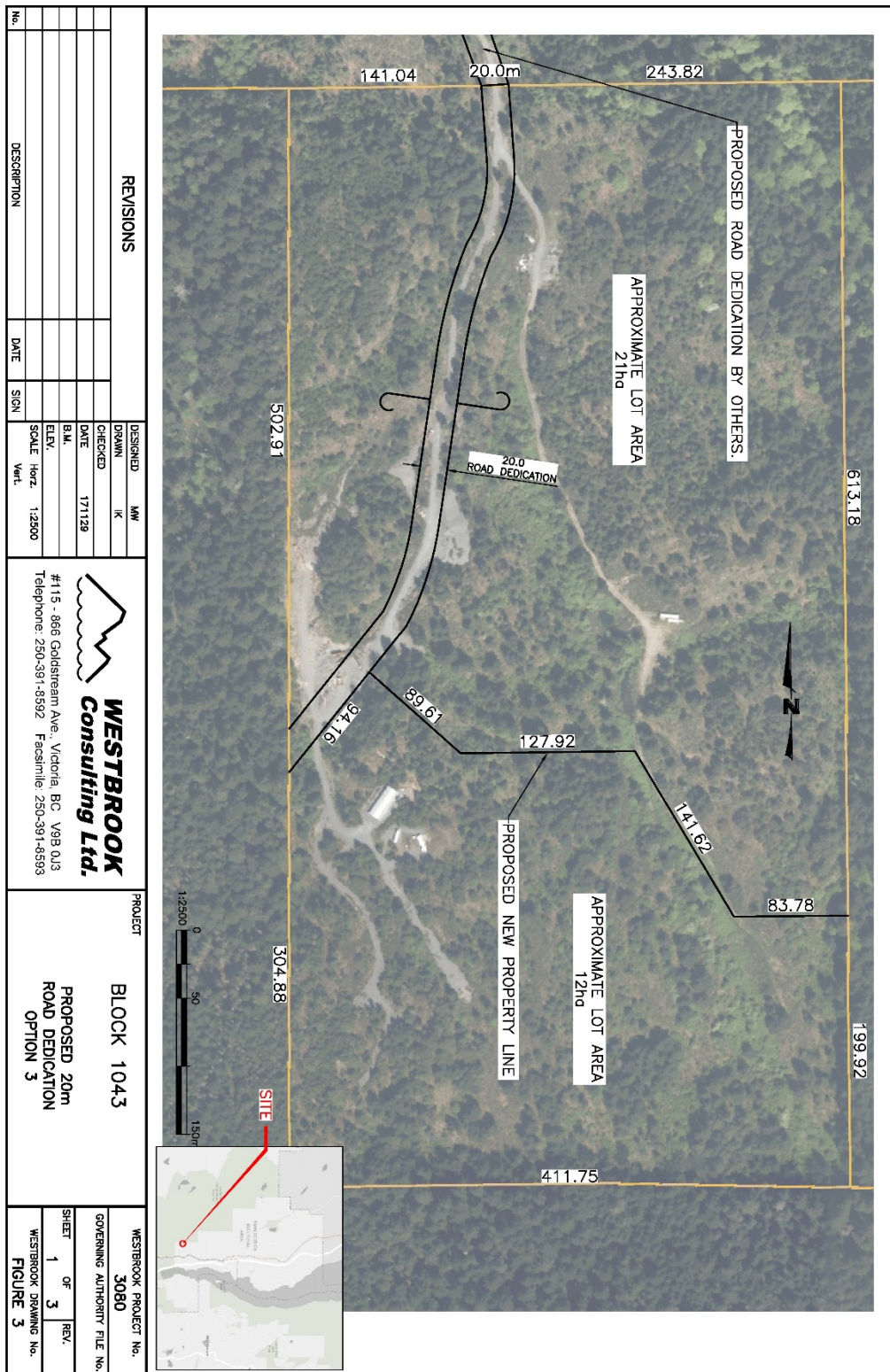
This 12ha site already has a septic field, water well, a 2800 sq/ft building as well as a residence.

Along with applying for the subdivision we are requesting that this 12ha piece zoned GB2, be rezoned to be in line with the production of cannabis for medical purposes (ACMPR) under Health Canada licencing and guidelines.

We feel that this would be a great use for the property and location for this purpose because of its natural setting. We also feel that it would assists in deterring unwanted visitors and places distance from the general population.

Corwin Sikora

Trucking • Crushing • Sand • Gravel



**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4196**

A BYLAW TO AMEND BYLAW NO. 980, "MALAHAT LAND USE BYLAW, 1981"

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 980 being the "Malahat Land Use Bylaw, 1981" is hereby amended as follows:

A. SCHEDULE A, SECTION 1.2, DEFINITIONS

- (a) By amending the definition for "Industrial Zone" by adding the words "M4"

B. SCHEDULE A, SECTION 1.3.09 ZONES

- (a) By adding the words "M4 Medical Marihuana Production" after the words "M3 Heavy Industrial".

C. SCHEDULE A, SECTION 2.2.01, REQUIRED NUMBER OF OFF-STREET PARKING SPACES

- (a) By adding the words "Intensive Agriculture – Medical Marihuana Production" after the words "Manufacturing and industrial uses";

D. SCHEDULE A, SECTION 8.4, MEDICAL MARIHUANA PRODUCTION ZONE – M4

- (a) Insert a new "Section 8.4 Medical Marihuana Production M4" after Section 8.3, to be read as follows:

8.4.01 Permitted Uses

In addition to the uses permitted by Section 2.1.10 of this Bylaw, the following uses and no others shall be permitted in the Medical Marihuana Production (M4) Zone:

- (1) Intensive Agriculture - Medical Marihuana Production
- (2) Residential
- (3) Buildings and structures accessory to the above uses

8.4.02 Density of Development

- (1) There shall not be more than one one-family dwelling on a lot.
- (2) There shall not be more than one building for Intensive Agriculture - Medical Marihuana Production on a lot;

8.4.03 Minimum Parcel Size Requirement

The minimum parcel size shall be 12 ha.

8.4.04 Yard Requirements for Residential Buildings

- (1) A front yard shall be provided of not less than 7.5 m in depth.
- (2)
 - (a) Side yards shall be provided of not less than 6 m in width
 - (b) On a corner lot, a side yard shall be provided adjoining a flanking street of not less than 7.5 m in width
- (3) A rear yard shall be provided of not less than 10 m

2

(1) Front, side, flanking and rear yards shall be provided of not less than 90 m in depth.

The maximum lot coverage shall be 15% of the lot.

The relevant General Provisions of Section 2.1 of this Bylaw shall apply.

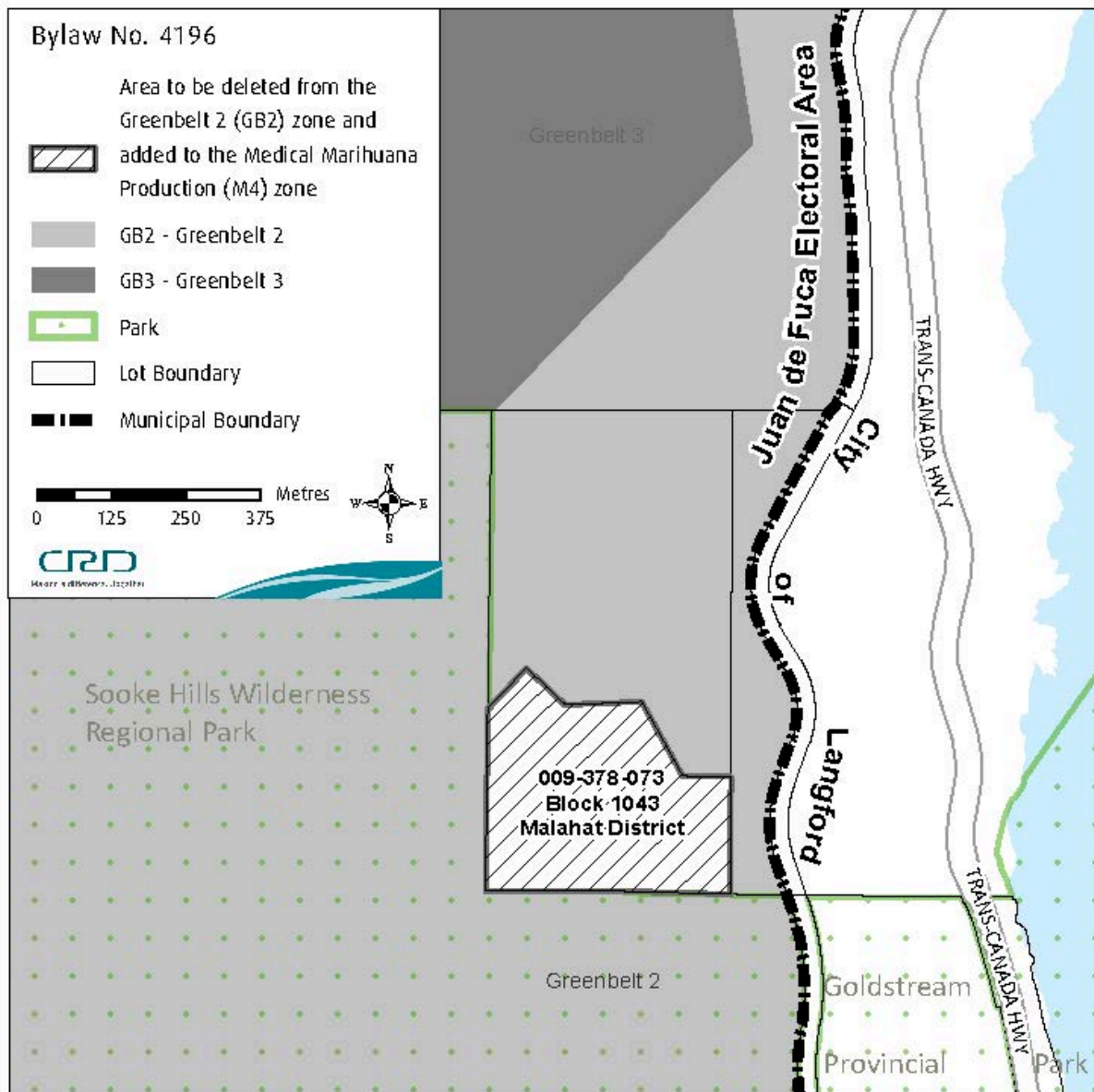
(a) By deleting that part of Block 1043, Malahat District, PID: 009-378-073 from the Greenbelt 2 (GB2) zone, and adding to the Medical Marihuana Production (M4) zone, as shown on Plan No. 1, attached to and forming part of this bylaw.

ADOPTED THIS _____ day of _____, 2018.

CORPORATE OFFICER

Plan No. 1 of Bylaw No. 4196, an amendment to Bylaw No. 980

Block 1043, Malahat District on this plan, attached to and forming part of this bylaw.



The Regional Board of the Capital Regional District, in open meeting assembled, enacts as follows:

1. Bylaw No. 4197 being the "Official Community Plan for Malahat Bylaw No. 1, 2012" is hereby amended as follows:

**A. SCHEDULE A, PART 4 LAND-USE POLICIES AND DESIGNATIONS, SECTION 4.2.1
SETTLEMENT AREA DESIGNATION**

- a) By amending section 4.2.1.1 Preamble, by adding item "c." to the list after the words "Additional uses within this designation include the following:" which states: "intensive agriculture – medical marihuana production on Block 1043, Malahat District."

**B. SCHEDULE A, PART 4 LAND-USE POLICIES AND DESIGNATIONS, SECTION 4.4.8
DEVELOPMENT PERMIT AREA NO. 5: COMMERCIAL DEVELOPMENT AREA**

- By amending section 4.4.8 "Development Permit Area No. 5: Commercial Development Area" by adding the words "and Industrial" after the word "Commercial".
- By amending section 4.4.8.1 "Designation" by adding the words "and industrial" after the word "commercial".
- By amending section 4.4.8.2 "Justification" by adding the words "and industrial" after the words "The various commercial".

C. SCHEDULE A, MAP NO. 5d: COMMERCIAL DEVELOPMENT PERMIT AREA

- a) By amending the title of Map No. 5d by adding the words "and Industrial" after the word "Commercial".
- b) By adding that part of Block 1043, Malahat District, PID: 009-378-073 to the Commercial and Industrial Development Permit Area as shown on Plan No. 1, attached to and forming part of this bylaw.

2. This bylaw may be cited as Bylaw No. 4197, "Official Community Plan for Malahat Bylaw No. 1, 2012, Amendment Bylaw No. 2, 2017".

READ A FIRST TIME THIS _____ day of _____, 2018.

READ A SECOND TIME THIS _____ day of _____, 2018.

READ A THIRD TIME THIS _____ day of _____, 2018.

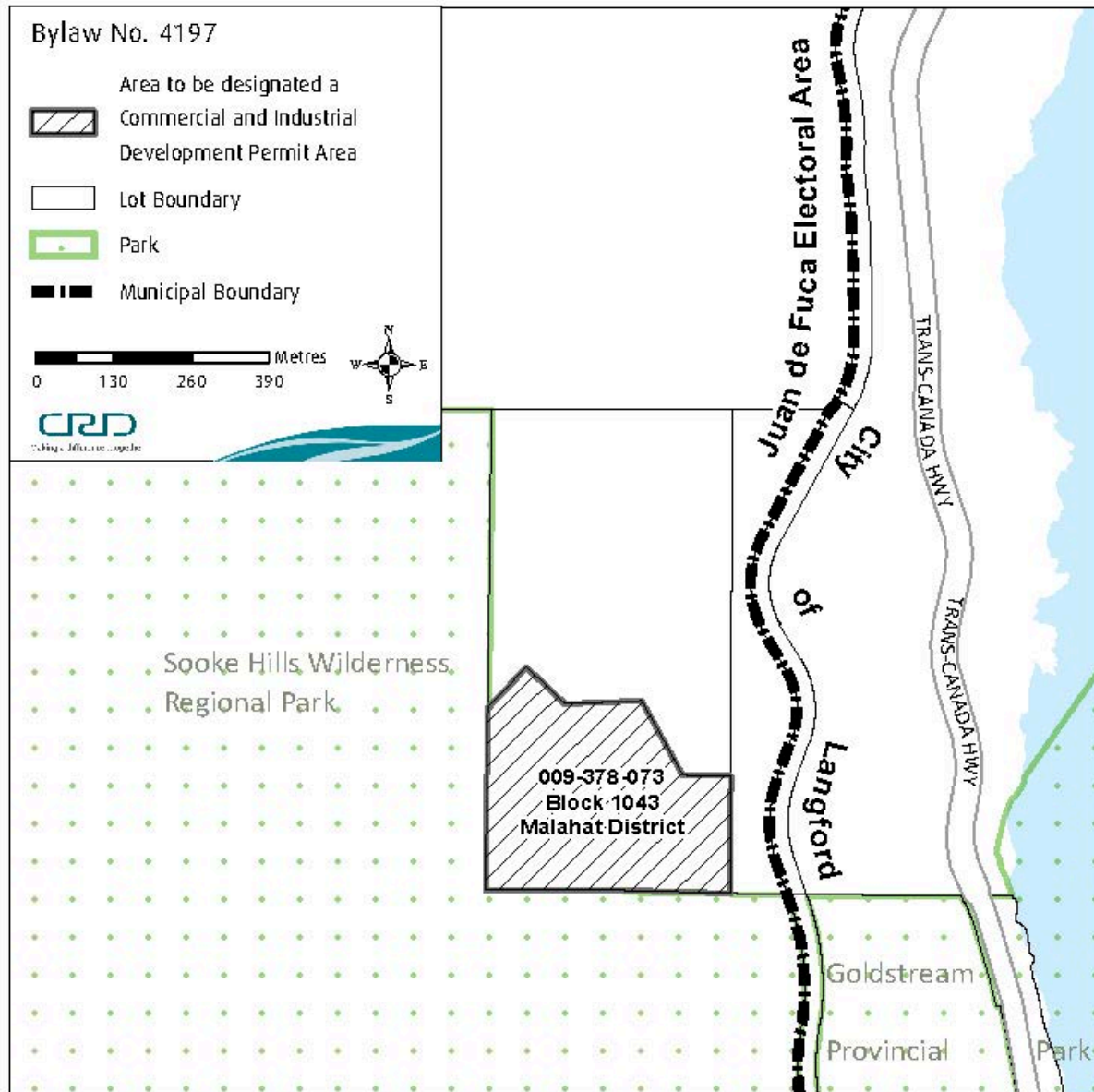
ADOPTED THIS _____ day of _____, 2018.

CHAIR

CORPORATE OFFICER

Plan No. 1 of Bylaw No. 4197, an amendment to Bylaw No. 3721

Block 1043, Malahat District on this plan, attached to and forming part of this bylaw.





**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JANUARY 16, 2018**

SUBJECT **Zoning Amendment Application for Lot 12, District Lot 17, Renfrew District,
Plan 13240**

ISSUE

The applicant proposes to rezone the subject property from Community Residential – One (CR-1) to a new Mixed Commercial/Residential (CR-1A) zone, in order to allow food service establishments.

BACKGROUND

The vacant, 0.2 ha subject property is located in Port Renfrew at 17239 Parkinson Road (Appendices 1 and 2). The property is designated as Residential (R) under Schedule 'A' (OCP) of the Comprehensive Development Plan for Port Renfrew, Bylaw No. 3109, and zoned CR-1 under Schedule 'B' (Zoning) of the bylaw. The parcel is adjacent to Tourist Commercial – One (TC-1) zoned land to the south, Tourist Commercial 1A (TC-1A) zoned land to the west, and CR-1 zoned parcels across Parkinson Road to the north and to the east.

The parcel is located within the Port Renfrew community water system and the Port Renfrew fire protection service area. A tributary of Defiance Creek has been identified within 30 m of the subject property.

In addition to maintaining the residential use of the property, it is the owner's intention to establish a food truck service and provide a picnic shelter for patrons. The requested CR-1A zone will allow all of the uses of the existing CR-1 zone, which include one single-family dwelling, one accessory cottage, bed and breakfast, home-based business, and retail establishments, as well as add a new food service establishment use. The food service establishment use would include such operations as food trucks, restaurants and take-out eateries.

Staff have prepared Bylaw No. 4216, which would rezone the parcel from Community Residential - One (CR-1) to Mixed Commercial/Residential (CR-1A) (Appendix 3).

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4216, "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 9, 2017" to the Port Renfrew Advisory Planning Commission, to appropriate CRD departments and the following external agencies for comment:

BC Hydro	Island Health	RCMP
Cowichan Valley Regional District	Ministry of Transportation and Infrastructure	Sooke School District #62
District of Sooke	Pacheedaht First Nation	

Alternative 2

That proposed Bylaw No. 4216 not be referred.

Alternative 3

That more information be provided by staff.

LEGISLATIVE IMPLICATIONS

Pursuant to Section 477 of the *LGA*, an amendment to a zoning bylaw requires that the local government provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of a zoning bylaw.

Consultation under the above noted sections of the *LGA* must occur prior to the requirement under Section 477 to hold a public hearing as part of the amendment process. In this case, the comments will be received prior to proceeding to first reading of the bylaw.

PUBLIC CONSULTATION IMPLICATIONS

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *LGA*. Therefore, staff recommend referring the proposed amendment bylaw to the Port Renfrew APC.

REGIONAL GROWTH STRATEGY IMPLICATIONS

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD Development Applications Procedures Bylaw No. 3110, where a zoning bylaw amendment that applies to land within the Port Renfrew Comprehensive Community Plan area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the Regional Growth Strategy.

PLANNING ANALYSIS

The Port Renfrew Comprehensive Community Development Plan designates the subject property as Residential (R). This designation's focus is to ensure the housing stock in the plan area meets the needs and requirements of the market place for at least five years. The Residential (R) designation identifies mixed residential/commercial uses as viable activities for economic development within the residential designation.

The Community Residential – One (CR-1) zone allows for residential and retail uses; however, it does not support food service establishment uses; therefore, an amendment to rezone the subject property to allow this use is required. Use of the land for a food truck or restaurant, in addition to a single-family dwelling is in keeping with this part of the Port Renfrew town site. Neighbouring uses include a restaurant, RV site, and single-family residential.

Development of adjacent land to the south has identified the presence of a tributary of Defiance Creek within 30 m of the subject property. Therefore, a Riparian Areas Assessment Report, prepared by a Qualified Environmental Professional (QEP) must be accepted by the Province prior to approval of the zoning amendment. Staff have requested that the applicant provide this report as part of the referral process.

Staff recommend referral of proposed Bylaw No 4216 to the Port Renfrew APC, to appropriate CRD departments and to external agencies for comment.

CONCLUSION

The purpose of this Comprehensive Community Development Plan amendment application is to allow the operation of food service establishments in addition to the uses currently permitted under the CR-1 zone. Staff recommend referring the proposed bylaw to the Port Renfrew APC, to appropriate CRD departments and to external agencies for comment.

RECOMMENDATION

That staff be directed to refer proposed Bylaw No. 4216, "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 9, 2017" to the Port Renfrew Advisory Planning Commission, to appropriate CRD departments and the following external agencies for comment.

BC Hydro	Island Health	RCMP
Cowichan Valley Regional District	Ministry of Transportation and Infrastructure	Sooke School District #62
District of Sooke	Pacheedaht First Nation	

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

IL:wm

Appendices:

1. Subject Property Map
2. Orthophoto Plan
3. Site Plan
4. Proposed Bylaw No. 4216

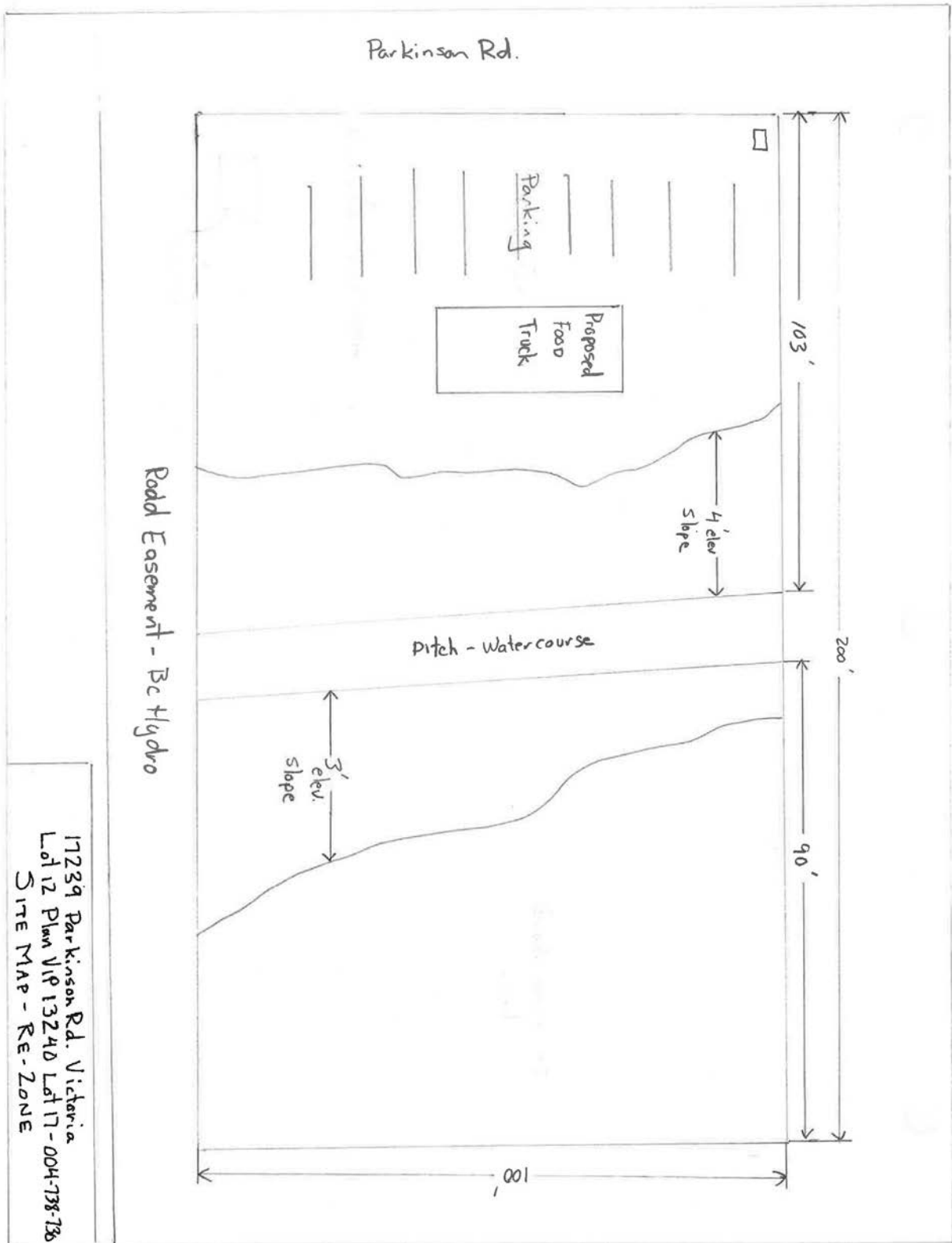
Appendix 1: Subject Property Map



Appendix 2: Orthophoto Plan



Appendix 3: Site Plan



**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4216**

**A BYLAW TO AMEND BYLAW NO. 3109,
THE "COMPREHENSIVE COMMUNITY PLAN FOR PORT RENFREW, BYLAW NO. 1, 2003"**

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 3109 being the "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003" is hereby amended:

A. SCHEDULE B, PART 1, SECTION 1 DEFINITIONS

- (a) By adding a new definition for "FOOD SERVICE ESTABLISHMENT" before the word "FRONT PARCEL LINE" as follows:

FOOD SERVICE ESTABLISHMENT means any building, vehicle, place or structure where food is prepared, served, or sold for immediate consumption on the premises, called for or taken out by customers, or prepared prior to being delivered to another location for consumption.

B. SCHEDULE B, PART IV - ZONES

- (a) By inserting a new "Mixed Commercial/Residential – CR-1A" zone, after Section 22, to be read as follows:

SECTION 22A CR-1A (Mixed Commercial/Residential) Zone

Permitted Uses

1. The following uses and no others are permitted in this zone:

- a) Dwelling unit;
- b) Religious centres;
- c) Bed and breakfasts;
- d) Home based business;
- e) Retail establishments;
- f) Food service establishments.

Permitted accessory uses and buildings on any parcel includes the following:

- g) Any accessory buildings or structures to any of the above listed uses, including one or more dwelling units in the rear of or above a retail or food service establishment;
- h) One-cottage in conjunction with the above permitted uses, provided that the cottage does not exceed 83 square metres (900 square feet).

Regulations

2. On a parcel of land located in this zone:

Minimum Parcel Size for Subdivision Purposes

- a) The minimum parcel size is 1.0 Ha (2.5 acres) when there is no community sewage or water system to hook into or the owner decides not to hook into both a community sewage and water system.
- b) The minimum parcel size is 0.1 Ha (0.25 acres) when the parcel is hooked up to a community sewer and water system.

Minimum Size of Accessory Dwelling Units and Cottage

- c) Not more than 30 percent (30%) of the principal building shall be used for an accessory dwelling unit or units in conjunction with a retail or food service establishment.
- d) The accessory cottage must not exceed 83 square metres (900 square feet).

Number and Type of Dwelling Units Allowed

- e) Despite paragraph (d) above, not more than the following types of dwelling units, not contained within a retail establishment, are allowed on a parcel in this zone;
 - i) One (1) single-family dwelling unit;
 - ii) One (1) two-family dwelling unit, if there is no retail or food service establishment on the parcel.

Height

- f) No principal building or structure shall exceed 9.75 metres (32 feet) in height.

No accessory building or structure shall exceed 4.8 metres (16 feet) in height.

Setbacks

- g) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
 - i) 6 metres (20 ft.) of a front parcel line;
 - ii) 1.5 metres (5 ft.) of an interior side parcel line;
 - iii) 4.6 metres (15 ft.) of an exterior side parcel line;
 - iv) 6 metres (20 ft.) of a rear parcel line.

Accessory Buildings

- h) The total floor area of all accessory buildings must not exceed 10-percent (10%) of the parcel area;
- i) An accessory building must not be located within 1.5 metres (5 ft.) of a rear parcel line.

Parcel Area Coverage

- j) The maximum permitted parcel area coverage of the principal building with all accessory buildings and structures is 40 percent (40%).

C. SCHEDULE B, MAP NO. 3 – ZONING

- (a) By deleting Lot 12, District Lot 17, Renfrew District, Plan VIP13240 from the Community Residential – One (CR-1) zone and adding said lot to the Mixed Commercial/Residential (CR-1A) zone, as shown on Plan No. 1, attached to and forming part of this bylaw

CORPORATE OFFICER

Plan No. 1 of Bylaw 4216, an amendment to Bylaw No. 3109

Lot 12, District Lot 17, Renfrew District, Plan VIP13240 on this plan attached to and forming part of this bylaw.

