

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **May 15, 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 April 17, 2018
4. Chair's Report
5. Planner's Report
6. Development Permit with Variance Application
 - a. DV000060 – Lot 14 & 15, Section 16, Otter District 42, Otter Plan VIS7096 (7450 Butler Road)
7. Invitation for Public Input – Proposed 50m Monopole Wireless Communications Facility Lot 4, District Lot 28, Otter District, Plan VIP19985 (2620 Kemp Lake Road)
8. Adjournment



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, April 17, 2018, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Mike Hicks (Chair), Stan Jensen, Roy McIntyre, Ron Ramsay, Sandy Sinclair, Art Wynans,
Staff: Iain Lawrence, Manager, Local Area Planning; Emma Taylor, Recorder

ABSENT: Dale Risvold

PUBLIC: 12

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

1. Approval of the Agenda

MOVED by Art Wynans, **SECONDED** by Sandy Sinclair that the agenda be approved. **CARRIED**

2. Approval of the Supplementary Agenda

MOVED by Ron Ramsay, **SECONDED** by Art Wynans that the supplementary agenda be approved. **CARRIED**

3. Adoption of Minutes from the Meeting of February 20, 2018

MOVED by Sandy Sinclair, **SECONDED** by Roy McIntyre that the minutes from the meeting of February 20, 2018, be adopted. **CARRIED**

4. Chair's Report

The Chair thanked the members and public for attending the meeting. It was stated that the opportunity to review the Official Community Plans is a historical occasion for the Electoral Area.

5. Planner's Report

No report.

6. Floodplain Exemption

a) DV000057 – Lot 13, Section 4, Renfrew District, Plan VIP79213 (Trailhead Drive)

Iain Lawrence spoke to the staff report and outlined the requested floodplain exemption to reduce the flood construction level to 0.2 m above finished grade for a proposed dwelling. It was noted that a riparian development permit is being considered by the General Manager, Planning and Protective Services, in conjunction with the floodplain exemption. Staff confirmed receipt of a professional engineer's report indicating the proposed construction is safe for the use intended and recommend that the report be secured on title as a restrictive covenant.

The applicant was in attendance and acknowledged that the information presented was accurate.

Iain Lawrence responded to an LUC question regarding of how the flood construction level is measured.

MOVED by Stan Jensen, **SECONDED** by Sandy Sinclair that the Land Use Committee recommend to the CRD Board:

That subject to the Ministry of Transportation and Infrastructure agreeing to discharge covenant EX87077 from title, that floodplain exemption DV000057 for Lot 13, Section 4, Renfrew District, Plan VIP79213 for the purpose of constructing a single-family dwelling, be approved subject to the following conditions:

- a) That the underside of the ground floor system elevation be a minimum of 0.2 m above the final ground surface elevation in accordance with the recommendations outlined in the professional geotechnical engineer's report prepared by Ryzuk Geotechnical, dated March 9, 2018;
- b) That the professional engineer's report prepared by Ryzuk Geotechnical, dated March 9, 2018, be secured via a new restrictive covenant registered on title;
- c) That the building location and elevation be verified by a BC Land Surveyor prior to completion of the building permit.

CARRIED

7. Rezoning Application

a) RZ000255 – Strata Lots 13, 26 and 27, Section 16, Otter District, Plan VIS7096 (Sooke Business Park – 7450 Butler Road)

Iain Lawrence outlined the staff report and the proposal to rezone three strata lots to the Sooke Business Park Industrial (M-SBP) zone.

The Chair confirmed that the staff recommendation was to refer the application to agencies and the Otter Point Advisory Planning Commission for comment.

Iain Lawrence responded to a question by clarifying the permitted uses in the General Industrial (M-2) zone and the Sooke Business Park Industrial (M-SBP) zone.

Sandy Sinclair raised the issue of federal legalization of recreational cannabis and whether the zoning bylaw would permit this. It was further noted that the community has only reviewed rezoning applications for medical marihuana production.

Staff responded that the legislation is not yet available to review.

The applicant described a need to provide a licensing scheme for small-scale recreational cannabis producers.

The Chair commented that retail sales of recreational cannabis will require a Provincial licence.

MOVED by Ron Ramsay, **SECONDED** by Art Wynans:

That staff be directed to refer proposed Bylaw No. 4234, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 133, 2018", to the Otter Point Advisory Planning Commission and to the following agencies and departments for comment:

BC Hydro	District of Sooke	RCMP
CRD Building	Island Health	T'Sou-ke First Nation
Inspection	Ministry of Transportation	
CRD Protective	and Infrastructure	
Services		

CARRIED

8. Proposed Bylaws

a) Bylaw No. 4000, "East Sooke Official Community Plan, Bylaw No. 5, 2018"

b) Bylaw No. 4001, "Shirley – Jordan River Official Community Plan, Bylaw No. 5, 2018"

Iain Lawrence outlined the Official Community Plan review processes for East Sooke and Shirley-Jordan River that commenced in 2013 and highlighted the major changes to the proposed bylaws including new land use designations. It was further explained that the proposed policies provide an opportunity for parcels zoned Rural A to be rezoned for further subdivision, and that there is an overall increase in development potential in East Sooke and a decrease in Shirley-Jordan River.

Staff indicated that referral of the bylaws to agencies was completed in 2016 and the comments were incorporated into the bylaws where appropriate.

Staff directed attention to the supplementary agenda item #1, which outlined proposed policy amendments related to servicing.

Staff also confirmed that it is recommended that the bylaws relating to the proposed Shirley-Jordan River Official Community Plan boundary adjustment not proceed.

Discussion ensued on the policies that provide development potential for Rural A zoned parcels, including:

- number of dwelling units
- lot size
- park dedication or cash-in-lieu requirements
- road dedication

The correspondence received from Heather Phillips, included as supplementary agenda item #2, was reviewed.

Heather Phillips was in attendance and stated objection to the development policies in the East Sooke Official Community Plan, raising the following issues:

- growth rate projections are low compared to proposed development potential;
- only 42 dwellings are required to meet the housing needs for next 10 years;
- Otter Point and Shirley-Jordan River policies reduced the development potential;
- East Sooke absorbs 137% of projected growth for the entire Electoral Area;
- Port Renfrew is designated as a growth area in the Regional Growth Strategy;
- Rural A zoning and strata development has been controversial for decades;
- Regional Growth Strategy debate confirmed that density should be managed through land use bylaws and not provision of water and sewer services;
- rationale for development policies should not be based on real estate market;
- protection of groundwater resources and monitoring septic systems is needed until such time as community water is extended;
- Metchosin includes both a 4 hectare and a 1 hectare land use designation;
- 1 hectare parcel size changes the rural character of community.

Director Hicks stated that the Regional Growth Strategy includes a cap on the number of dwellings, which the Board agreed upon and that the proposed policies reflect the East Sooke community's vision. Iain Lawrence confirmed the number of water connections is specified in the Regional Growth Strategy.

MOVED by Stan Jensen, **SECONDED** by Roy McIntyre that the LUC recommend to the CRD Board:

1. a) That the referral of proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 5, 2018", directed by the Juan de Fuca (JdF) Land Use Committee to the Agricultural Land Commission, BC Hydro, Cowichan Tribes, Cowichan Valley Regional District, District of Metchosin, District of Sooke, East Sooke Advisory Planning Commission, East Sooke Fire Department, Halalt First Nation, Hul'qumi'num Treaty Group, Island Health, JdF Agricultural Advisory Planning Commission, JdF Electoral Area Parks and Recreation Advisory Commission, Lake Cowichan First Nation, Lyackson First Nation, Ministry of Agriculture, Ministry of Environment, Ministry of Forests, Lands, Natural Resource Operations (MFLNRO) – Arch Branch, MFLNRO – Crown Lands/Foreshore, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, Penelakut Tribe, Scia'new First Nation, School District #62, Seagirt Waterworks Improvement District, Stz'uminus First Nation, Te'Mexw Treaty Association, T'Sou-ke First Nation, and appropriate CRD Departments, be approved and comments received;
 - b) That Section 454(l)(vi) be deleted and replaced with the following words:
 - vi. For areas not currently within an existing water service area, support the adoption of a new water service establishment bylaw for public water distribution systems managed and operated by the CRD in accordance with conditions 454(l)(i) through 454(l)(v), and the establishment of a mechanism to cover costs of the service and infrastructure.
 - c) That proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 5, 2018", be considered by the CRD Board for consistency with the Regional Growth Strategy;
 - d) That proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 5, 2018", be introduced and read a first and second time; and
 - e) 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. 4000.
2. a) That the referral of proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 5, 2018", directed by the Juan de Fuca (JdF) Land Use Committee to the Agricultural Land Commission, BC Hydro, Cowichan Tribes, Cowichan Valley Regional District, District of Metchosin, District of Sooke, Esquimalt Nation, Halalt First Nation, Hul'qumi'num Treaty Group, Island Health, JdF Agricultural Advisory Planning Commission, JdF Electoral Area Parks and Recreation Advisory Commission, Lyackson First Nation, Malahat First Nation, Managed Forest Council, Ministry of Agriculture, Ministry of Environment, Ministry of Forests, Lands, Natural Resource Operations (MFLNRO) – Arch Branch, MFLNRO – Crown Lands/Foreshore, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, Pauquachin First Nation, Penelakut Tribe, Scia'new First Nation, School District #62, Sheringham Waterworks, Shirley/Jordan River Advisory Planning Commission, Shirley Fire Department, Stz'uminus First Nation, Te'Mexw Treaty Association, Tsartlip Indian Band, Tsawout First Nation, Tseycum

Indian Band, T'Sou-ke First Nation, and appropriate CRD departments, be approved and the comments received;

- b) That Section 414(P) be added as follows:
 - P. No new CRD water systems are contemplated to service new or existing development and sewage treatment is to be provided by on-site systems.
- c) That proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 5, 2018", be considered by the CRD Board for consistency with the Regional Growth Strategy;
- d) That proposed Bylaw No. 4079, Bylaw No. 4070 and Bylaw No. 4071 not proceed;
- e) That proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 5, 2018", be introduced and read a first and a second time; and
- f) 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. 4001.

CARRIED

9. Adjournment

The meeting adjourned at 7:40 p.m.

Chair



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MAY 15, 2018**

SUBJECT **Development Permit with Variance for Strata Lots 15 and 16, Section 16, Otter District, Strata Plan VIS7096 – 4-7450 Butler Road**

ISSUE

An application has been made for a development permit with variance in order to reconfigure the lot boundaries and construct an addition to an existing building to be used as a medical marihuana production facility.

BACKGROUND

The subject properties are located at the entrance to the Sooke Business Park strata development on Butler Road in Otter Point. Boulevard landscaping was installed as part of Development Permit DP-07-08, issued for the original subdivision. The properties are entirely enclosed with black chain-link fencing.

The properties are currently zoned General Industrial – Medical Marihuana (M2-MM) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. There is an existing 450 m² medical marihuana production facility on strata lot 15 (SL 15) and a landscape supply business operating on SL 16 (Appendix 1). Development Permit DP-15-13 was issued for the existing industrial building on SL 15. The property was rezoned to M2-MM in 2016 (RZ000241) to permit medical marihuana production and a building permit has been issued for interior renovations to facilitate this use.

The owners have applied to cancel the internal lot line between SL 15 and SL 16 in order to expand the medical marihuana production facility by constructing a 1,873 m² addition to the existing building (Appendix 2). As a result of the lot line cancellation, the existing building becomes non-conforming for siting since the southern side lot line of SL 15, becomes the rear property line for the newly consolidated lot. The applicant is requesting a variance to reduce the rear yard setback of the newly created lot from 4.5 m to 2.8 m.

The properties are designated within the Commercial and Industrial Development Permit Area in the Otter Point Official Community Plan, 2014, Bylaw No. 3819, for the form and character of industrial development (Appendix 3). The applicant is requesting a development permit for the proposed addition.

ALTERNATIVES

That the Land Use Committee recommends to the Capital Regional District Board:

1. That Development Permit with Variance DV000060, for Strata Lots 15 and 16, Section 16, Otter District, Strata Plan VIS7096 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27.08(d)(ii) by reducing the rear yard setback requirement from 4.5 m to 2.8 m, for the purpose of reconfiguring the lot boundaries and constructing an addition to the existing building, be approved.
2. That Development Permit with Variance DV000060 be denied.
3. That the application be referred back to staff for additional information.

LEGISLATIVE IMPLICATIONS

The Otter Point Official Community Plan, 2014, Bylaw No. 3819, designates development permit areas for the form and character of industrial development. The subject properties are located within a Commercial and Industrial development permit area; therefore, a development permit is

required for the proposed construction. CRD Delegation of Development Permit Approval Authority Bylaw, 2009, Bylaw No. 3462, gives the General Manager, Planning and Protective Services, the power to issue a development permit; however, the delegated authority does not include development permits that require a variance, as stated in Section 5(a) of the bylaw.

The Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Part 2, Section 27.08(d)(ii) specifies that the rear yard requirement is 4.5 m. The existing building becomes non-conforming when SL 15 and 16 are combined; therefore, a variance is being requested to permit the building located within this setback.

PUBLIC CONSULTATION IMPLICATIONS

Pursuant to Section 499 of the *LGA*, if a local government proposes to pass a resolution to issue a development variance permit, it must give notice to each resident/tenant within a distance specified by bylaw. Capital Regional District Bylaw No. 3110, Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the May 15, 2018, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering the issuance of a development permit.

LAND USE IMPLICATIONS

Development Permit:

The owners have retained Number Ten Architectural Group to design a three-storey, 1,873 m² addition to the existing 450 m² industrial building for medical marihuana production. The construction must address the form and character development permit guidelines as outlined in Section 6.7.4, Guideline #1, of Bylaw No. 3819 (Appendix 3).

Guideline #2 requires that the proposed building design fit into the natural surroundings. The development is located in a cleared area that was once a log sort facility. In terms of fitting broader surroundings, the design attempts this by incorporating a light colour siding on the upper portion of the building to blend in with a cloudy sky and visually reduce the height of the structure. The lower portion of the building will be a grey colour that will serve as a neutral backdrop for the boulevard plantings and reinforce the existing aesthetic and natural advantages of the area, thereby also satisfying guideline #3.

To address guidelines #4, #5 and #6, existing boulevard landscaping will be retained in order to screen parking areas, loading facilities and outdoor storage.

Downward facing lights will be installed above all entrances in order to reduce glare into the surrounding environment, pursuant to guideline #7.

Guideline #8 recommends the range of building material be complementary to existing buildings and that front entrances use a combination of exterior surface textures. The proposed design incorporates wood posts and siding to define the main entrances and textured corrugated metal siding, similar to other buildings in the Sooke Business Park, is proposed on the exterior walls.

The building is not adjacent to a community trail; therefore guideline #9 is not applicable.

No roof-top equipment is proposed and parking requirements have been addressed, as outlined in guidelines #10 and #11.

A security deposit is not requested as no additional landscaping is recommended, as indicated in guideline #12.

Variance:

The siting of the original building on SL 15 was approved in accordance with the setbacks specified by the General Industrial (M-2) zone in Bylaw No. 2040. At the time of construction, the southern property line was deemed an internal side yard with a specified setback requirement of 0 m. The property was rezoned in 2016 to M-2MM, but the new zone retained the same yard requirements. The applicant now proposes to cancel the lot line between SL 15 and SL 16, which results in the southern property line of SL 15 becoming the rear lot line with a setback requirement of 4.5 m. Since the existing building is located 2.8 m from the southern property line, the existing building will become non-conforming with respect to siting when the lots are amalgamated.

The proposed addition will meet the front, internal and external side yard requirements of the newly configured lot. Access and egress will remain on the strata road to the east of the property.

Development Permit with Variance DV000060 is included as Appendix 4 for consideration. Since the proposed design satisfies the development permit guidelines as outlined in Section 6.7.4 of Bylaw No. 3819, and as no significant impacts are anticipated to result from reducing the rear yard setback from 4.5 m to 2.8 m in this circumstance, staff recommend issuance of the development permit with variance subject to public notification.

CONCLUSION

The applicant has requested a development permit with variance for the purpose reconfiguring the lot boundaries and constructing an addition to an existing building to be used as a medical marihuana production facility. The proposed variance is to reduce the rear yard setback of the newly created lot from 4.5 m to 2.8 m. Since the proposed design satisfies the development Commercial and Industrial Development Permit Area guidelines of Bylaw No. 3819, and as no significant impacts are anticipated to result from reducing the rear yard setback from 4.5 m to 2.8 m, staff recommend approval of the development permit with variance subject to public notification.

RECOMMENDATION

That the Land Use Committee recommends to the Capital Regional District Board:

That Development Permit with Variance DV000060, for Strata Lots 15 and 16, Section 16, Otter District, Strata Plan VIS7096 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27.08(d)(ii) by reducing the rear yard setback requirement from 4.5 m to 2.8 m, for the purpose of reconfiguring the lot boundaries and constructing an addition to the existing building, be approved.

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:	Bob Lapham, MCIP, RPP, Chief Administrative Officer

Appendix 1: Subject Property Map

Appendix 2: Building Plans

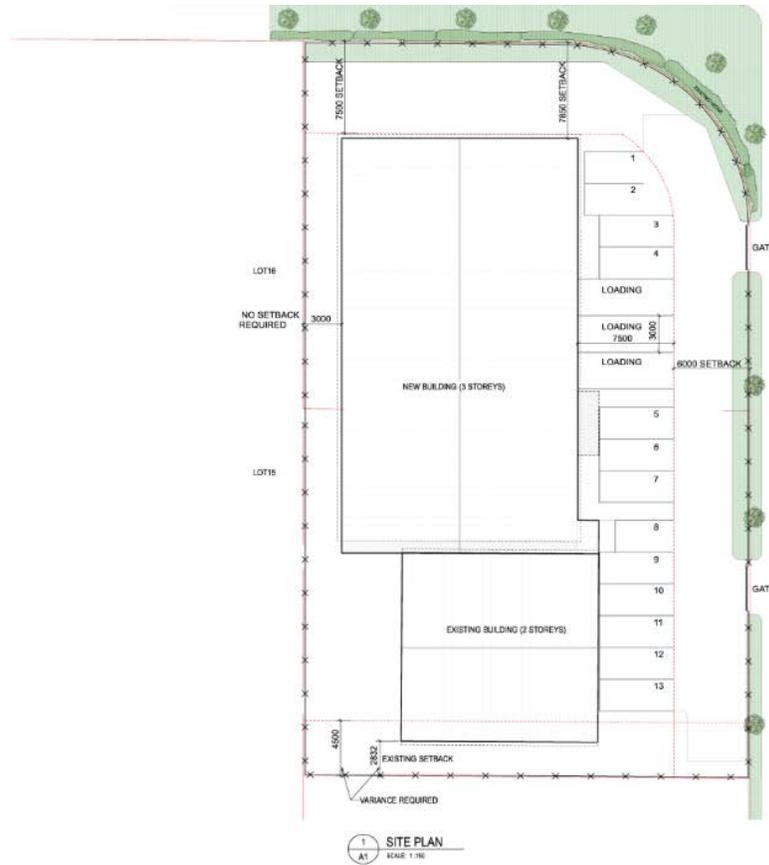
Appendix 3: Commercial and Industrial Development Permit Guidelines

Appendix 4: Development Permit with Variance DV000060

Appendix 1: Subject Property Map



Appendix 2: Building Plans



DATA
 JOHNS GENERAL INDUSTRIAL MEDICAL SERVICES - MCM
 LOT AREA: 1.1 ha (264.2 aca)
BUILDING
 FOOTPRINT: 835 sq. m
 LOT COVERAGE: 41.2% (Max. Allowed 85%)
1ST FLOOR AREA: 804 sq.m. (EXISTING 225 sq.m.) (NEW 579 sq.m.)
2ND FLOOR AREA: 835 sq.m. (EXISTING 225 sq.m.) (NEW 610 sq.m.)
3RD FLOOR AREA: 328 sq.m.
TOTAL FLOOR AREA: 1967 sq.m.
BUILDING HEIGHT: 13.257 m (44' 0" Above)

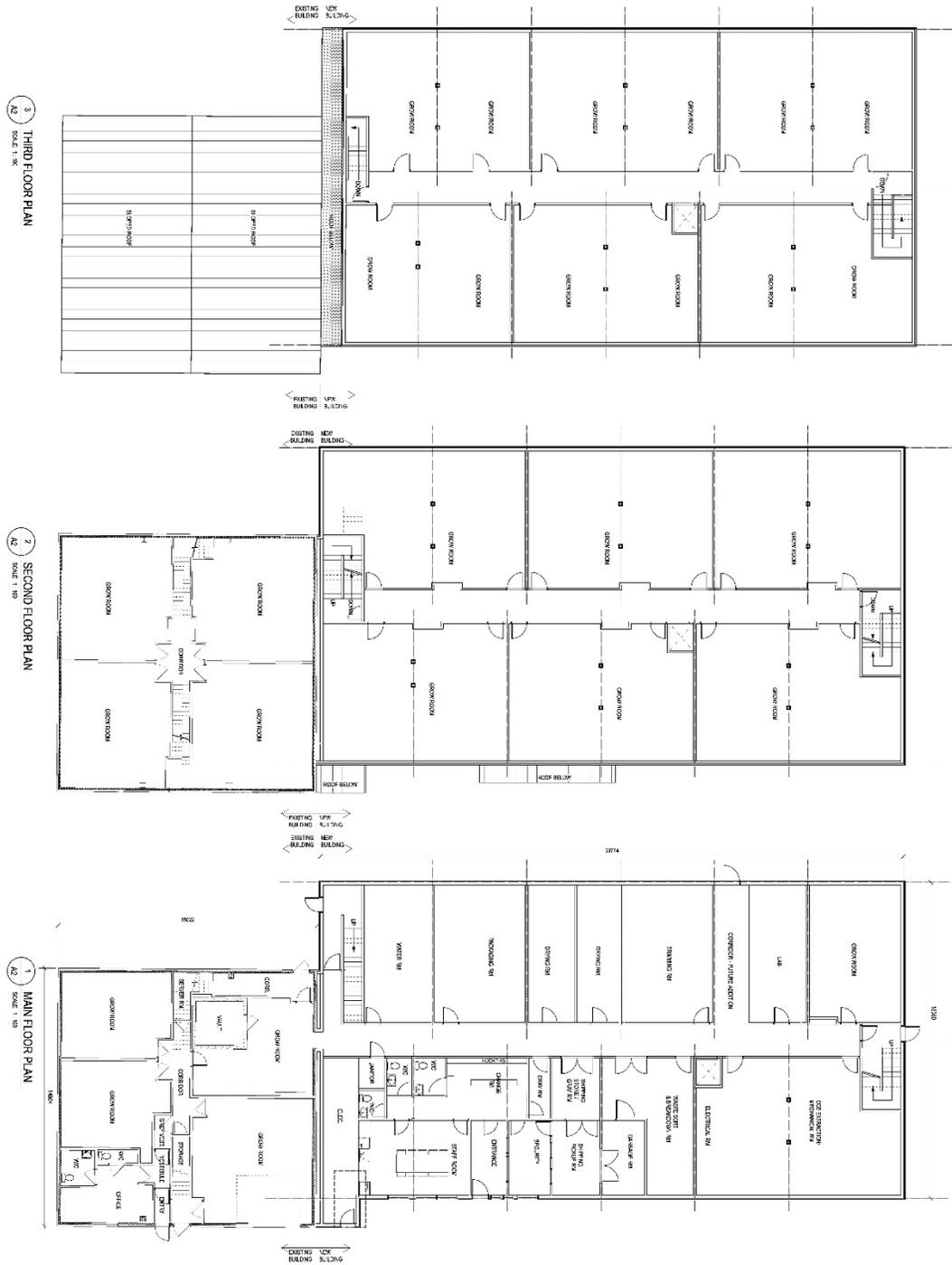
PARKING
 1 STALL FOR 1 EMPLOYEE REQUIRED @ STALLS MIN.
 10 EMPLOYEES - 3 STALLS REQUIRED
 10 STALLS PROVIDED (10 FORWARD STALLS, 3 SMALL CAR STALLS)
 3 LOADING STALLS PROVIDED AS REQUIRED

DRAWING LIST
 A1 SITE PLAN DRAWING LIST
 A2 3RD FLOOR PLAN, 2ND FLOOR PLAN, 1ST FLOOR
 A3 CONCRETE

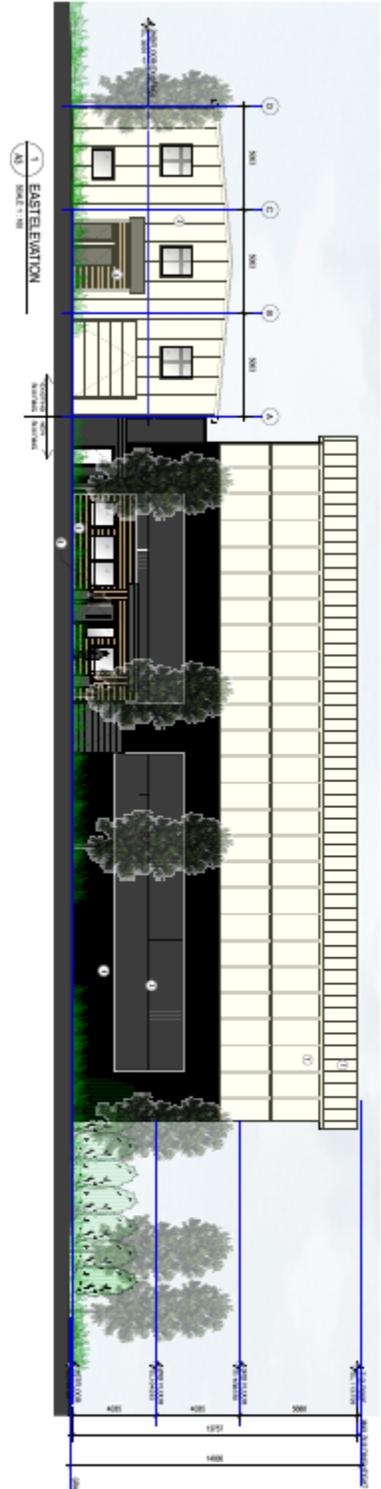
Lot 16 Sooke Business Park | Site & Data

April 5, 2018
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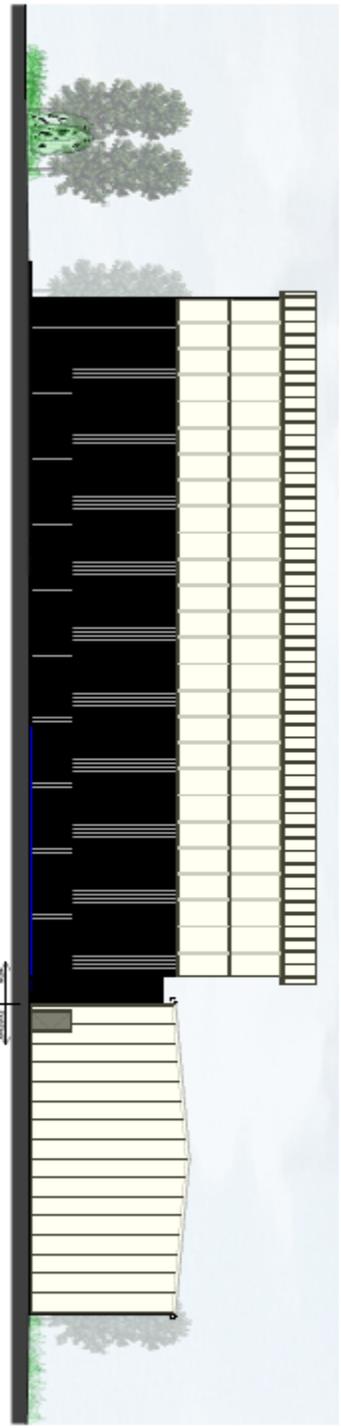
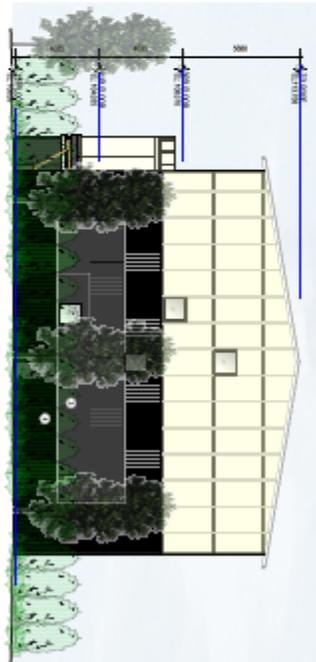
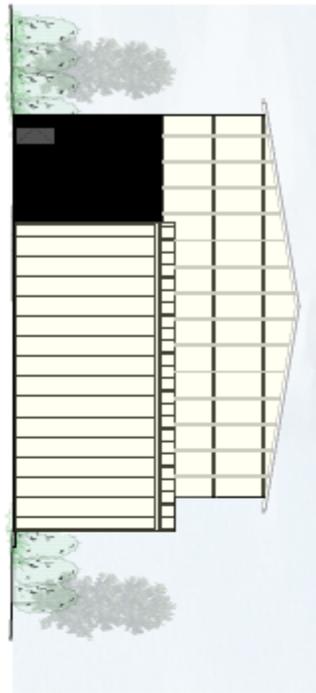
numberTEN
 number 10



Lot 16 Sooke Business Park | Plans



- NOTES**
- 1) MATERIALS SHOWN
 - 2) FINISHES SHOWN
 - 3) FINISHES WITH LANTERN
 - 4) FINISHES WITH LANTERN
 - 5) FINISHES WITH LANTERN
 - 6) FINISHES WITH LANTERN
 - 7) FINISHES WITH LANTERN
 - 8) FINISHES WITH LANTERN
 - 9) FINISHES WITH LANTERN
 - 10) FINISHES WITH LANTERN



Lot 16 Sooke Business Park | Elevations

number 10 Architecture and Interiors

Appendix 3: DP Guidelines

6.7.4 Guidelines

Development Permits issued in “Commercial and Industrial DPA” will be in accordance with the following:

1. No development, building, subdivision or sewage disposal system will be permitted in the Commercial and Industrial Development Permit Area, as specified in the Justification above, except as allowed by a Development Permit or subject to the general exemptions as outlined in Section 6.2 of this Plan.
2. Design buildings to take advantage of natural contours and features of the landscape so that buildings and structures fit into the natural surroundings.
3. Design buildings in a form which can make best use of the natural setting, which allows for retention of natural vegetative cover and which reinforces existing aesthetic and natural advantages of the area.
4. Retain existing second-growth forest and native understorey plants in areas where there are no buildings, structures, parking areas or other constructed features.
5. Minimize outdoor storage and screen outdoor storage and loading/unloading facilities from neighbouring properties through the retention of trees and native understorey plants, or through the planting of native or complementary species, or by using fencing.
6. Screen parking areas to the greatest extent possible with existing and new landscaping, as described in subparagraph (5).
7. Install outdoor lighting which is of low intensity and pedestrian-oriented or which is directed down and away from surrounding residential areas so as to reduce and minimize glare into the environment.
8. The range of building materials used for new buildings should be complementary to existing buildings. The front entrances should be designed to use a combination of exterior surface textures.
9. Where parcels are located adjacent to a trail established by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, buildings should be set back from the property line to prevent the trail being in constant shadow, and landscaping provided to screen the commercial or industrial use from the trail.
10. Roof-top equipment should be kept to a minimum and integrated into the overall building design.
11. Parking, loading, and access and egress areas should be designed to accommodate commercial vehicles and ensure safe vehicular movement.
12. To ensure that all landscaping requirements and/or site remediation works of the Development Permit Area are undertaken, applicants may be required to provide a detailed landscape estimate. Prior to issuance of any permit, the applicant may be required to provide a security deposit.

Appendix 4: Permit DV000060



CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT NO. DV000060

1. This Development Permit with Variance is issued under the authority of Section 490 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below (legal description), and to any and all buildings, structures, and other development thereon:
PIDs: 028-646-568 and 028-646-550;
Legal Descriptions: Strata Lots 15 and 16, Section 16, Otter District, Strata Plan VIS7096 (the "Land")
3. This development permit authorizes construction and installation of a three-storey 2273.28 m² building for medical marihuana production (the "development") on the Land, located within the development permit areas established under the Otter Point Official Community Plan, Bylaw No. 3819, 2014, Section 6.7 Commercial and Industrial Development Areas, in accordance with the plans submitted to the CRD dated April 5, 2018, and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
 - a. That the components of the development occur within the areas identified on the Site Plan, prepared by Number Ten Architectural Group, dated April 5, 2018;
 - b. That the components of the development be consistent with the Building Plans prepared by Number Ten Architectural Group, dated April 5, 2018;
 - c. That exterior lighting on the building be low-intensity and ground-oriented;
 - d. That compliance with the above conditions be verified prior to completion of the building permit process.
5. The Capital Regional District's Bylaw No. 2040, Schedule A, Part 2, Section 27.08(d)(ii), is varied under section 498 of the *Local Government Act* as follows:
 - a. That the rear yard setback be reduced from 4.5 m to 2.8 m for the purpose of reconfiguring the lot boundaries and constructing an addition to the existing building.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (DV000060) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the holder of the Permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
8. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
9. The following plans and specifications are attached to and form part of this Permit:
 - i. Site Plan prepared by Number Ten Architectural Group, dated April 5, 2018;
 - ii. Building Plans prepared by Number Ten Architectural Group, dated April 5, 2018.
10. This Permit is NOT a Building Permit.

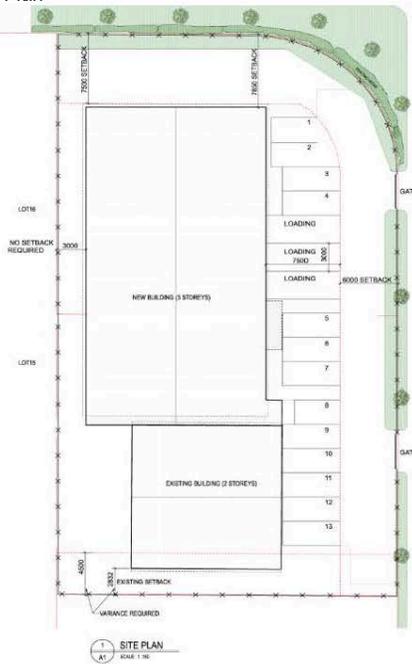
RESOLUTION PASSED BY THE BOARD, THE _____ day of _____, 2018.

ISSUED this _____ day of _____, 2018

Corporate Officer

DV000060

Attachment 1: Site Plan



DATE: JUNE 2018
 LOT AREA: 1.1 ha (2.662 ac)
 BUILDING: 3000 sq m
 LOT COVERAGE: 27.3%
 LOT FLOOR AREA: 3000 sq m
 GROUND FLOOR AREA: 3000 sq m
 TOTAL FLOOR AREA: 6000 sq m
 BUILDING HEIGHT: 11.3m

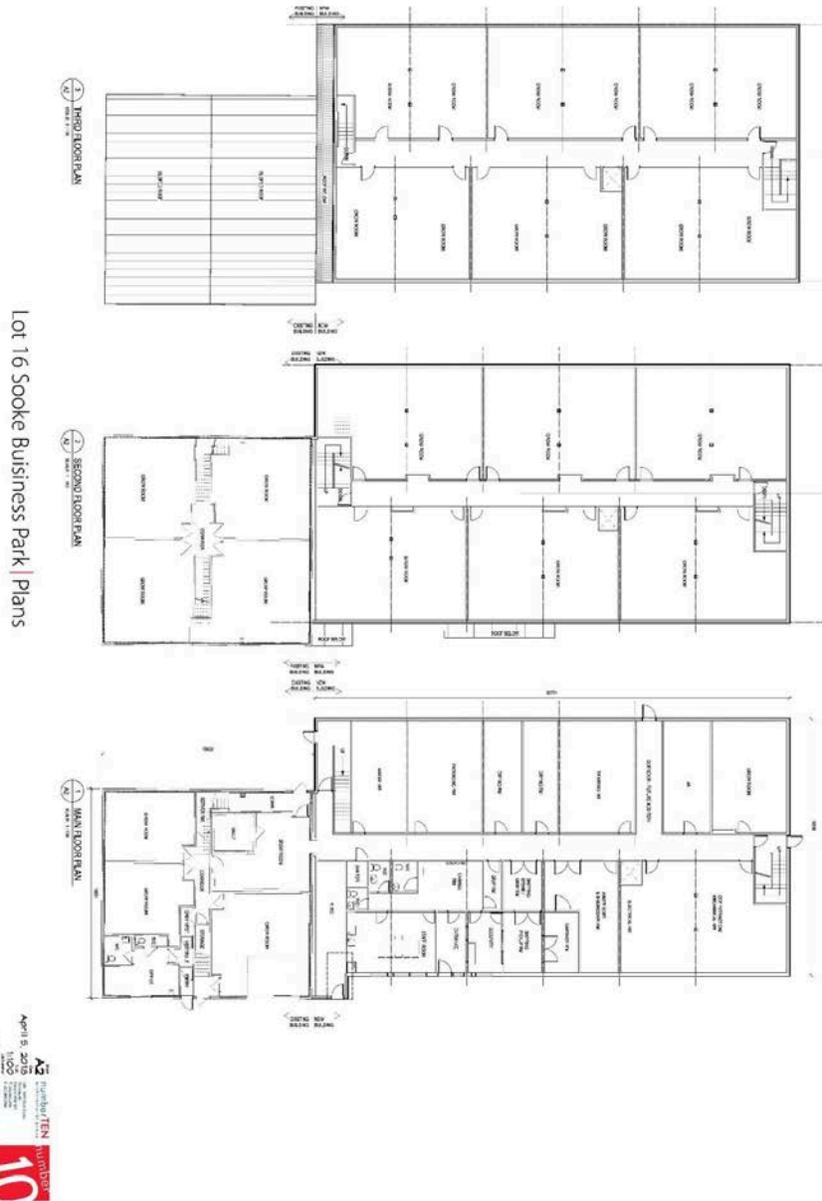
DRAWING LIST:
 01 SITE PLAN DRAWING LIST
 02 SITE PLAN PARTIAL PLAN, SETBACKS
 03 CLEANING

Lot 16 Sooke Business Park | Site & Data

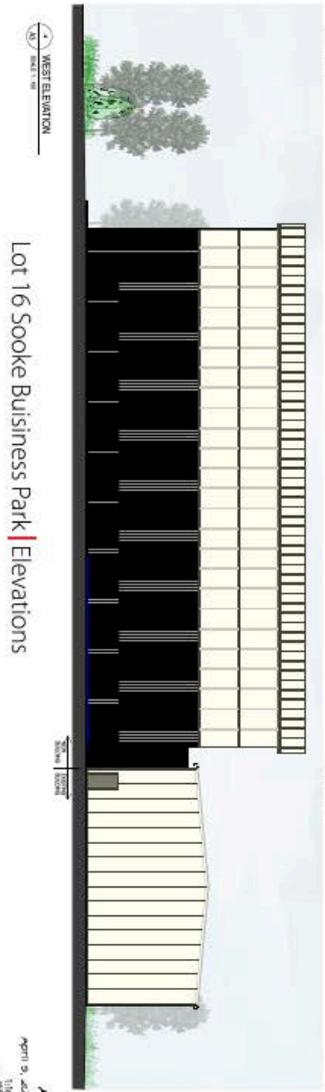


DV000060

Attachment 2: Building Plans

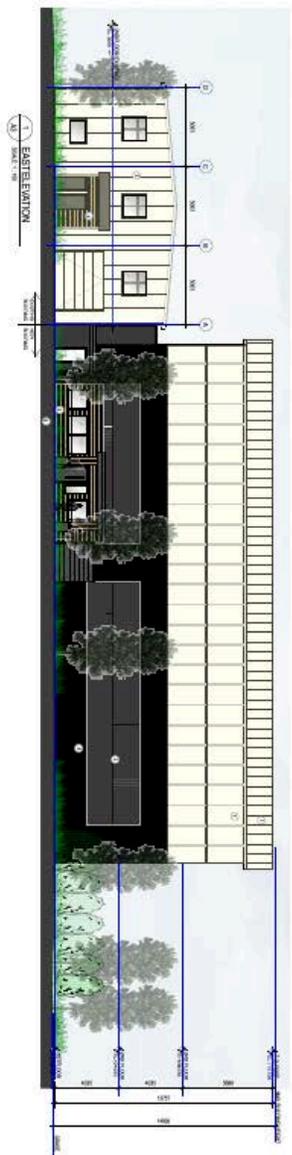
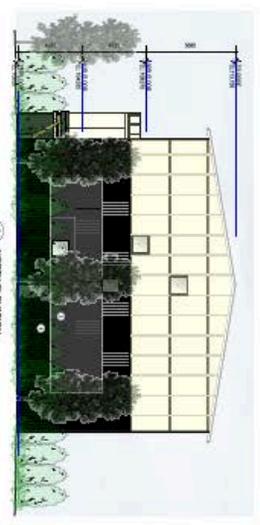
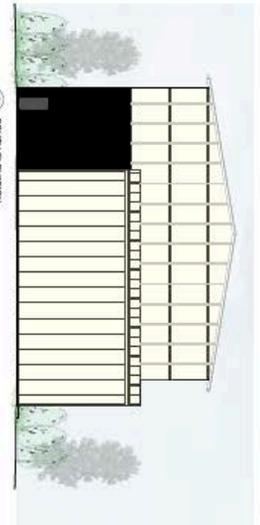


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Lot 16 Sooke Business Park | Elevations

AS number TEN
 April 9, 2018
 LUC
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- 1) MATERIAL SPECIFICATIONS
- 2) WINDOW SIZES AND PLACEMENTS
- 3) ROOFLINE AND GABLE DETAILS
- 4) ENTRANCE AND PORCH DETAILS
- 5) LANDSCAPING AND SITEWORK
- 6) FINISHES AND COLOR PALETTE



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MAY 15, 2018**

SUBJECT Invitation for Public Input – Proposed 50.0 m Monopole Wireless Communications Facility – Lot 4, District Lot 28, Otter District, Plan VIP19985 – 2620 Kemp Lake Road

ISSUE

An Invitation for Public Input has been received for a proposed 50.0 m monopole wireless communications facility at 2620 Kemp Lake Road.

BACKGROUND

The 1.7 ha property is located at 2620 Kemp Lake Road in Otter Point (Appendices 1 and 2). The property is zoned Rural A under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The property is adjacent to unconstructed road right-of-way and Forestry (AF) zoned Crown land to the north and west, to undeveloped Agricultural (AG) zoned land to the south, and to Kemp Lake Road to the east.

In April 2017, the proponent requested public input on a tower to be located at 2326 Kemp Lake Road. In response to that proposal, the proponent and the CRD received a number of letters of objection from neighbouring property owners. The proponent has found an alternate location for the communications facility, and requests a resolution regarding the proposal (Appendices 3 and 4) from the CRD Board in accordance with Innovation, Science and Economic Development Canada's (ISED's) Default Consultation Process.

ALTERNATIVES

That the Land Use Committee recommends to the Capital Regional District Board:

1. That a resolution be provided to the proponent that the CRD Board has no comment on the proposed siting for a 50.0 m monopole wireless communications facility on Lot 4, District Lot 28, Otter District, Plan VIP19985.
2. That a resolution be provided to the proponent that the CRD Board does not support the proposed location for a 50.0 m monopole wireless communications facility.
3. That the application be referred back to staff for additional information.

LEGISLATIVE IMPLICATIONS

Telecommunication providers are required by ISED to follow the land use consultation process for the siting of antenna systems established by local government. In accordance with ISED's circular on public notification (CPC-2-0-03), where a local government does not have an existing process and a public consultation requirement, proponents must fulfill the public consultation requirements contained in ISED's Default Consultation Process. Under the Default Consultation Process, the proponent is required to provide the local land-use authority the opportunity to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns. The CRD does not have an existing process or public consultation requirement for the Juan de Fuca Electoral Area; therefore, the Default Consultation Process applies.

PUBLIC CONSULTATION IMPLICATIONS

The CRD has not established a public consultation process for the siting of antenna systems in the Juan de Fuca Electoral Area and, therefore, has no public notification requirements. However, in order to meet the intent of ISED's Default Consultation Process and solicit public

input, adjacent property owners and occupiers within a distance of 500 m will be notified of the proposal. Any responses received from the public will be presented at the May 15, 2018, Land Use Committee meeting.

LAND USE IMPLICATIONS

The Otter Point Official Community Plan provides no specific policy guidance regarding the siting of cellular facilities; however, it does recognize that internet related employment is a growing economic niche, requiring access to high-speed internet and cellular service throughout the community. At the present time, significant parts of Otter Point receive no cellular service.

The initial location of the tower considered by the proponent was on Rural Residential 2 (RR-2) zoned land at 2326 Kemp Lake Road. That property was in close proximity to several residences, and the proponent and the CRD received a number of objections from adjacent owners. The proponent has now found an alternate site located in the northwest corner of the property at 2620 Kemp Lake Road, at an elevation of approximately 90 m above sea level. The new location appears to be more suitable given that it is bounded by an unconstructed road right-of-way to the north and west, and to Forestry (AF) zoned Crown land, beyond. The closest residence is located to the southeast, approximately 190 m away from the proposed tower site and at an elevation of 55 m.

ISED has outlined factors that will determine whether the agency will consider a concern is reasonable or relevant. Factors will generally be considered if they relate to the particular amenities or important characteristics of the area surrounding the proposed antenna system. According to ISED, examples of public concerns that proponents are to address may include:

- Why the use of an existing antenna system or structure is not possible.
- Why an alternate site is not possible.
- What the proponent is doing to ensure that the antenna system is not accessible to the general public.
- How the proponent has tried to integrate the antenna into the local surroundings.

In response to the above concerns, it is noted that this is a new monopole facility intended to provide expanded service to an area that does not currently receive cellular reception. The proposed location represents an alternate site, with the tower being located towards the rear of the privately owned subject property and adjacent to unconstructed road right-of-way and Crown land.

Concerns that ISED does not require the proponent to address include:

- Disputes with members of the public relating to the proponent's service, but unrelated to antenna installations.
- Potential effects that a proposed antenna system will have on property values or municipal taxes.
- Questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

While the new proposed location appears to be a significant improvement over the previous location, the consultation process is intended to solicit public input. Therefore, staff recommend that a resolution be provided to the proponent that the CRD Board has no comment on the proposed tower location. Should public comment be received indicating clear opposition to the proposed location, the Land Use Committee may wish to consider Alternative 2. Regardless of the Regional Board's final resolution, ISED retains final authority to approve the tower location and the proponent is obligated to follow the notification procedures specified by CPC-2-0-03.

CONCLUSION

The applicant has requested that the CRD to provide comment on its proposal to construct a 50.0 m monopole wireless communications facility on the subject property. Staff recommend that a resolution be provided to the proponent that the CRD has no comment on the proposed tower location.

RECOMMENDATION

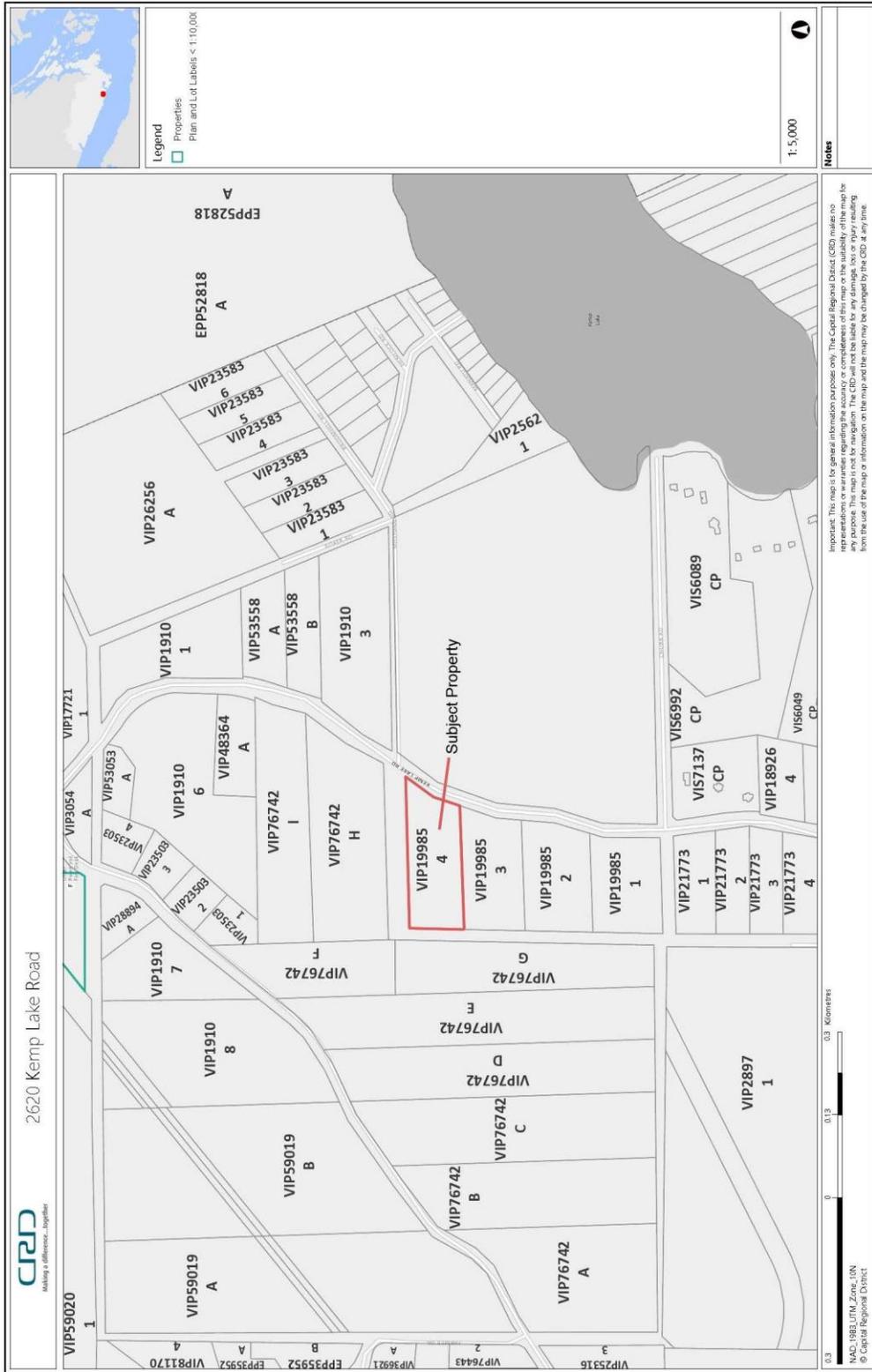
That the Land Use Committee recommends to the Capital Regional District Board:

That a resolution be provided to the proponent that the CRD Board has no comment on the proposed siting for a 50.0 m monopole wireless communications facility on Lot 4, District Lot 28, Otter District, Plan VIP19985.

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

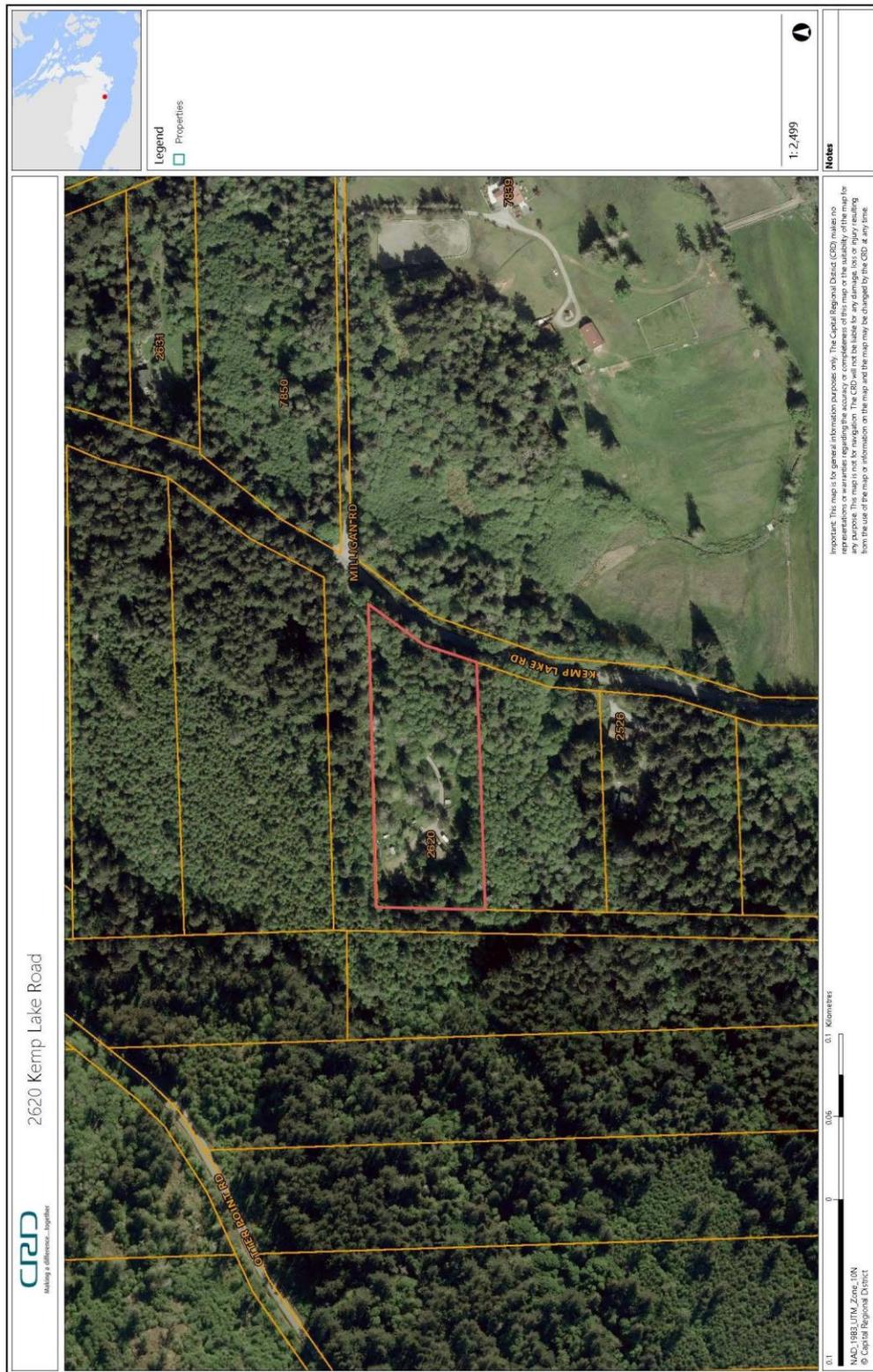
- Appendix 1: Subject Property Map
- Appendix 2: Air Photo Map
- Appendix 3: Tower Site Location Map
- Appendix 4: Proposed Tower Facility Drawings

Appendix 1: Subject Property Map



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 suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

Appendix 2: Air Photo Map



Appendix 3: Tower Site Location Map

**SCHEDULE A
TOWER SITE LOCATION**

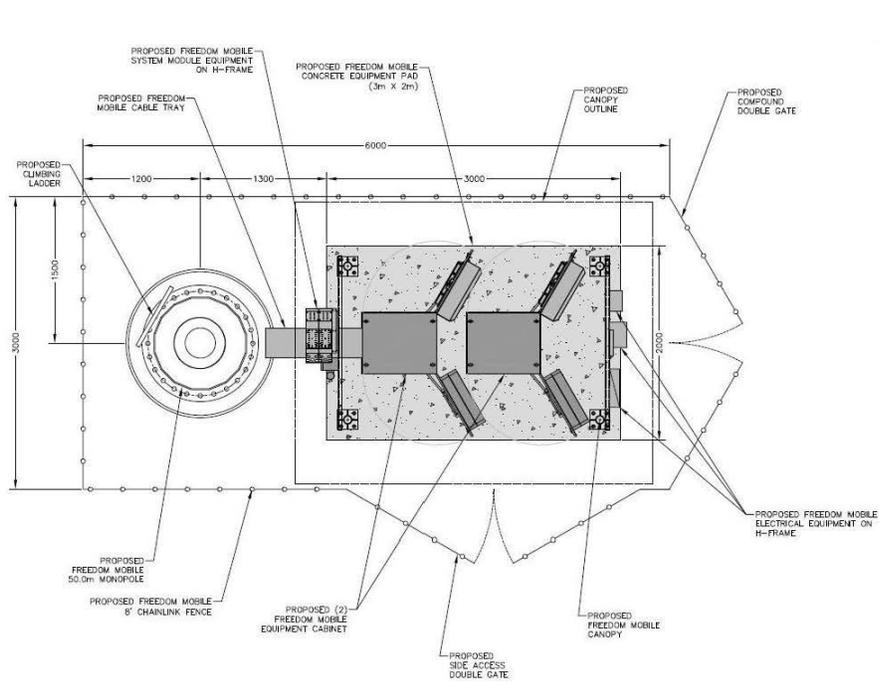


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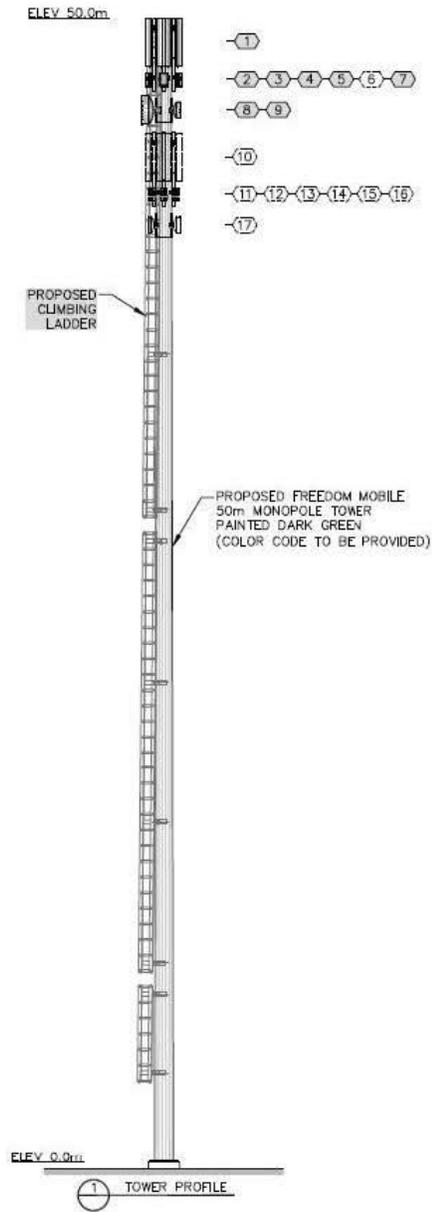
Page 4 of 7

Appendix 4: Proposed Tower Facility Drawings

SCHEDULE B
PRELIMINARY PLAN – COMPOUND PLAN



SCHEDULE B
PRELIMINARY PLAN – TOWER PROFILE



SCHEDULE C
PHOTO-SIMULATION

