

**JUAN DE FUCA LAND USE COMMITTEE**

Notice of Meeting on Tuesday, **March 19, 2019 at 7 p.m.**

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

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**AGENDA**

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of February 19, 2019
4. Chair's Report
5. Planner's Report
6. Development Permit with Variance Application
  - a) DV000064 - Strata Lot 9, Section 16, Otter District, Strata Plan VIS7096 (#16 - 7450 Butler Road)
7. Cannabis Retail Application
  - a) LP000003 - Lot 1, District Lot 17, Renfrew District, Plan VIP65199 (17293 Parkinson Road)
8. Temporary Use Permit Application
  - a) TP000009 - Lot 4, Section 47, Otter District, Plan VIP52344 (7861 Tugwell Road)
9. Proposed Bylaws
  - a) Juan de Fuca Board of Variance Bylaw, Bylaw No. 4288 "Juan de Fuca Board of Variance Bylaw No. 10, 2019"
  - b) Cannabis Bylaw, Bylaw No. 4278, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 141, 2018"
  - c) Bylaw No. 4290, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 143, 2019" (Sooke Business Park)
10. Rezoning Applications
  - a) RZ000252 - Lot 1, District Lot 17, Renfrew District, Plan VIP57304 (Osprey Place)
  - b) RZ000265 - Lot D, Section 36, Renfrew District, Plan VIS5337 (17015 Parkinson Road)
  - c) RZ000255 - Strata Lots 13, 26 and 27, Section 16, Otter District, Plan VIS7096 (Sooke Business Park)
  - d) RZ000257 - Strata Lot 10, Section 16, Otter District, Plan VIS7096 (Sooke Business Park)
11. Adjournment



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, February 19, 2019, at the Juan de Fuca Local Area Services Building  
3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** Mike Hicks (Chair), Stan Jensen, Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold, Sandy Sinclair  
**Staff:** Iain Lawrence, Manager, Local Area Planning; Wendy Miller, Recorder  
**PUBLIC:** 4

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

**1. Approval of the Agenda**

**MOVED** by Dale Risvold, **SECONDED** by Vern McConnell that the agenda be approved.

**CARRIED**

**2. Approval of the Supplementary Agenda**

**MOVED** by Vern McConnell, **SECONDED** by Ron Ramsay that the supplementary agenda be approved.

**CARRIED**

**3. Adoption of Minutes from the Meeting of January 15, 2019**

**MOVED** by Sandy Sinclair, **SECONDED** by Roy McIntyre that the minutes from the meeting of January 15, 2019, be adopted.

**CARRIED**

**4. Chair's Report**

The Chair thanked attendees for coming to the meeting.

**5. Planner's Report**

- a) At its meeting of February 13, 2019, the CRD Board adopted Bylaw No. 4246, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 134, 2018" and Bylaw No. 4257, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 135, 2018".

Bylaw No. 4246 created the new Rural Residential 6A (RR-6A) zone and rezoned a property located at the 6400 Block of East Sooke Road from Rural A to RR-6A.

Bylaw No. 4257 rezoned 5480, 5488 & 5494 Mt. Matheson Road from Rural A to RR-6A.

- b) Due to snow, the February 12, 2019, meeting of the Otter Point Advisory Planning Commission has been rescheduled to:

Date: Tuesday, March 5, 2019

Time: 7 pm

Location: Juan de Fuca Local Area Services

## 6. Rezoning Applications

### a) RZ000260 - Lot 9, Section 129, Sooke District, Plan VIP67208 (590 Seedtree Road)

Iain Lawrence spoke to the staff report and the request to rezone the subject property from Rural A to Rural Residential 6A (RR-6A) for the purpose of permitting a 4-lot bare land strata subdivision as an alternative to a building strata development. Iain Lawrence outlined the professional reports received to support the rezoning and requirement for future development permit applications during the subdivision application process. Iain Lawrence further outlined the comments received from referral agencies as included in the staff report.

Iain Lawrence responded to questions from the LUC advising that:

- the applicant is pursuing a bare land subdivision as opposed to a fee simple subdivision
- the applicant is not held to the subdivision layout as proposed by the rezoning application
- it is understood that the applicant wishes to utilize the existing roughed in driveway to provide access to the strata lots
- proof of potable water for each lot is determined at the time of subdivision
- the East Sooke Official Community Plan (OCP), Bylaw No. 4000, supports rezoning of parcels zoned Rural A to allow subdivision based on a ratio of one parcel in the proposed plan of subdivision per each one hectare prior to the subtraction of any area for road and park dedication as an alternative to building strata

**MOVED** by Stan Jensen, **SECONDED** by Vern McConnell that the Land Use Committee recommends to the CRD Board:

- a) That the referral of proposed Bylaw No. 4265 directed by the Juan de Fuca Land Use Committee to the East Sooke Advisory Planning Commission; the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; appropriate CRD departments; BC Hydro; District of Sooke; Island Health; Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch; Ministry of Transportation and Infrastructure; RCMP; Scia'new First Nation; Sooke School District #62; and T'Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4265, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018" be introduced and read a first time and 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. 4265.

**CARRIED**

### b) RZ000262 - Lot 3, Section 88, Sooke District, Plan 38149 (5728 Titan Place)

Iain Lawrence spoke to the staff report and the request to rezone the subject property from Rural Residential 3 (RR-3) to Rural Residential 6A (RR-6A). It was confirmed that the applicants were initially pursuing a 4-lot subdivision but that the application has been revised to permit a 3-lot subdivision.

Iain Lawrence directed attention to the supplementary submission from Dana Livingstone and Paul Thomas supporting the application.

Iain Lawrence responded to a question from the LUC confirming that the East Sooke OCP designates the property as Settlement and that the East Sooke OCP supports an average parcel size of one hectare for lands designated Settlement.

The applicants questioned the requirement for a development permit.

The Chair requested that the applicants refer their questions related to subdivision to Planning staff.

Staff confirmed that, as the application has been revised to pursue rezoning to permit a 3-lot subdivision, referral to the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission is no longer required.

**MOVED** by Stan Jensen, **SECONDED** by Ron Ramsay that staff be directed to refer proposed Bylaw No. 4285, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 142, 2019" to the East Sooke Advisory Planning Commission and to appropriate CRD departments and the following external agencies for comment:

BC Hydro	Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch	Scia'new First Nation
District of Sooke	Ministry of Transportation and Infrastructure	Sooke School District #62
Island Health	RCMP	T'Sou-ke First Nation

**CARRIED**

## 7. Proposed Bylaw

### a) **Bylaw No. 4266, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 11, 2019" (Port Renfrew Development Permit Areas and Development Approval Information)**

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4266.

Iain Lawrence responded to questions from the LUC advising that:

- updates are required to address legislative and procedural changes that have occurred since 2003, specifically with respect to implementing the provincial *Riparian Areas Regulation (RAR)*
- the sensitive ecosystem development permit area would apply to the same areas covered by the riparian development permit area, but applies to non-fish bearing streams
- a marine shoreline development permit area is also proposed, in keeping with the OCPs for the other six Juan de Fuca communities
- the *Local Government Act (LGA)* outlines that the local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected by the proposed official community plan amendment

**MOVED** by Ron Ramsay, **SECONDED** by Dale Risvold that staff be directed to refer proposed Bylaw No. 4266, "Comprehensive Community Development Plan for Port

Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 11, 2019” to a Public Information Meeting in Port Renfrew, to relevant CRD departments, and the following external agencies for comment:

Agricultural Land Commission	District of Sooke	Ministry of Transportation and Infrastructure (MoTI)
Cowichan Valley Regional District	Island Health	Pacheedaht First Nation
Department of Fisheries and Oceans	MFLNRORD – Resource Management Objectives Branch	School District #62 - Sooke

**CARRIED**

## **8. Adjournment**

The meeting adjourned at 7:29 p.m.

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Chair



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MARCH 19, 2019**

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**SUBJECT**     **Development Permit with Variance for Strata Lot 9, Section 16, Otter District, Strata Plan VIS7096 – #16 - 7450 Butler Road**

**ISSUE**

An application has been made for a development permit with variance in order to construct an industrial building and to reduce the flanking yard setback.

**BACKGROUND**

The subject property is located in the Sooke Business Park strata development on Butler Road in Otter Point (Appendix 1). Boulevard landscaping was installed as part of Development Permit DP-07-08, issued for the original subdivision and the property is entirely enclosed with black chain-link fencing.

The property is zoned Sooke Business Park Industrial (M-SBP) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. Development Permit DP000276 was issued for an existing industrial building. The single-storey building has a floor area of 543.09 m<sup>2</sup> and was completed in 2018 (Appendix 2).

The applicant now intends to construct a second 543.05 m<sup>2</sup> industrial building using the same building plans as the existing building on the lot (Appendix 3). The parcel is large enough to accommodate the size of the proposed structure within the 60% lot coverage permitted in this zone. The applicant is requesting a variance to reduce the flanking yard setback for the proposed building from 6.0 m to 4.8 m.

The property is 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 4). The applicant is requesting a development permit for the proposed building.

**ALTERNATIVES**

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

1. That Development Permit with Variance DV000064, for Strata Lot 9, Section 16, Otter District, Strata Plan VIS7096 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27B.09(c) by reducing the flanking yard setback requirement from 6.0 m CTS to 4.8 m CTS, for the purpose of constructing a 543.05 m<sup>2</sup> steel building be approved.
2. That Development Permit with Variance DV000064 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 27B.09(c) specifies that the flanking yard requirement is 6.0 m therefore, a variance is required in order to permit the building be located within this setback.

### **PUBLIC CONSULTATION IMPLICATIONS**

Pursuant to Section 499 of the *Local Government Act (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. 3885, Juan de Fuca Development 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 less than 500 m. Any responses received from the public will be presented at the March 19, 2019, 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 are using the same building design drawings for the proposed structure as were used for the existing building. 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 4).

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 the broader surroundings, the design attempts this by using a grey colour for the building siding as is used for other buildings within the Sooke Business Park and that will serve as a neutral backdrop for the boulevard plantings and reinforce the existing aesthetic and natural advantages of the area, thereby 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 colored trim 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 applicant intends to construct a second 543.05 m<sup>2</sup> industrial building on the lot using the same building plans as the existing building (Appendix 3). The parcel is large enough to accommodate the size of the proposed structure within the 60% lot coverage permitted by the zone; however, the curved shape of the strata road and lot line results in a 1.2 m projection into

the flanking yard setback. Otherwise, the proposed building meets the front, internal side, and rear yard requirements.

The requested variance should have no impact on parking and loading spaces as direct access to those spaces from the strata access is provided. This is in keeping with the existing building and should accommodate commercial vehicles in accordance with Guideline #11. With regards to proximity of the building to the access road, staff note that while the access road is private and does not fall under the jurisdiction of the Ministry of Transportation and Infrastructure, the requested setback would meet the Ministry's setback of 4.5 m from a road right-of-way.

Development Permit with Variance DV000064 is included as Appendix 5 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 flanking yard setback for the proposed building from 6.0 m to 4.8 m in this circumstance, staff recommend issuance of development permit with variance DV000064 subject to public notification.

**CONCLUSION**

The applicant has requested a development permit with variance for the purpose of constructing a single-story industrial building. The proposed variance is to reduce the flanking yard setback of the lot from 6.0 m to 4.8 m. Since the proposed design satisfies the Commercial and Industrial Development Permit Area guidelines of Bylaw No. 3819, and as no significant impacts are anticipated to result from reducing the flanking yard setback, staff recommend approval of the development permit with variance subject to public notification.

**RECOMMENDATION**

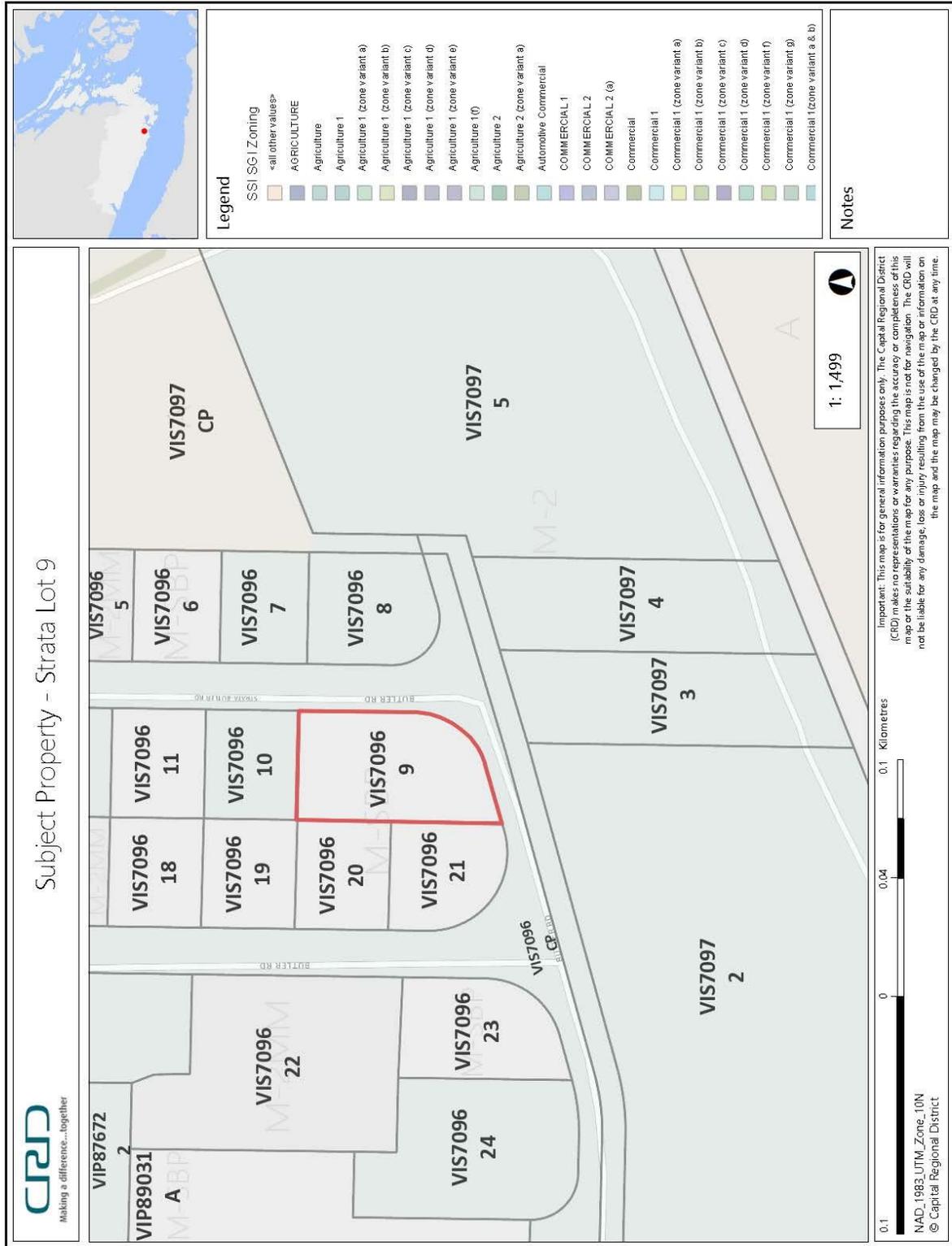
That the Land Use Committee recommends to the Capital Regional District (CRD) Board that Development Permit with Variance DV000064, for Strata Lot 9, Section 16, Otter District, Strata Plan VIS7096 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27B.09(c) by reducing the flanking yard setback requirement from 6.0 m CTS to 4.8 m CTS, for the purpose of constructing a 543.05 m<sup>2</sup> steel building be approved.

Submitted by:	Regina Robinson, Planning Assistant
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

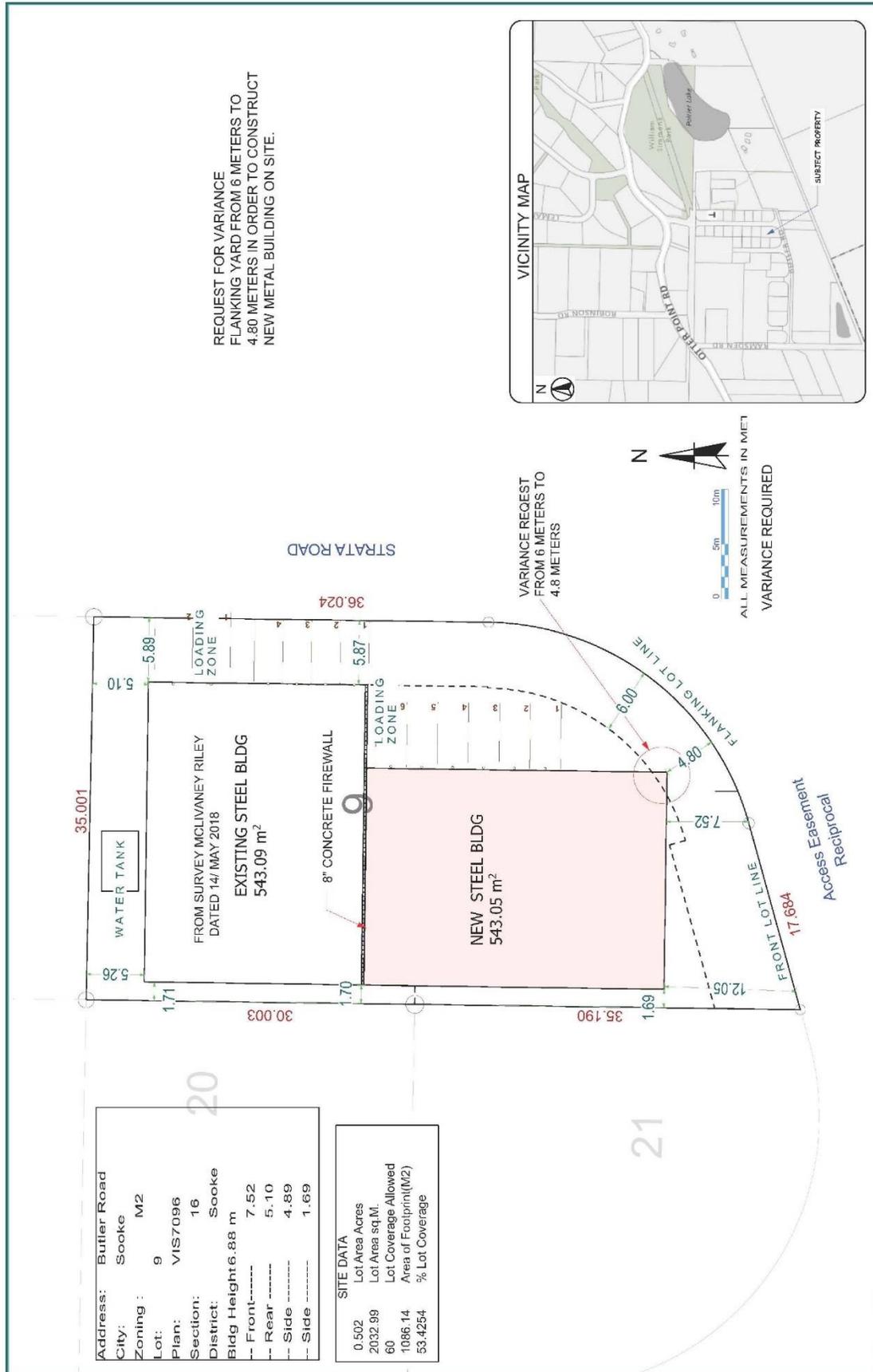
Attachments:

- Appendix 1: Subject Property Map
- Appendix 2: Plot Plan with Variance
- Appendix 3: Building Design and Elevations
- Appendix 4: Commercial and Industrial Development Permit Guidelines
- Appendix 5: Development Permit with Variance DV000064

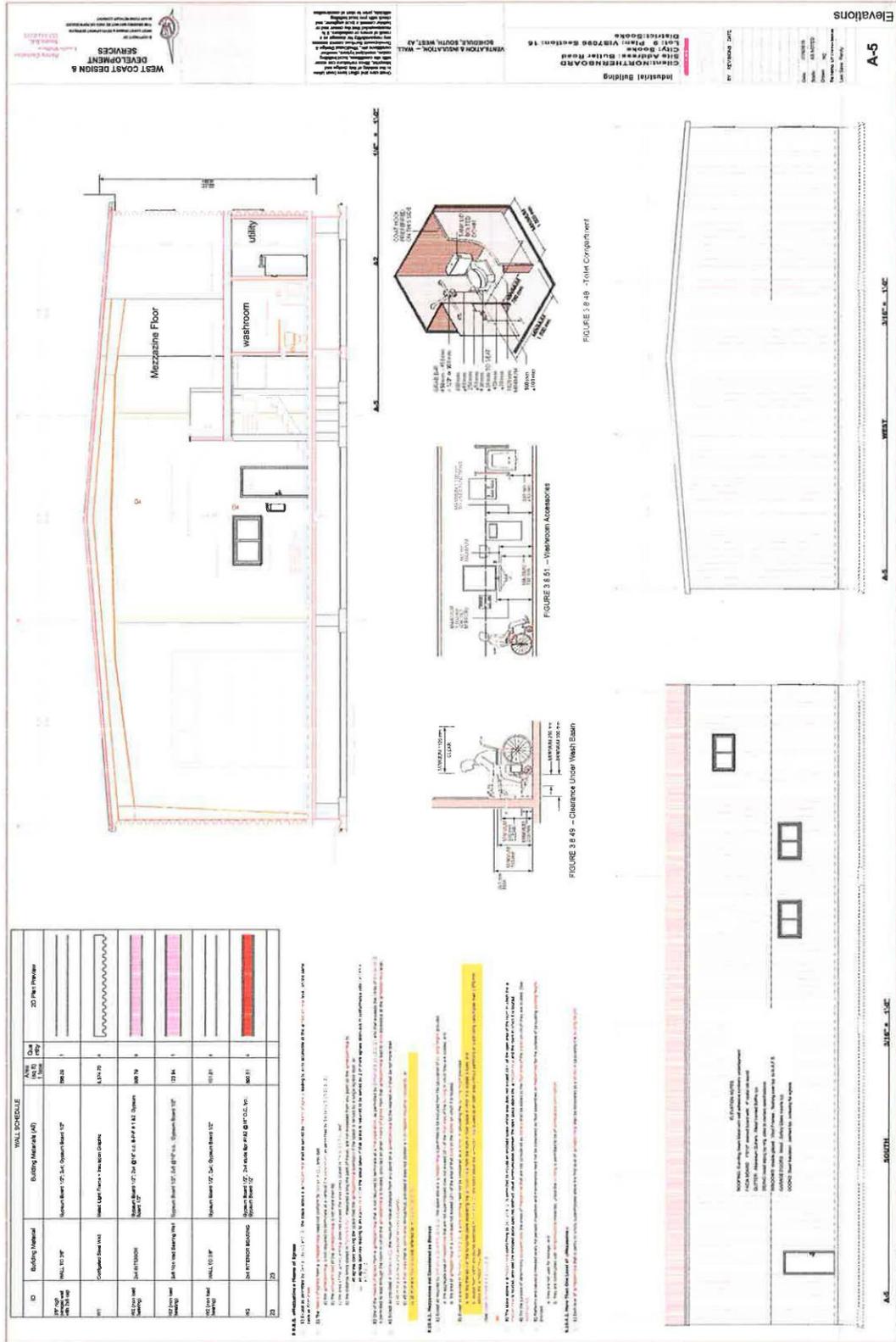
Appendix 1: Subject Property Map



Appendix 2: Plot Plan with Variance



Appendix 3: Building Design and Elevations

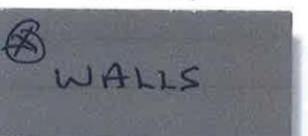
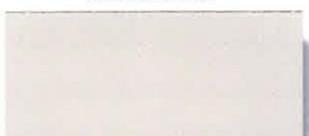
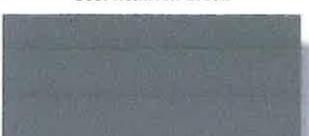
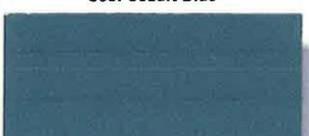
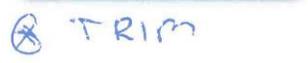




COLORS & FINISHES

VARCO PRUDEN BUILDINGS

STANDARD WALL, TRIM & ROOF COLORS

 <p>Cool Arctic White</p>	 <p>Cool Cotton White</p>	 <p>Cool Egyptian White</p>	
 <p>Cool Sierra Tan</p>	 <p>Cool Granite Gray</p>	 <p>Cool Zinc Gray</p>	
 <p>Cool Straw Gold</p>	 <p>Cool Dark Bronze</p>	 <p>Cool Colonial Red</p>	
 <p>Cool Hemlock Green</p>	 <p>Cool Leaf Green</p>	 <p>Cool Bermuda Green</p>	
 <p>Cool Cobalt Blue</p>	 <p>Cool Imperial Blue</p>	 <p>Cool Ebony (trim only)</p>	
 <p>Acrylic Coated Galvalume® *</p>			

Wall panel colors for Panel Rib, RPR, Tech Four & Vee Rib. Roof panel colors for Panel Rib Roof, SSR and 26 & 24 ga. Deck-Liner. Deck-Liner panel colors are limited to 24 & 26 ga. 22 & 28 ga. Deck-Liner is available in Polyester Interior White only. LPR-36 is available in SMP Cool Cotton White only. \*Acrylic Coated Galvalume® is an option for SSR, Panel Rib Roof or Wall & Deck-Liner.



#### Appendix 4: Commercial and Industrial Development Permit Guidelines

##### 6.7.4 Guidelines

Development Permits issued in the “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 5: Development Permit with Variance DV000064



CAPITAL REGIONAL DISTRICT

**DEVELOPMENT PERMIT WITH VARIANCE NO. DV000064**

1. This Development Permit with Variance is issued under the authority of Sections 490 and 498 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:  

**PID:** 028-646-568;  
**Legal Description:** Strata Lot 9, Section 16, Otter District, Strata Plan VIS7096 (the "Land")
3. This development permit authorizes construction and installation of a one-storey 543.05 m<sup>2</sup> building (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 February 15, 2019, 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 Plot Plan;
  - b. That the components of the development be consistent with the Building Design and Elevations prepared by West Coast Design & Development Services;
  - 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 27B.09(c), is varied under section 498 of the *Local Government Act* as follows:
  - a. That the flanking yard setback be reduced from 6.0 m to 4.8 m for the purpose of constructing a 543.05 m<sup>2</sup> steel 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 (DV000064) 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. Plot Plan, submitted February 19, 2019;
  - ii. Building Design and Elevations prepared by West Coast Design & Development Services.
10. This Permit is NOT a Building Permit.

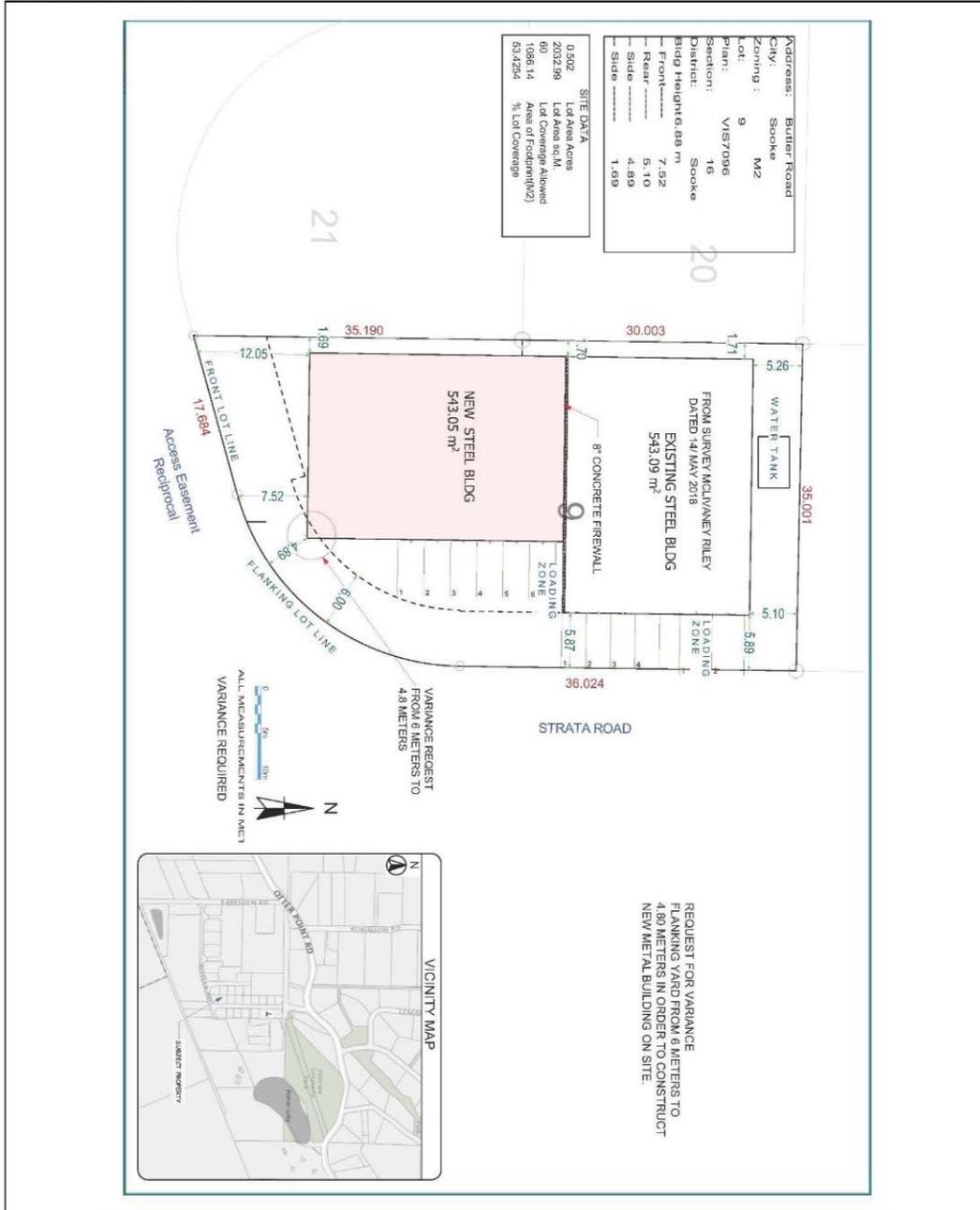
**RESOLUTION PASSED BY THE BOARD, THE \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

**ISSUED this \_\_\_\_\_ day of \_\_\_\_\_, 2019**

\_\_\_\_\_  
Corporate Officer

DV000064

Attachment 1: Plot Plan





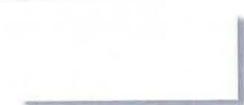
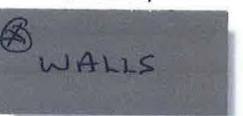
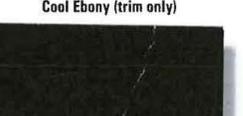
DV000064

COLORS & FINISHES



## VARCO PRUDEN BUILDINGS

### STANDARD WALL, TRIM & ROOF COLORS

Cool Arctic White	Cool Cotton White	Cool Egyptian White
		
Cool Sierra Tan	Cool Granite Gray	Cool Zinc Gray
		
Cool Straw Gold	Cool Dark Bronze	Cool Colonial Red
		
Cool Hemlock Green	Cool Leaf Green	Cool Bermuda Green
		
Cool Cobalt Blue	Cool Imperial Blue	Cool Ebony (trim only)
		
Acrylic Coated Galvalume® *		⊗ TRIM
		

Wall panel colors for Panel Rib, RPR, Tech Four & Vee Rib. Roof panel colors for Panel Rib Roof, SSR and 26 & 24 ga. Deck-Liner. Deck-Liner panel colors are limited to 24 & 26 ga. 22 & 28 ga. Deck-Liner is available in Polyester Interior White only. LPR-36 is available in SMP Cool Cotton White only. \*Acrylic Coated Galvalume® is an option for SSR, Panel Rib Roof or Wall & Deck-Liner.





**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MARCH 19, 2019**

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**SUBJECT**      **Cannabis Retail Application for Lot 1, District Lot 17, Renfrew District, Plan VIP65199 – 17293 Parkinson Road**

**ISSUE**

An application has been received for a licenced private cannabis retail store in Port Renfrew. Local governments are requested to conduct public consultation and forward a resolution to the provincial Liquor and Cannabis Regulation Branch.

**BACKGROUND**

The 1.51 ha property is located at 17293 Parkinson Road in Port Renfrew and is zoned Tourist Commercial One (TC-1) in the Port Renfrew Comprehensive Community Development Plan, Bylaw No. 3109 (Appendix 1). The property is adjacent to TC-1 zoned properties to the east and south, a vacant Community Residential One (CR-1) zoned property to the west and Cerantes Road to the north.

The parcel is within the Port Renfrew Fire Protection Local Service Area and the Port Renfrew Snuggery Cove Water Utility System. Defiance Creek flows through the property. Access is by easement over the adjacent parcel.

The site is the location of the former Lighthouse Pub and various tourist commercial enterprises (Appendix 2). There are outstanding building permit requirements for the existing buildings.

The owners have submitted an application to the provincial Liquor and Cannabis Regulation Branch (LCRB) for a licence to operate a 26.38 m<sup>2</sup> private cannabis retail store (Appendix 3). The CRD has adopted a Cannabis Retail application procedure and policy which includes public consultation and forwarding a Board recommendation to the LCRB.

**ALTERNATIVES**

*Alternative 1*

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

- a. That a resolution for the cannabis retail application LP000003 for Lot 1, District Lot 17, Renfrew District, Plan VIP65199, be forwarded to the Liquor and Cannabis Regulation Branch supporting the licence and requesting that the licence be withheld until completion of a building permit for the proposed retail store occupancy; and
- b. That the public comments received be forwarded to the Liquor and Cannabis Regulation Branch.

*Alternative 2*

That the Land Use Committee recommend to the Board that the cannabis retail application not be supported.

*Alternative 3*

That more information be provided by staff.

### **LEGISLATIVE IMPLICATIONS**

The *Cannabis Control and Licensing Act* and *Cannabis Licensing Regulation* establish requirements for cannabis retail licence applications. The provincial Liquor and Cannabis Regulation Branch (LCRB) notifies local governments of an application received for a proposed store. Local governments can choose whether or not to make comments and recommendations in respect of an application to the LCRB. When local governments choose to make comments and recommendations, the views of residents must be gathered. LCRB will not issue a licence where local governments have declined to make a recommendation or where the recommendation is to deny the licence.

Bylaw No. 3885 and the CRD Cannabis Retail Licence Application Policy establishes procedures for consideration of cannabis retail licence referrals from the LCRB.

### **PUBLIC CONSULTATION IMPLICATIONS**

Bylaw No. 3885, the Juan de Fuca Development Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or organization for their comment. The CRD Cannabis Retail Licence Application Policy states that property owners and residents within 500 m of the subject property will be notified in writing of a cannabis retail application to be considered at a public meeting and of the opportunity to submit comments. Any comments received from the public will be presented at the March 19, 2019, Land Use Committee meeting.

### **PLANNING ANALYSIS**

Local governments have a key role in the evaluation of applications for cannabis retail licences. CRD's Juan de Fuca Cannabis Retail Licence Application Policy outlines application requirements, procedures and evaluation criteria.

Upon receipt of a cannabis retail application, referral comments are requested from CRD Bylaw Enforcement and Building Inspection divisions. Bylaw Enforcement stated no concerns or comments regarding the application. Building Inspection will require either a change of occupancy permit (for existing buildings with no additions or structural alterations) or a building permit application with supporting documents for these proposals.

The policy states that cannabis retail uses are considered a permitted retail sales use where permitted by bylaw and not on land zoned for residential purposes. The TC-1 zone permits retail establishments and there are no residential uses on the property. The application is deemed to comply with land use policies in Bylaw No. 3109. There are no commercial development permit or sign permit requirements in Port Renfrew.

The parking regulations established in Bylaw No. 3109 for retail establishments state one space is required for every 45 m<sup>2</sup> of floor area. The proposed cannabis retail store floor area is 26.38 m<sup>2</sup>, which requires one parking space. A commercial access permit from the Ministry of Transportation and Infrastructure (MoTI) has not been issued for the driveway accessed over the adjacent property. The applicant has been advised to contact the MoTI to obtain a permit. Parking and driveway improvements in the vicinity of Defiance Creek will be subject to the *Riparian Areas Regulation*.

The location of the subject property is situated at the intersection of Parkinson Road and Cerantes Road in the vicinity of other tourist commercial uses including a hotel and pub and the government wharf. The capacity of the property to accommodate the retail use is within the TC-1 zone density, size and setback requirements.

This is the first cannabis retail store application received for the Port Renfrew area. It is anticipated that additional applications may be submitted, at which time a review of the proximity of other store locations could be considered. There are existing liquor licences in proximity to the subject property. Food primary licences include: 17110 (Bridgeman's), 17152 (Tomi's) 17245 (Coastal Kitchen), and 17310 (Wharfside Café) Parkinson Road. A liquor primary licence is also issued for 17310 Parkinson Road (Renfrew Pub) which is approximately 100 m from the subject property.

The proposed retail store is not within 300 m of the school, day care facilities, community centres or parks. The closest civic space is the government wharf, approximately 250 m from the subject property.

Port Renfrew is increasingly being developed as a tourist destination. The applicant's rationale for the proposed location is that it is central to the town's business district and has existing commercial zoning. The proposed store would serve the adult user market. Due to the seasonal nature of tourism, store hours will vary. No anticipated nuisances are anticipated due to the commercial location of the property and separation from civic and residential uses. The store's advertising will include erecting a 1.5 m<sup>2</sup> business sign (Appendix 4). The Province requires that promotional material not target youth audiences.

Based on the provisions of the Juan de Fuca Cannabis Retail Licence Application Policy and subject to review of public comments, staff recommend forwarding a resolution to the LCRB stating support for the application subject to obtaining the required building permits.

### **CONCLUSION**

An application has been received for a private cannabis retail store at 17293 Parkinson Road in Port Renfrew on a Tourist Commercial One (TC-1) zoned property. The applicant will be required to obtain building permits for the proposed use. If the CRD Board chooses to make comments and recommendations to the provincial Liquor and Cannabis Regulation Branch, the views of residents must be gathered. Public submissions received will be considered by the Juan de Fuca Land Use Committee.

### **RECOMMENDATIONS**

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

- a. That a resolution for the cannabis retail application LP000003 for Lot 1, District Lot 17, Renfrew District, Plan VIP65199, be forwarded to the Liquor and Cannabis Regulation Branch supporting the licence and requesting that the licence be withheld until completion of a building permit for the proposed retail store occupancy; and
- b. That the public comments received be forwarded to the Liquor and Cannabis Regulation Branch.

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

Attachments:

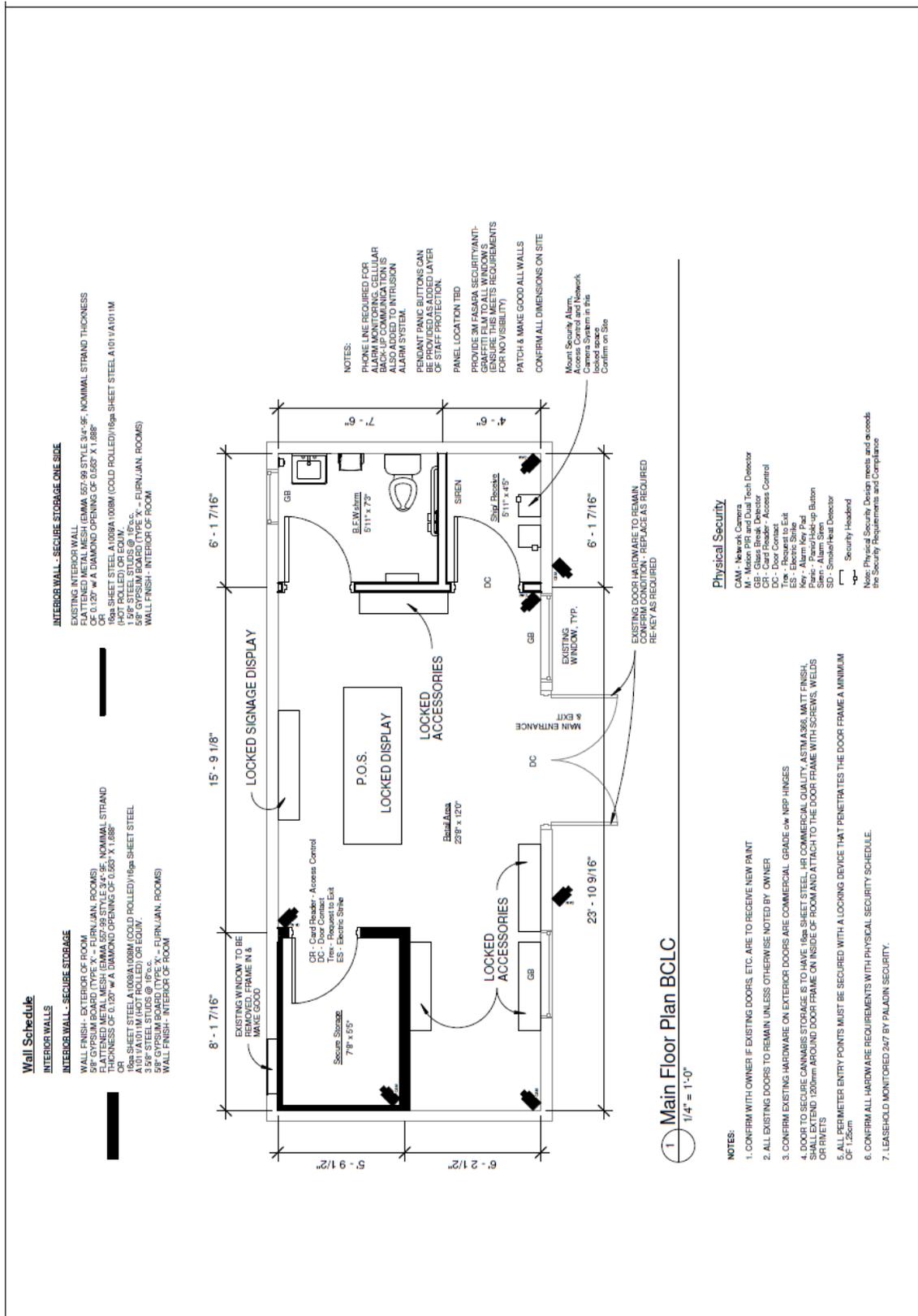
- Appendix 1: Subject Property Map
- Appendix 2: Site Plan
- Appendix 3: Building Plan
- Appendix 4: Sign Plan

Appendix 1: Subject Property Map





Appendix 3: Building Plan



Appendix 4: Proposed Sign Plan





**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MARCH 19, 2019**

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**SUBJECT**      **Temporary Use Permit for Lot 4, Section 47, Otter District, Plan VIP52344 – 7861 Tugwell Road**

**ISSUE**

A request has been made for a temporary use permit to allow the proposed expansion of a home based microbrewery in the Rural Residential 2 (RR-2) zone.

**BACKGROUND**

The 1.0 ha property is located at 7861 Tugwell Road in Otter Point (Appendix 1) and is zoned Rural Residential 2 (RR-2) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The property fronts onto Tugwell Road to the east, and other RR-2 zoned properties to the east, west and south.

The Home Based Business Category 3 (Home Industry) regulations specify that home industries are restricted to lots over one hectare. The subject property is slightly greater than one hectare and has been the site of a home based microbrewery in accordance with the regulations. The owner now requires additional floor area to expand the operation in response to market demand. Changes include moving the sales area to a currently unused portion of the building and expanding the brewing operation to include the area currently used for sales. Two outdoor, covered storage areas for refrigeration equipment, an air compressor, forklift, empty kegs and other brewery equipment would also be added.

The current operation occupies an indoor floor area of 59.4 m<sup>2</sup> (640 sq. ft.) within an accessory building. The proposed expansion would increase the indoor floor area to 96.7 m<sup>2</sup> (1,040 sq. ft.), and create 82 m<sup>2</sup> (884 sq. ft.) of covered, outdoor storage (Appendix 2). The Home Based Business regulations limit the area devoted to the home industry to 60 m<sup>2</sup> (645 sq. ft.) or 40% of the area of the dwelling, whichever is less; therefore, the property would either need to be rezoned, or the owner would need to obtain a temporary use permit to allow the expansion. The home based business regulations place no limitation on the total area that may be used for outdoor storage.

In response to market demand and the limitations of the home based business regulations, the owner has applied for a temporary use permit to authorize the proposed expansion, with the intention of finding appropriately zoned industrial land within the next several years.

The owner has been issued a Manufacturer's Brewing Licence with Picnic Area endorsement (Appendix 3) from the Liquor and Cannabis Regulation Branch. The Picnic Area endorsement allows the operator to host up to 30 persons on the property for the purpose of consuming products outdoors.

At its meeting on November 20, 2018, the Juan de Fuca Land Use Committee directed staff to proceed with referral of the application to the Otter Point Advisory Planning Commission (APC) and to agencies for comment. Referral comments are included in Appendix 4.

Staff have prepared temporary use permit TP000009 (Appendix 5) for consideration.

**ALTERNATIVES**

*Alternative 1:*

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

- a) That the referral of Temporary Use Permit TP000009, directed by the Juan de Fuca Land Use Committee on November 20, 2018, to the Otter Point Advisory Planning Commission, BC Hydro, District of Sooke, Island Health, the Ministry of Transportation and Infrastructure, the Ministry of Public Safety and Solicitor General – Liquor and Cannabis Regulation Branch, the RCMP and T'Sou-ke First Nation, be approved and the comments received;
- b) That Temporary Use Permit TP000009, to allow the expansion of a home based microbrewery in the Rural Residential 2 (RR-2) zone, on Lot 4, Section 47, Otter District, Plan VIP52344, be approved; and

- c) That a covenant be registered prior to issuance of the permit pursuant to Section 219 of the *Land Title Act* to permit the temporary use for the period of the permit. The covenant shall also include an agreement by the owner to indemnify and save harmless the CRD against all costs and expenses incurred by the CRD, in default by the owner, in the conversion, demolition or removal of the temporary use, and/or legal costs incurred in pursuing such legal remedies as the CRD sees fit.

*Alternative 2:*

That the agency referral comments and public submissions be received, and that Temporary Use Permit TP000009 be denied.

*Alternative 3:*

That more information be provided by staff.

### **LEGISLATIVE IMPLICATIONS**

Section 492 of the *Local Government Act (LGA)* authorizes local government to issue temporary use permits within areas designated by the Official Community Plan (OCP). Temporary use permits may be issued throughout the Otter Point OCP area as outlined in Bylaw No. 3819 and in accordance with Sections 493 to 497 of the *LGA*.

### **PUBLIC CONSULTATION IMPLICATIONS**

CRD Bylaw No. 3885, Juan de Fuca Development Applications Procedures Bylaw, states that a notice of intent must be mailed to the owners and occupants of land adjacent to the site under consideration within a distance of not more than 500 m.

If a local government proposes to pass a resolution to issue a temporary use permit, it must also give notice in accordance with Section 494 of the *LGA*. A public notice of intent to issue temporary use permit TP000009 will be published in the Sooke News Mirror prior to the CRD Board meeting at which the resolution to issue the permit will be considered.

### **REFERRAL COMMENTS**

Referrals were sent on November 26, 2018, to 7 agencies, the Otter Point APC and to appropriate CRD departments. Comments are noted below and included in Appendix 4.

CRD Bylaw Enforcement advised that the business is currently open to the public from Wednesday to Sunday from 12:00-6:00 pm, which is not in compliance with the home based business regulations. They noted that despite this, they had not received any complaints from the neighbours. They recommended that consideration be given to whether or not an expanded operation might lead to future nuisance complaints.

Island Health stated that the onsite septic system must be able to handle the additional daily flow due to the proposed expansion and that the homeowner must obtain a letter from an Authorized Person (AP) under the *Sewerage Regulations* confirming septic system capacity.

MoTI noted that the 7861 Tugwell Road falls outside of the controlled access area (800 m of a controlled access highway). Although a response is not required from the MoTI, the Ministry asked that consideration be given to the applicant obtaining a commercial access permit from the MoTI for the access onto Tugwell Road in order to maintain the integrity of the road in conjunction with the property's use.

The Otter Point APC considered the application on January 22, 2019, and 5 members of the public were present at the meeting. The APC asked questions of the applicant regarding licencing and provincial regulations, water resources and client base. The applicant responded that the brewery is regulated by the BC Liquor & Cannabis Regulation Branch and by Island Health, that water samples are provided to Island Health on a weekly basis, that water is sourced either from a well on the property or via a truck during the summer, and that the majority of the clients are local, except in the summer when up to 50% are tourists. A member of the public stated no objection to the application and commented that the business is an asset and that the owner is respectful of water resources. The Otter Point APC made the following motion:

**MOVED** by Bud Gibbons, **SECONDED** by Anne Miller that the Otter Point APC supports Temporary Use Permit TP000009.

**CARRIED**

### **PLANNING ANALYSIS**

The subject property is designated as Settlement Area 1 under the Otter Point OCP, Bylaw No. 3819. In accordance with Section 4.1(b), the Settlement Area 1 designation supports industrial uses on lands zoned industrial, as well as temporary industrial uses with a valid temporary use permit on non-industrial zoned lands. The designation also supports home based business uses that are compatible with the community's character, including having minimal traffic, parking, noise or nuisance impacts.

The Otter Point OCP directs that the following should be considered during the evaluation of a temporary use permit application:

- The use must be clearly temporary or seasonal in nature.
- The use should be compatible with adjacent uses.
- The potential impact of the proposed use on the natural environment.
- The intensity of the proposed use.
- The opportunity to conduct the proposed use on other land in the Plan area.
- Remedial measures to mitigate any impact to the natural environment.

The existing microbrewery operation has operated in its present location since 2017 under the Home Based Business Category 3 (Home Industry) regulations. Based on the size of the dwelling, the regulations restrict the area devoted to the microbrewery to 60 m<sup>2</sup> (640 sq. ft.), which allows the use to occupy only part of an existing accessory building. While the microbrewery would continue to be operated from the same building, the temporary use permit (Appendix 5) would authorize the use to be carried out at a scale greater than the home based business regulations allow, and occupy the entire 96.7 m<sup>2</sup> (1,040 sq. ft.) building, as well as 82 m<sup>2</sup> (884 sq. ft.) of additional outdoor covered storage space.

The owner has obtained a manufacturer's brewing licence with picnic endorsement from the BC Liquor and Cannabis Regulation Branch. The picnic endorsement allows the operator to host up to 30 members of the public. Liquor consumption in the picnic area is restricted to that served or sold from the on-site store and to that registered under the manufacturer's licence. To limit impact on the public road, the permit includes a condition that all parking spaces required for temporary use must be located on the subject property. To limit nuisances caused by the temporary use, the permit includes a condition to restrict nuisances or annoyances caused by noise, odour or unsightliness. The owner has also agreed to restrict the hours of operation of the store and picnic area to 11:00 am to 7:00 pm. As a final condition of the Permit, staff recommend that the owner register a covenant under Section 219 of the Land Title Act, indemnifying and saving the CRD harmless from all costs associated with conversion, demolition or removal of the temporary use.

To date, the Juan de Fuca planning office has received no complaints from neighbouring residents regarding noise, odour or traffic related to the existing use. One letter of support (Appendix 6) was received as a result of public notification of the Otter Point Advisory Planning Commission meeting. Should further expansion of the business be required in the future, the applicant would need to either request an amendment to this permit or find appropriately zoned industrial land.

Given the proposed scale of the use, the lack of complaints from the neighbouring property owners regarding the present operation and the apparent community support expressed through the APC, staff recommend that temporary use permit TP000009 be approved, subject to public notification.

### **CONCLUSION**

The application for temporary use permit TP000009 to authorize the expansion of a home based microbrewery is in keeping with the Otter Point OCP policies. Should further expansion of the business be required in the future, the applicant would need to either request an amendment to this permit or find appropriately zoned industrial land.

Staff recommend that the referral of the application to the Otter Point APC, noted agencies and T'Sou-ke First Nation be approved; that the public submissions and referral comments received; and that temporary use permit TP000009 be approved subject to public notification.

**RECOMMENDATIONS**

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

- a) That the referral of Temporary Use Permit TP000009, directed by the Juan de Fuca Land Use Committee on November 20, 2018, to the Otter Point Advisory Planning Commission, BC Hydro, District of Sooke, Island Health, the Ministry of Transportation and Infrastructure, the Ministry of Public Safety and Solicitor General – Liquor and Cannabis Regulation Branch, the RCMP and T'Sou-ke First Nation, be approved and the comments received; and
- b) That Temporary Use Permit TP000009, to allow the expansion of a home based microbrewery in the Rural Residential 2 (RR-2) zone, on Lot 4, Section 47, Otter District, Plan VIP52344, be approved; and
- c) That a covenant be registered prior to issuance of the permit and pursuant to Section 219 of the *Land Title Act* to permit the temporary use for the period of the permit. The covenant shall also include an agreement by the owner to indemnify and save harmless the CRD against all costs and expenses incurred by the CRD, in default by the owner, in the conversion, demolition or removal of the temporary use, and/or legal costs incurred in pursuing such legal remedies as the CRD sees fit.

Submitted by:	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

IL:wm

Attachments:

- Appendix 1: Subject Property Map
- Appendix 2: Site and Building Plans
- Appendix 3: Manufacturer's Brewing Licence
- Appendix 4: Referral Comments
- Appendix 5: Temporary Use Permit TP000009
- Appendix 6: Letter of Support







Appendix 3: Manufacturer's Brewing Licence

**From:** [LCRB Senior Licensing Analysts LCLB:EX](#)  
**To:** [Emma Taylor](#)  
**Subject:** FW: Brewery Manufacturer #307626 - Bad Dog Brewery 7861 Tugwell Rd, Sooke, BC  
**Date:** Monday, January 28, 2019 10:49:11 AM

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Good Morning Emma

The Bad Dog Brewery has an on-site store endorsement as well as a picnic endorsement.

There is no local government sign off as the picnic area endorsement was approved prior to the requirement for the applicant get local government sign off. The picnic only needed to be permitted under zoning. The person capacity for the picnic is 30 persons. They do not have a lounge endorsement so cannot sell by the glass.

We have not received any applications to change the current approvals. Please feel free to contact me if you have further questions.

Vicky Tooby  
Senior Licensing Analyst  
778-698-9036

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**From:** Emma Taylor [mailto:[etaylor@crd.bc.ca](mailto:etaylor@crd.bc.ca)]  
**Sent:** Monday, January 21, 2019 4:20 PM  
**To:** LCLB Licensing Help Desk LCLB:EX  
**Subject:** Brewery Manufacturer #307626 - Bad Dog Brewery 7861 Tugwell Rd, Sooke, BC

Hello,

The Juan de Fuca Electoral Area Community Planning office has received an application to expand the Bad Dog brewery at 7861 Tugwell Road, Sooke BC (licence #307626). A referral was recently forwarded to your agency to notify you of the application and to request comment.

I understand a manufacturers licence for the brewery also allows one on-site retail store and the ability to provide samples to the public. Could you please confirm whether any endorsements have been granted to Bad Dog Brewery such as an outdoor lounge or picnic area? If so, could you please provide a copy of the local government sign-off as our office does not have a record.

Much appreciated,

Emma Taylor, MA, MCIP, RPP  
Planner | Planning and Protective Services Department | JDF Electoral Area Planning  
Phone: 250.642.8102 | Fax : 250.642.5274 | E : [etaylor@crd.bc.ca](mailto:etaylor@crd.bc.ca)  
Capital Regional District | 3-7450 Butler Road, Sooke BC V9Z 1N1

Web: [www.crd.bc.ca/jdf](http://www.crd.bc.ca/jdf)

Please consider the environment before printing this email.

## Brewery Licence #307626

Expires on March 31, 2019

Establishment Name: **Bad Dog Brewing Company**  
Licence Name: **Bad Dog Brewing Company**  
Location Address: 7861 Tugwell Rd  
SOOKE, BC V9Z 0J7  
Issued to: Bad Dog Brewing Company Inc.

### TERMS AND CONDITIONS

#### Picnic Area and On-site Store Endorsements Approved

- The terms and conditions to which this licence is subject include the terms and conditions contained in the licensee Terms and Conditions Handbook, which is available on the Liquor Control and Licensing Branch website. The Terms and Conditions Handbook is amended from time to time.
- Subject to terms and conditions specified in the restriction or approval letter(s). A copy of restriction or approval letter(s) to be kept with current liquor licence.
- Liquor product sold in the on site store must be registered under the manufacturer licence.
- Picnic area (s) has a total person capacity of 30 persons.
- Off-site exemption to tied house restrictions allows for the sale and promotion of product at the following associated licences: Licensee Retail Store #195480, subject to product exclusivity and other requirements set out in your licensee handbook.
- Off-site exemption to tied house restrictions allows for the sale and promotion of product at the following associated licences: LP Licence # 048985 - Capital Ballroom, subject to product exclusivity and other requirements set out in your licensee handbook.

March 21, 2018



Appendix 4: Referral Comments

**Wendy Miller**

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**From:** Wilf Marquis  
**Sent:** Monday, December 24, 2018 9:02 AM  
**To:** Wendy Miller  
**Subject:** RE: Temporary Use Permit Application for Mircobrewery (7861 Tugwell Road)

Temporary Use Permit (TP000009) for 7861 Tugwell Road – Lot 4, Section 47, Otter District, Plan VIP52344

Capital Regional District Bylaw Services has the following comment regarding this application.

It is noted in the report that Juan De Fuca Planning has not received any nuisance complaints from the neighbours to date. The current operation is classified as a Home Based Category 3 (Home Industry) subject to specific Category 3 regulations as well as the general regulations within 4.06 (1) which includes :  
"4.06 (1) (h) Home Based Business (Categories 1 and 3) shall not increase vehicular traffic flow and parking by more than one additional vehicle at a time; nor shall they involve the use of commercial vehicles for delivery of materials to or from the premises, except occasional deliveries consistent with the normal residential use of the property."

The business Bad Dog Brewery is currently open to the public from Wed – Sun. 12:00 – 6:00 PM October 9th through to April 18th.as being advertised on its website. Bylaw Enforcement believes that by advertising and allowing public access to Mad Dog Brewery that regulation 4.06 (1)(h) is not being adhered to currently, despite no complaints yet lodged.

Bylaw Services would recommend that consideration be given to whether further expansion of this business and continued or perhaps increased access by the public as a result, would have adverse impacts with increased traffic flow to such a level that would result in nuisance complaints.

Respectfully submitted.

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

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**From:** Wendy Miller  
**Sent:** Monday, November 26, 2018 11:16 AM  
**To:** Wilf Marquis <wmarquis@crd.bc.ca>  
**Subject:** Temporary Use Permit Application for Mircobrewery (7861 Tugwell Road)

Good Morning,

Please find attached a staff report for temporary use application TP000009.

RESPONSE SUMMARY – TEMPORARY USE PERMIT APPLICATION TP000009

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

Onsite septic system must be able to handle the additional daily flow due to proposed expansion

Home owner must obtain a letter from an Authorized Person (AP) under the Sewerage System Regulation stating the above claim

Signed



Title

EHO

Date

Dec 10, 2018

Agency

VIHA

---

## Wendy Miller

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**From:** Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>  
**Sent:** Wednesday, November 28, 2018 11:25 AM  
**To:** Wendy Miller  
**Subject:** RE: Temporary Use Permit Application (7861 Tugwell Road) - CRD Referral

Good Morning Wendy,

7681 Tugwell Road falls outside of the controlled area (800m of a controlled access highway) and therefore Ministry response is not required.

That being said, the Ministry offers the following considerations:

- The property should obtain a commercial access permit for the access onto Tugwell Road in order to maintain the integrity of the road in conjunction with the property's use. A permit can be obtained from this office. Feel free to provide my contact information to the applicant to obtain this permit.

If you have any questions or concerns, please let me know.

Have a great day,

## Nikki Schneider

District Development Technician  
Ministry of Transportation and Infrastructure – Vancouver Island District  
Ph: 778-974-2633  
Fx: 250-952-4508



**Proud Member of the EAF**  
*For employees, by employees*

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**From:** Wendy Miller <wmiller@crd.bc.ca>  
**Sent:** November 26, 2018 11:10 AM  
**To:** Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>  
**Subject:** Temporary Use Permit Application (7861 Tugwell Road) - CRD Referral

Good Morning,

Please find attached a referral form and staff report for temporary use application TP00009.

The permit would allow the expansion of a home based microbrewery in the Rural Residential 2 (RR-2) zone.

Comment is requested by December 24, 2018.

Thank you,

Wendy Miller

Otter Point Advisory Planning Commission Meeting Minutes  
January 22, 2019

2

- e) The APC will be asked to meet next on February 12 to consider an application for a temporary use permit to allow a federally licensed micro-cannabis cultivation facility on the subject property zoned Rural Residential 2 (RR-2).

**6. Temporary Use Permit Application**

**a) TP000009 - Lot 4, Section 47, Otter District, Plan VIP52344 (7861 Tugwell Road)**

Emma Taylor spoke to the staff report and the request for a temporary use permit to allow the expansion of a home based microbrewery on the subject property zoned Rural Residential 2 (RR-2).

Emma Taylor confirmed that the applicants propose to increase the indoor floor area to 96.7 m<sup>2</sup> (1,040 sq. ft.), and create 82 m<sup>2</sup> (884 sq. ft.) of covered, outdoor storage and that temporary use permits are supported by the Otter Point Official Community Plan, Bylaw No. 3819. Attention was directed to the draft permit, proposed permit conditions and building plans as included in the staff report and to the supplementary submission received from Lynda and Dr. Neil McKinney, Otter Point, supporting expansion of the local business. It was confirmed that no complaints have been received to date regarding noise, odour or traffic related to the existing use.

Emma Taylor responded to a question from the APC confirming that De Mamiel Creek does not run through the subject property.

Emma Taylor confirmed that the applicants were present.

The applicants advised that:

- expansion is intended to cover outdoor equipment and supplies including a forklift, pallet and kegs and to provide greater separation between the brewery and retail area
- it is anticipated the brewery operation will be running at full capacity this summer
- the brewery operation is roadside
- homes on adjacent properties are located behind the brewery and behind their house
- the brewery operates from 11:00 a.m. to 7:00 p.m. in the summer and from 12:00 p.m. to 6:00 p.m. in the winter
- grain waste is consumed by their neighbour's cows
- the sediment from the brewing process known as trub is composted on site
- waste water is treated prior to entering the septic field

The applicants responded to questions from the APC confirming that:

- the brewery is regulated by the provincial Liquor & Cannabis Regulation Branch and by Island Health
- Island Health requires water samples once a week
- water for the brewery comes from the property's well
- trucked water is used during the summer months up until mid-October
- the majority of clients are local
- during the summer approximately 50% of clients are tourists

Arnie Campbell, Otter Point, stated:

- no objection to the application
- the brewery, at its home based business scale, is an asset
- the applicants are respectful of water resources

Otter Point Advisory Planning Commission Meeting Minutes  
January 22, 2019

3

MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the Otter Point APC supports Temporary Use Permit TP000009.

**CARRIED**

7. Proposed Bylaw

a) Cannabis Bylaw, Bylaw No. 4278, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 141, 2018”

Emma Taylor spoke to the staff report and the proposed amendment to Bylaw No. 2040 to reflect the current legislative framework for cannabis. Emma Taylor outlined the federal licence categories for cannabis growing, production, testing, research and sales.

Emma Taylor directed attention to the supplementary agenda which included Bylaw No. 4278, as revised, to eliminate the distinction between medical cannabis production and recreational cannabis production as supported by the LUC at its December 17, 2018 meeting. The revised bylaw supports this directive by amending the Sooke Business Park Industrial (M-SBP) zone to replace “Intensive Agriculture – Medical Marihuana Production” with “Cannabis Production – Commercial” as a permitted use.

Emma Taylor responded to a question from the APC confirming that the Juan de Fuca Electoral Area has no business license requirement.

The APC stated:

- support for the LUC considering applying the M-SBP zone to the entire Sooke Business Park
- support for Bylaw No. 4278 defining what type of processing is supported by the definition of “Cannabis Production”
- concern regarding reports of odour related to cannabis production in the Sooke Business Park
- concern for water pollution

Ian Laing, Sooke Business Park property owner, stated that processing is defined by Federal licence categories. Ian Laing outlined the differences between cannabis cultivation and cannabis processing and stated that:

- all properties in the Sooke Business Park are privately owned
- the *Cannabis Act and Regulations* include strict regulations for air intake/outtake
- reports of cannabis odour are not coming from licensed facilities
- he is pursuing rezoning of two properties to the M-SBP zone to support commercial cannabis production
- no cultivation or processing are taking place on his properties at this time as both of his properties are awaiting licence approval
- commercial cannabis production facilities are similar to food production facilities
- no herbicides or pesticides will be used

MOVED by Sid Jorna, **SECONDED** by Bud Gibbons that the Otter Point APC supports proposed Bylaw No. 4278, as revised.

**CARRIED**



**CAPITAL REGIONAL DISTRICT**

**TEMPORARY USE PERMIT NO. TP000009**

1. This Permit is issued under the authority of Section 493 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically authorized by this Permit.
2. This Permit 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:  
**PID: 017-338-085;**  
**Legal Description: Lot 4, Section 47, Otter District, Plan VIP52344 (the "Land")**
3. This Permit authorizes the operation of a micro-brewery, including brewing, fermenting, packaging and canning, kegging, keg cleaning, tasting and sales (the "temporary use"), on the Land, in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the temporary use referred to in Section 3 may be carried out are as follows:
  - a) The components of the temporary use shall occur within the areas identified on the Site and Building Plans attached to this Permit.
  - b) Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare; nor shall anything be done which creates or causes a health, fire or explosion hazard, electrical or navigation interference.
  - c) The temporary use shall not be open to members of the public, except during the hours of 11:00 am and 7:00 pm.
  - d) Not more than thirty (30) members of the public may be present on the Land at any one time.
  - e) All parking required for the temporary use shall be provided on the Land.
  - f) There shall be no increase in vehicular traffic flow and parking by the public by more than ten (10) additional vehicles at a time.
  - g) The use of commercial vehicles for the delivery of materials to and from the premises shall be limited to a maximum of two vehicles per day.
  - h) That a covenant be registered prior to issuance of the permit pursuant to Section 219 of the *Land Title Act* to permit the temporary use for the period of the permit. The covenant shall also include an agreement by the owner to indemnify and save harmless the CRD against all costs and expenses incurred by the CRD, in default by the owner, in the conversion, demolition or removal of the temporary use, and/or legal costs incurred in pursuing such legal remedies as the CRD sees fit.
5. 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 (TP000009) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
6. 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.
7. The following plans and specifications are attached:  
Appendix 1: Site and Building Plans
8. In default of compliance with any of the provisions of this Permit, the Permit shall lapse.
9. The owner agrees to indemnify and save harmless the CRD against all costs and expenses incurred by the CRD, in default by the owner, in the conversion, demolition or removal of the temporary use, and/or legal costs incurred in pursuing such legal remedies as the CRD sees fit.

TP000009

Page 2

10. This Permit is NOT a Building Permit.

11. This Permit shall expire 3 years after the date of issuance of the permit.

**RESOLUTION PASSED BY THE BOARD, THE \_\_\_\_ day of \_\_\_\_\_, 2019.**

**ISSUED** this \_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Corporate Officer





Appendix 6: Letter of Support

**Wendy Miller**

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**From:** Dr. Neil McKinney [REDACTED]  
**Sent:** Tuesday, January 15, 2019 12:45 PM  
**To:** Wendy Miller  
**Subject:** Tugwell Rd Microbrewery

Ms. Miller:

My wife Lynda McKinney and I own land on Michelson Road in Otter Point, but currently reside in Victoria. We are unable to attend in person the meeting to discuss the application for a permit to expand the microbrewery on Tugwell Road.

It is our intention to build a home and retire in the next few years to our Otter Point property, in proximity to the Bad Dog Microbrewery.

Lynda and I are strongly in support of this local business. John and family are very good neighbours, and their family business is welcome in our neighbourhood. We give our unequivocal support to their expansion.

Sincerely yours,

Lynda and Dr. Neil McKinney, ND  
[REDACTED]



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MARCH 19, 2019**

---

**SUBJECT**     **Proposed Juan de Fuca Board of Variance Bylaw No. 4288**

**ISSUE**

To consider a new bylaw that combines the Malahat and Willis Point Area Board of Variance with the Board of Variance for the remainder of the Juan de Fuca Electoral Area.

**BACKGROUND**

The Juan de Fuca Electoral Area (JdF EA) has historically had a separate board of variance for the areas formerly within the Langford Electoral Area and the Sooke Electoral Area. Currently, Bylaw No. 3839 establishes a board of variance for the areas of East Sooke, Otter Point, Shirley, Jordan River, Port Renfrew and the Rural Resource Lands. Bylaw No. 3376 establishes a board of variance for the Malahat and Willis Point communities.

Each board of variance has three members in accordance with the *Local Government Act*. However, there has recently been difficulty in obtaining members for advisory commissions and boards, including the Malahat and Willis Point Board of Variance. Staff have prepared proposed Bylaw No. 4288 which would establish one board of variance representing the entire JdF EA.

**ALTERNATIVES**

**Alternative 1**

That the Land Use Committee recommend to the Capital Regional District (CRD) Board:

- a) That Bylaw No. 4288 be introduced and read a first time, a second time and a third time;
- b) That Bylaw No. 4288 be adopted; and
- c) That in accordance with Bylaw No. 4288, the following persons be appointed to the Juan de Fuca Board of Variance for a term to expire April 10, 2022: Paul Clarkston, Axel Joosting, Greg Whincup.

**Alternative 2**

Refer the bylaw back to staff for further information.

**PUBLIC CONSULTATION**

Pursuant to the *Local Government Act*, proposed Bylaw No. 4288 establishes procedures to be followed by the board of variance, including the manner in which appeals are to be brought and notices are to be given. There is no public consultation requirement for the adoption of a bylaw establishing such procedures; however, notice of the Land Use Committee meeting and agenda for which the bylaw will be reviewed will be published in the local newspaper and on the CRD website.

### **LEGISLATIVE IMPLICATIONS**

Pursuant to the *Local Government Act*, once a zoning bylaw is adopted a board of variance must be established by bylaw. A regional district board of variance must consist of three members appointed by the board.

### **PLANNING ANALYSIS**

Although appeals to the board of variance are relatively infrequent in the JdF EA, the *Local Government Act* requires that a board of variance be established in all areas where a zoning bylaw has been adopted.

Due to the difficulty in obtaining members from Willis Point and Malahat communities, there is no active board of variance for that area. Bylaw No. 4288 proposes the establishment of a single, three member board of variance for the entire JdF EA. The proposed bylaw has been structured so that at least two members must be from the more highly populated communities of East Sooke, Otter Point, Shirley, or Jordan River communities. No significant changes to the board of variance procedures or fees are proposed. Section 7 of the Bylaw will repeal Board of Variance Bylaw No. 3378 and Bylaw No. 3839.

Staff recommend that proposed Bylaw No. 4288 be adopted and that the CRD Board appoint three members for a new three year term.

### **CONCLUSION**

Staff have prepared Bylaw No. 4288 to establish a single board of variance for the entire JdF EA.

### **RECOMMENDATION**

That the Land Use Committee recommend to the Capital Regional District (CRD) Board:

- a) That Bylaw No. 4288 be introduced and read a first time, a second time and a third time;
- b) That Bylaw No. 4288 be adopted; and
- c) That in accordance with Bylaw No. 4288, the following persons be appointed to the Juan de Fuca Board of Variance for a term to expire April 10, 2022: Paul Clarkston, Axel Joosting, Greg Whincup.

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

Appendix:

1. Proposed Bylaw No. 4288

Appendix 1: Proposed Bylaw No. 4288

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4288**

\*\*\*\*\*  
**A BYLAW TO ESTABLISH A BOARD OF VARIANCE FOR  
THE JUAN DE FUCA ELECTORAL AREA**  
\*\*\*\*\*

WHEREAS Section 536 of the *Local Government Act* provides that where a local government has adopted a zoning bylaw, the local government must establish a board of variance;

AND WHEREAS pursuant to Section 539 of the *Local Government Act*, the bylaw establishing a board of variance must set out procedures to be followed by the board of variance;

NOW THEREFORE, the Board of the Capital Regional District, in open meeting assembled, enacts the following:

**PART 1 - ESTABLISHMENT**

A Board of Variance is hereby established for the Juan de Fuca Electoral Area of the Capital Regional District.

**PART 2 – APPOINTMENT OF BOARD MEMBERS**

1. The Board of Variance shall consist of three members appointed by the Board of the Capital Regional District. At least two members must be residents of East Sooke, or Otter Point, or Shirley or Jordan River area.
2. An appointment to the Board of Variance is for a maximum term of:
  - a) Three (3) years, or
  - b) If no successor has been appointed at the end of the three (3) year period, until the time that a successor is appointed.
3. At the first meeting in each calendar year, the members of the Board of Variance shall elect one of their members as Chair and the Chair may appoint a member of the Board of Variance as Acting Chair to preside in his or her absence.
4. The Board of the Capital Regional District may rescind an appointment to the Board of Variance at any time.
5. A quorum for a hearing is two members.

**PART 3 - SECRETARY**

1. A Secretary shall be provided to the Board of Variance by the Juan de Fuca Community Planning division of the Capital Regional District.
2. The responsibilities of the Secretary are:
  - a) to receive completed notices of appeal;
  - b) to notify the Chair of the Board of Variance upon the receipt of a notice of appeal;
  - c) to ensure that proper notification is given in compliance with this bylaw;
  - d) to keep proper records of the Board of Variance proceedings;
  - e) to appoint a representative to receive the notices of appeal when circumstances require an appointment; and
  - f) to determine whether the appellant seeks a decision of the Board in accordance with Section 542 (2) of the *Local Government Act*.

CRD Bylaw No.4288

2

**PART 4 – NOTICE OF APPEAL**

1. An appellant shall deliver to the Secretary of the Board of Variance or appointee, a completed Notice of Appeal in the form prescribed by the Manager, Juan de Fuca Community Planning, together with such plans and technical information the appellant or Secretary deems necessary to support the appeal including, but not limited to the following:
  - a) letter stating the grounds of the appeal;
  - b) survey plan certified by a BC Land Surveyor;
  - c) site plan to scale;
  - d) building elevation plans to scale;
  - e) certificate of title no older than 30 days of the appeal;
  - f) Title encumbrances;
  - g) signature of property owner(s);
2. Prior to the processing of a Board of Variance appeal, the applicant shall pay to the Capital Regional District a non-refundable application fee of Three Hundred Dollars (\$300.00).
3. Upon receipt of a Notice of Appeal by the Secretary of the Board of Variance and determination of the hearing date, the Secretary shall, not less than ten (10) calendar days prior to the date of the hearing, give notice of the hearing by way of registered mail or otherwise to:
  - a) the members of the Board of Variance;
  - b) the appellant;
  - c) the Capital Regional District Juan de Fuca Community Planning and Building Inspection Services divisions;
  - d) the registered owners, as shown in the last revised assessment roll, and all tenants in occupation of the property under appeal and the land within 50 metres of the land that is the subject of the application.
4. The notice of the hearing shall state the date, time, and place of the hearing and subject matter of the application.

**PART 5 – HEARINGS**

1. Juan de Fuca Community Planning, in consultation with the members of the Board of Variance, shall set a date for the hearing of an appeal.
2. A hearing of the Board of Variance shall be convened by the Chair on the date of hearing and at the time and place set out in the notice of hearing and the Board of Variance may adjourn the hearing from time to time, and may reconvene without further published notice if the time, date, and place of reconvening is announced at adjournment.
3. The members of the Board of Variance may view the property under application and the surrounding properties.
4. The Board of Variance shall hear all representations made to the Board.
5. The appellant shall be afforded the first opportunity to present evidence and arguments, and thereafter, evidence and arguments shall be presented in such sequence as the Chair may direct until all parties to the application have been afforded an opportunity to present their evidence and arguments.
6. Presentations to the Board of Variance and the deliberations and decisions of the Board of Variance shall be open to the public.

CRD Bylaw No.4288

3

**PART 6 – DECISION**

1. The decision of the Board of Variance shall be by a majority of those members present.
2. The Secretary of the Board of Variance shall send by registered mail, or otherwise, the written decision of the Board of Variance to the appellant, all persons who made representation at the hearing, and the Capital Regional District Juan de Fuca Community Planning and Building Inspection Services divisions.
3. Where the Board of Variance orders that a minor variance be permitted or an exemption from Section 531 of the *Local Government Act* be allowed, it may order that, unless the construction of the building, structure or manufactured home is completed within a time set in the order, the permission or exemption terminates and the bylaw or Section 531 of the *Local Government Act*, as the case may be, applies.
4. The Secretary shall enter that decision in the record maintained at the Juan de Fuca Community Planning office.

**PART 7 – REPEAL**

Bylaw No. 3376 "Malahat, Willis Point Area Board of Variance Bylaw No. 2, 2006" and Bylaw No. 3839 "Juan de Fuca Board of Variance Bylaw No. 1, 2012" are hereby repealed.

**PART 8 - CITATION**

This Bylaw may be cited as "Juan de Fuca Board of Variance Bylaw No. 10, 2019".

READ A FIRST TIME THIS	day of	2019.
READ A SECOND TIME THIS	day of	2019.
READ A THIRD TIME THIS	day of	2019.
ADOPTED THIS	day of	2019.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MARCH 19, 2019**

---

**SUBJECT**     **Proposed Bylaw No. 4278**

**ISSUE**

Proposed bylaw amendment to address the current legislative framework for the licensing of recreational cannabis cultivation and distribution, and to permit the use in the Sooke Business Park Industrial (M-SBP) zone.

**BACKGROUND**

The Federal government has legalized recreational cannabis consumption and has established a national framework for regulating its cultivation and distribution. New requirements for federally licensed producers of recreational cannabis are outlined in the *Cannabis Act* and *Regulations*. Federal licence categories have been established for cannabis cultivation, processing, analytical testing, sales, import/export and research (Appendix 1). All licences that authorize the possession of cannabis must provide notice to local authorities (local government, police and fire) to ensure land use compliance.

The *Agricultural Land Reserve (ALR) Regulation* was recently amended to define the lawful production of cannabis as a farm use for the purposes of the *Agricultural Land Commission (ALC) Act*. Cannabis can now be cultivated outdoors or in specified structures. Local government bylaws may not prohibit the lawful production of cannabis in the ALR.

The Province of BC has established 19 as the minimum age for consumption and allows up to four personal plants per dwelling provided there is no community care facility involving youth at that address. Local governments can implement more stringent regulations where desired.

Staff have prepared proposed Bylaw No. 4278 to amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, to update definitions and permitted uses in the Agricultural (AG) zone to reflect the current legislative framework for non-medical cannabis. The Juan de Fuca Land Use Committee (LUC) considered the issue at their meeting of December 17, 2018, and recommended that proposed Bylaw No. 4278 be referred to the Otter Point Advisory Planning Commission (APC), CRD departments and agencies for comment. Comments received are included in Appendix 2.

At the same meeting, the Land Use Committee also made the following motion:

**MOVED** by Director Hicks, **SECONDED** by Roy McIntyre that staff amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, 1992, to eliminate the distinction between medical cannabis production and recreational cannabis production in the Sooke Business Park Industrial (M-SBP) zone.

**CARRIED**

Following this direction, staff have revised proposed Bylaw No. 4278 to permit all types of cannabis-related uses in the Sooke Business Park Industrial (M-SBP) zone (Appendix 3).

**ALTERNATIVES**

*Alternative 1*

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca Land Use Committee to the Otter Point Advisory Planning Commission; BC Hydro; District of Sooke; Island

Health; MFLNRORD – Archaeology Branch; MFLNRORD – Groundwater Protection Branch; Ministry of Transportation and Infrastructure (MoTI); RCMP; T’Sou-ke First Nation; and appropriate CRD departments be approved and the comments received;

- b) That proposed Bylaw No. 4278, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 141, 2018” be introduced and read a first time and 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. 4278.

#### *Alternative 2*

That the CRD Board not proceed with proposed Bylaw No. 4278.

#### *Alternative 3*

That more information be provided by staff.

### **LEGISLATIVE AND PUBLIC CONSULTATION IMPLICATIONS**

The proposed bylaw affects multiple parcels in the area covered by Bylaw No. 2040. Property owners of land zoned Sooke Business Park Industrial (M-SBP) will be notified of the proposed bylaw and provided opportunity to comment as part of the Land Use Committee’s consideration of referral comments and first reading of the bylaw.

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *LGA* will be required subsequent to the amendment passing second reading by the CRD Board, which will be advertised in the local paper and on the website.

### **REFERRAL COMMENTS**

Referrals were sent to 12 agencies, the Otter Point APC and to appropriate CRD departments. Comments received are noted below and included in Appendix 2.

CRD Bylaw Enforcement stated no concern.

The District of Sooke stated no objection to the proposed bylaw and wishes to stay informed of any developments related to this matter as the District determines an approach to cannabis production.

Island Health provided a statement from the Office of the Chief Medical Health Officer outlining a public health approach to non-medical cannabis; stated the absence of setbacks from non-compatible uses; requested information on retail cannabis regulations and consideration of how to address potential nuisance issues such as odour; and requested further dialogue between agencies. Bylaw No. 4271, which is referenced in Island Health’s comments, amended the Juan de Fuca Land Use Committee Bylaw to allow the Committee to provide input into the Provincial retail licence application process.

Ministry of Transportation and Infrastructure reported that it has no objection to the proposed bylaw.

The Otter Point APC met on January 22, 2019, to review the proposed bylaw. The Commission provided the following motion:

**MOVED** by Sid Jorna, **SECONDED** by Bud Gibbons that the Otter Point APC supports proposed Bylaw No. 4278, as revised.

**CARRIED**

## **PLANNING ANALYSIS**

Amendments are proposed to Bylaw No. 2040 to reflect the new legislative framework for recreational cannabis consumption and production, and to permit cannabis production and related uses in the Sooke Business Park Industrial (M-SBP) zone.

### **Personal Use:**

Personal cultivation of up to four cannabis plants by adults at a private residence are permitted by the *Cannabis Act* and the *Cannabis Control and Licensing Act*, but this can be further regulated by local governments if it is deemed practical and warranted. The proposed bylaw amendment does not seek to further restrict personal cannabis cultivation. Rather, the amendment adds a new definition for '*cannabis production – personal*' and clarifies that no more than four cannabis plants may be cultivated at a dwelling.

### **Cannabis Cultivation on Agricultural Land:**

Commercial cannabis cultivation and related ancillary uses are now considered a farm use in the ALR subject to ALC policies that allow production outdoors in a field, in a structure with a soil base, or in a grandfathered structure. Activities designated as a farm use in the ALR must not be prohibited by local government. Staff will consult with the ALC on this policy when determining where cannabis cultivation can occur. The proposed bylaw amendment updates language and retains the 30 m setback requirement from front, side and rear parcel boundaries for cannabis cultivation.

### **Licensed Cannabis Facilities:**

Local governments are able to regulate cannabis facilities outside the ALR. Considerations for locating cannabis facilities may include public tolerance for the use, location and proximity to civic uses, scale of the operation, policing and bylaw enforcement, as well as the capacity of local utilities. In the Juan de Fuca Electoral Area, factors such as odour, water use, septic capacity, hydro-electrical availability and electro-magnetic interference, waste management and fire protection have been raised as factors that inform land use decisions. Local governments may also wish to specify setbacks from non-compatible uses such as schools and parks.

Bylaw No. 2040 currently specifies that *intensive agriculture - medical marihuana production* is a permitted use in the General Industrial – Medical Marihuana (M2-MM) zone and the Sooke Business Park Industrial (M-SBP) zone (Appendix 4). Proposed Bylaw No. 4278 adds a new definition for '*cannabis production – commercial*' and amends the Sooke Business Park Industrial (M-SBP) zone to permit all federal cannabis licence categories (Appendix 3). At this time, the proposed amendment applies to the 11 properties zoned M-SBP. Separate consideration will be given to amending the General Industrial – Medical Marihuana (M-2MM) zone and remaining lands within the Sooke Business Park development.

The Sooke Business Park development is not within proximity to schools or daycare facilities and landscaping around the perimeter of the development provides a buffer from residential areas. The CRD Juan de Fuca Local Area Services Building is located within the development where public events and recreational programs occur, and the adjacent William Simmons Memorial Park and Butler Trail are used by the public including youth. However, cannabis facilities proposed in the M-SBP zone occur within industrial buildings that are indistinguishable from other general industrial buildings. In addition, such facilities require high levels of security and may have no outward display of marketing that would negatively impact youth.

Beyond zoning authority, other tools are available to local governments to address local issues arising from certain types of development, such as development permit (DP) guidelines to regulate the form and character of buildings, and development cost charges to assist with paying

the capital costs of providing utility infrastructure or park facilities that directly or indirectly service the development. CRD may also pursue bylaw enforcement of odour nuisances.

Staff recommend proceeding with proposed Bylaw No. 4278 for first and second reading and holding a public hearing.

**CONCLUSION**

The staff report outlines the current legislative framework for recreational cannabis and potential implications for local governments. Proposed Bylaw No. 4278 has been prepared to update definitions and to permit federally licenced cannabis-related uses in the Sooke Business Park Industrial (M-SBP) zone.

**RECOMMENDATIONS**

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca land Use Committee to the Otter Point Advisory Planning Commission; BC Hydro; District of Sooke; Island Health; MFLNRORD – Archaeology Branch; MFLNRORD – Groundwater Protection Branch; Ministry of Transportation and Infrastructure (MoTI); RCMP; T’Sou-ke First Nation; and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4278, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 141, 2018” be introduced and read a first time and 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. 4278.

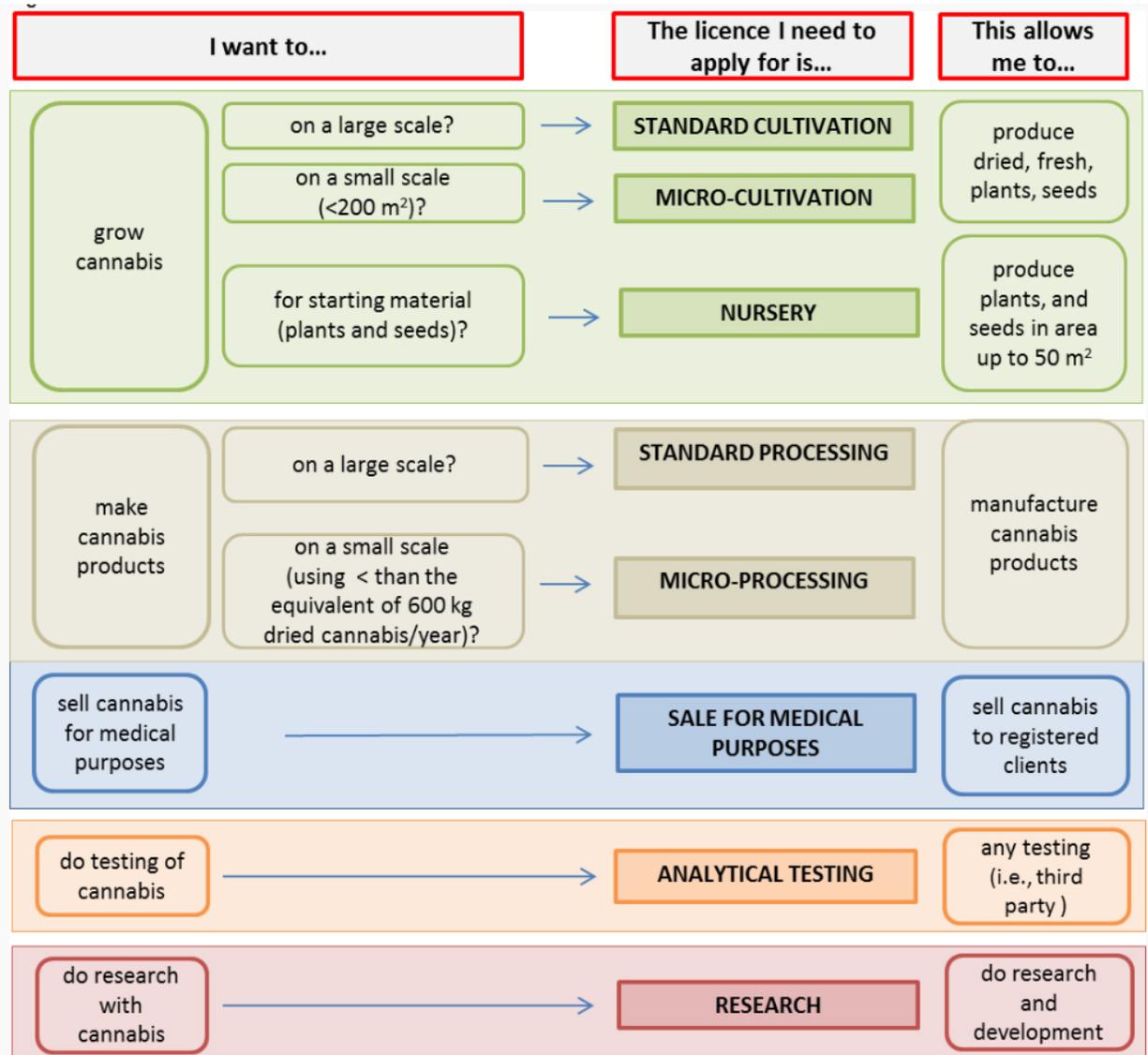
Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ET:wm

Attachments:

- Appendix 1. Health Canada Licence Categories
- Appendix 2. Referral Comments
- Appendix 3. Proposed Bylaw No. 4278
- Appendix 4. Zoning Map

Appendix 1: Health Canada Licence Categories



An industrial hemp licence and a cannabis licence are two other types of licences, but are outside the scope of this guide.

Source: <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/industry-licensees-applicants/licensing-summary/guide.html#a5.2>

Appendix 2: Referral Comments

**Wendy Miller**

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**From:** Wilf Marquis  
**Sent:** Thursday, January 17, 2019 9:48 AM  
**To:** Wendy Miller  
**Subject:** RE: Proposed Bylaw No. 4278 (Cannabis)

CRD Bylaw Enforcement Services has reviewed the staff report to amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, to update terminology from marihuana to cannabis to reflect legislated definitions and to address the legal cultivation of cannabis in the Agricultural Land Reserve (Bylaw No. 4278) and does not have any concerns.

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

RESPONSE SUMMARY – PROPOSED BYLAW NO. 4278

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

We would like to direct the CRD to the attached letter written by our Medical Health Officers (MHO) to the attention to Board Directors sent out last Fall (2018). In consultation with our MHOs, Dr. Richard Stanwick & Dr. Murray Fyfe, they would welcome the opportunity for further dialogue on this subject/bylaw. A few other notable items are (1) the absence of specific setbacks from non-compatible uses such as schools and parks. Also, (2) we did not receive a referral for Bylaw. 4271 that speaks more so retail cannabis (<https://www.crd.bc.ca/about/electoral-areas/juan-de-fuca>). (3) Is there a mechanism or consideration been given in this bylaw amendment to address potential nuisance issues with these operations, such as odour?



Signed

Regional Built Environment Consultant

Title

Jan 23, 2019

Date

Island Health

Agency



MEDICAL HEALTH OFFICERS

Office of the  
Chief Medical  
Health Officer

September 10, 2018

Dear:  
Mayor and Council – Municipal Governments,  
Chair and Directors – Regional Districts  
Chief and Council – First Nations

**Re: A Public Health Approach to Non-Medical Cannabis**

**COWICHAN AREA**  
250.331.8591  
Shannon Waters  
MD MHSc FRCPC  
601-222 Cowichan Way  
Duncan, BC V9L 6P4

Dried cannabis, cannabis oils and seeds will be legalized in Canada on October 17, 2018. Evidence suggests that the prohibition of cannabis has not achieved the intended objective of reducing use and associated harms. Legalization with regulation has been recommended as likely more effective.<sup>1</sup> In implementing these changes, a balance between the intended benefits and expected harms must be achieved. Island Health Medical Health Officers (MHOs), in addition to other MHOs provincially, support a public health approach to cannabis access and use<sup>2,3</sup>. Such an approach includes legalization with market regulation aimed at protecting and promoting health while allowing access at levels that reduce the negative outcomes associated with illicit distribution.

**NORTH ISLAND**  
250.331.8591  
Charmaine Enns  
MD, MHS, FRCPC  
355-11th Street  
Courtenay, BC V9N 1S4

Multiple sectors of society, and all levels of government, have roles to play in a comprehensive public health approach to cannabis legalization. Local governments, in particular, can adopt regulations aimed at 1) reducing youth exposure to non-medical cannabis, 2) reducing high-risk use in general (e.g., heavy or frequent use, use with other substances), and 3) unwanted exposure to second-hand cannabis smoke and vapour. Local governments can also support increasing public knowledge and awareness, to support risk reduction and de-stigmatization, without normalization or promotion.

**CENTRAL ISLAND**  
250.739.6304  
Paul Hasselback  
MD, MSc, FRCPC  
3rd Floor 6475 Metral Drive  
Nanaimo, BC V9T 2L9

Local governments' jurisdiction in zoning, land use, business licensing, building codes, nuisance and clean air by-laws, and enforcement, as well as their ability to advocate to higher levels of government, can all be leveraged to promote a public health approach to cannabis.<sup>4</sup> Some specific areas of best practice<sup>5</sup> where local governments can support a public health approach include:

**SOUTH ISLAND**  
250.519.3406  
Richard Stanwick, CMHO  
MD, MSc, FRCPC, FAAP

1. Restrict public consumption of cannabis and exposure to environmental cannabis products. By limiting where cannabis can be consumed, local governments can reduce unwanted exposure to second-hand cannabis smoke or vapour, and can reduce the

Murray Fyfe  
MD, MSc, FRCPC

Dee Hoyano  
MD, FRCPC

430 – 1900 Richmond Ave.  
Victoria, BC V8R 4R2

After Hours On Call  
1.800.204.6166

<sup>1</sup> Haden, M., Emerson, B. (2014). "A vision for cannabis regulation: a public health approach based on lessons learned from the regulation of tobacco and alcohol." *Open Medicine* 8(2):e73. Available online: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4085088/>

<sup>2</sup> Canadian Public Health Association's position statement on Legalization, Regulation, and Restriction of Access to Cannabis. Available online: <https://www.cpha.ca/sites/default/files/uploads/policy/positionstatements/cannabis-positionstatement-e.pdf>

<sup>3</sup> Canadian Chief Medical Officers and Urban Public Health Network. (2016). Public health perspectives on cannabis policy and regulation. Available online: <http://uphn.ca/wo-content/uploads/2016/10/Chief-MOH-UPHN-Cannabis-Perspectives-Final-Sept-26-2016.pdf>

<sup>4</sup> Federation of Canadian Municipalities. (2018). *Municipal Guide to Cannabis Legalization: A Roadmap for Canadian Governments*. Ottawa, ON: Federation of Canadian Municipalities.

<sup>5</sup> Recommendations are derived from Peloquin R, Scarr J. (2017). *Cannabis Regulation and Youth: A Jurisdictional Review*. Vancouver: Child Health BC, and Tyler, I., Schwandt, M., Padhi, S. (2018). *Recommendations to support municipal bylaw development regulating cannabis access and use*. Surrey, BC: Fraser Health Authority.

visibility of cannabis consumption for youth, making it less normative, and more likely that youth delay initiation or never start:

- Prohibit public cannabis consumption wherever tobacco or alcohol consumption is already prohibited. This should include areas not covered by provincial legislation including enclosed public spaces, transit shelters, common areas of apartment buildings and community care facilities, and areas frequented by children and youth, such as parks, beaches, pools, playgrounds, and sports fields; and,
  - Prohibit smoking/vaping lounges, including mobile units; and,
  - Facilitate multi-unit dwelling policies that limit unwanted exposure to environmental cannabis emissions
2. Ensure local retail sales of non-medical cannabis should be limited to reduce the unintended exposure by youth and harmful patterns of consumption in the general population:
    - Restrict marketing of cannabis such as sandwich boards, exterior signage, flyers, and sign spinners;
    - Establish a minimum separation of 300 metres between cannabis retail outlets, to limit overall density of cannabis availability in the community;
    - Establish a minimum buffer zone of 300 metres and preferably 600 metres between cannabis retail outlets and schools, recreation centres, and other areas where children and youth frequent;
    - Ensure any site specific siting within 600 metres of schools and on major school transportation routes should actively involve the school community and school districts in ensuring impact on students is negligible, and,
    - Limit hours of sale to at least correspond with alcohol sale policy, while greater restriction would provide additional health and safety benefits.
  3. Include public messaging on safer use and potential risks in local government communications to residents.
  4. Limit personal use growth and small grow operations to reduce nuisance odour concerns in residential settings.
  5. Be cognizant of and prepared to revise local restrictions and limitations on cannabis when and if edible cannabis products for consumption are approved for sale. Exclusion of on-premise edible consumption is likely to be recommended as peak effects will be delayed in most circumstances to after the departure of consumers from the premises. The concurrent consumption of cannabis and alcohol is known to increase risk and zoning and approval decisions should dissuade co-consumption opportunities

Other restrictions are already required under provincial and/or federal law, but local government can reinforce and strengthen these restrictions through setting higher standards, imposing additional penalties, and of course enforcement actions. The Municipal Guide to Cannabis Legalization, published by the Federation of Canadian Municipalities, which provides extensive practical guidance on these matters is a good resource to consult.

Certain specific recommendations may not be feasible in very small communities, e.g. relating to the physical separation of cannabis retail from areas where youth congregate. We still encourage local governments to follow the spirit, if not the letter, of the recommendations, e.g. striving for whatever physical separation is possible.

Island Health Medical Health Officers and colleagues across the province strongly caution against pursuing economic gain from the legalization of non-medical cannabis use. When cannabis production and sales are

significantly motivated by revenue generation, this creates an incentive to encourage greater cannabis consumption by the public, and a disincentive to establishing appropriate restrictions on cannabis availability. The recommendation to legalize cannabis for non-medical purposes was driven in part by reducing the ongoing violence and negative health impacts caused by the illicit drug trade. Promoting and protecting health should remain the primary concern within a legalized environment.<sup>6</sup> Revenue generated should be used to fund education, health promotion activities, and/or data collection and analyses that support the overall public health-related goals of cannabis legalization<sup>7</sup>.

Alcohol, tobacco, and opioids continue to cause a greater overall burden of disease and injury than cannabis. Local governments are encouraged to take the opportunity from the upcoming legislative changes to cannabis, to review how the harms associated with other substances, might also be reduced through local government action. For example, restrictions on public consumption should include cannabis, tobacco, e-cigarettes, and other combustible products; and many of the strategies we recommend to reduce harm from cannabis consumption through limits on access and buffer zones, should also apply to alcohol and tobacco retail.

Cannabis legalization represents both an opportunity and a challenge for local governments to foster the development of healthy, vibrant communities across BC. The above public health recommendations can be integral to local cannabis policy development. For more information, or to further discuss your community's approach to non-medical cannabis or other substances, feel welcome to connect with your local Medical Health Officer.



Paul Hasselback, MD, MSc, FRCPC  
Medical Health Officer



Charmaine Enns, MD, MHSc, FRCPC  
Medical Health Officer



Shannon Waters, MD, MHSc, FRCPC  
Medical Health Officer



Dee Hoyano, MD FRCPC  
Medical Health Officer



Murray Fyfe, MD, MSc, FRCPC  
Medical Health Officer



Richard S. Stanwick, MD, MSc, FRCPC, FAAP  
Chief Medical Health Officer

Key Resources:

Canadian Public Health Association: A Public Health Approach to the Legalization, Regulation, and Restriction of Access to Cannabis (available online:  
<https://www.cpha.ca/sites/default/files/uploads/policy/positionstatements/cannabis-positionstatement-e.pdf>

<sup>6</sup> Canadian Chief Medical Officers and Urban Public Health Network. (2016). Public health perspectives on cannabis policy and regulation. Available online: <http://uphn.ca/wo-content/uploads/2016/10/Chief-MOH-UPHN-Cannabis-Perspectives-Final-Sept-26-2016.pdf>

<sup>7</sup> Peloquin R, Scarr J. Cannabis Regulation and Youth: A Jurisdictional Review. Vancouver: Child Health BC 2017.

Centre for Addiction and Mental Health: Canada's Lower Risk Cannabis Use Guidelines (available online: [https://www.camh.ca/-/media/files/lrcug\\_professional-pdf.pdf](https://www.camh.ca/-/media/files/lrcug_professional-pdf.pdf))

Federation of Canadian Municipalities: Municipal Guide to Cannabis Legalization (available online: <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>)

**Wendy Miller**

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**From:** Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>  
**Sent:** Monday, December 31, 2018 9:57 AM  
**To:** Wendy Miller  
**Subject:** RE: Proposed Bylaw No. 4278 (Cannabis) - CRD Referral

Good Morning Wendy,

Please accept this as official response from the Ministry of Transportation and Infrastructure in regards to proposed bylaw No. 4278; Ministry File 2018-07019.

The Ministry has no objections to the proposed bylaw and there are no conditions to be met at this time.

If you have any questions or concerns, please let me know!

Have a great day,

**Nikki Schneider**

Senior District Development Technician  
Ministry of Transportation and Infrastructure – Vancouver Island District  
Ph: 778-974-2633  
Fx: 250-952-4508



**Proud Member of the EAF**  
*For employees, by employees*

**Wendy Miller**

---

**From:** Nicholas Deibler <ndeibler@sooke.ca>  
**Sent:** Tuesday, January 22, 2019 3:45 PM  
**To:** Wendy Miller  
**Subject:** RE: Proposed Bylaw No. 4278 (Cannabis) - CRD Referral

Hi Wendy,

Thank you for sharing Bylaw No. 4278, the proposed amendment to Bylaw No. 2040 with the District of Sooke (received December 27, 2018).

The District of Sooke has no objections to the proposed bylaw amendment. The District is also in the process of determining how it will address cannabis production, and would certainly like to stay informed of any developments related to this matter within the Juan de Fuca Electoral Area.

Regards,

**Nicholas Deibler**  
*Planner 1*  
District of Sooke  
2205 Otter Point Rd  
Sooke BC, V9Z 1J2  
250-642-1627



**MOVED** by Bud Gibbons, **SECONDED** by Anne Miller that the Otter Point APC supports Temporary Use Permit TP000009.

**CARRIED**

**7. Proposed Bylaw**

**a) Cannabis Bylaw, Bylaw No. 4278, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 141, 2018”**

Emma Taylor spoke to the staff report and the proposed amendment to Bylaw No. 2040 to reflect the current legislative framework for cannabis. Emma Taylor outlined the federal licence categories for cannabis growing, production, testing, research and sales.

Emma Taylor directed attention to the supplementary agenda which included Bylaw No. 4278, as revised, to eliminate the distinction between medical cannabis production and recreational cannabis production as supported by the LUC at its December 17, 2018 meeting. The revised bylaw supports this directive by amending the Sooke Business Park Industrial (M-SBP) zone to replace “Intensive Agriculture – Medical Marihuana Production” with “Cannabis Production – Commercial” as a permitted use.

Emma Taylor responded to a question from the APC confirming that the Juan de Fuca Electoral Area has no business license requirement.

The APC stated:

- support for the LUC considering applying the M-SBP zone to the entire Sooke Business Park
- support for Bylaw No. 4278 defining what type of processing is supported by the definition of “Cannabis Production”
- concern regarding reports of odour related to cannabis production in the Sooke Business Park
- concern for water pollution

Ian Laing, Sooke Business Park property owner, stated that processing is defined by Federal licence categories. Ian Laing outlined the differences between cannabis cultivation and cannabis processing and stated that:

- all properties in the Sooke Business Park are privately owned
- the *Cannabis Act and Regulations* include strict regulations for air intake/outtake
- reports of cannabis odour are not coming from licensed facilities
- he is pursuing rezoning of two properties to the M-SBP zone to support commercial cannabis production
- no cultivation or processing are taking place on his properties at this time as both of his properties are awaiting licence approval
- commercial cannabis production facilities are similar to food production facilities
- no herbicides or pesticides will be used

**MOVED** by Sid Jorna, **SECONDED** by Bud Gibbons that the Otter Point APC supports proposed Bylaw No. 4278, as revised.

**CARRIED**

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4278**

\*\*\*\*\*

**A BYLAW TO AMEND BYLAW NO. 2040, THE “JUAN DE FUCA LAND USE BYLAW, 1992”**

\*\*\*\*\*

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

1. Bylaw No. 2040 being the “Juan de Fuca Land Use Bylaw, 1992” is hereby amended as follows:

**A. SCHEDULE A, PART 1, SECTION 2.0 DEFINITIONS**

- (a) By adding a new definition for “CANNABIS” before the word “CANOPY” as follows:  
“CANNABIS has the same meaning as in the *Cannabis Act* (Canada), subject to any prescribed modifications.”
- (b) By adding a new definition for “CANNABIS PRODUCTION” before the word “CANOPY” as follows:  
“CANNABIS PRODUCTION – COMMERCIAL means the commercial cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storage, distribution or scientific research of cannabis or cannabis products as permitted by the *Cannabis Act*, and any subsequent regulations or acts which may be enacted henceforth, but excludes personal cannabis production.”
- (c) By adding a new definition for “CANNABIS PRODUCTION – PERSONAL” after the definition of “CANNABIS PRODUCTION - COMMERCIAL” as follows:  
“CANNABIS PRODUCTION – PERSONAL means the growing of cannabis plants for personal use at a dwelling as permitted by the *Cannabis Act* and the *Cannabis Control and Licensing Act*.”
- (d) By adding a new definition for “CANNABIS PRODUCTS” before the word “CANOPY” as follows:  
“CANNABIS PRODUCTS means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption.”

**B. SCHEDULE A, PART 1, SECTION 4.15 USES PERMITTED IN ANY ZONE**

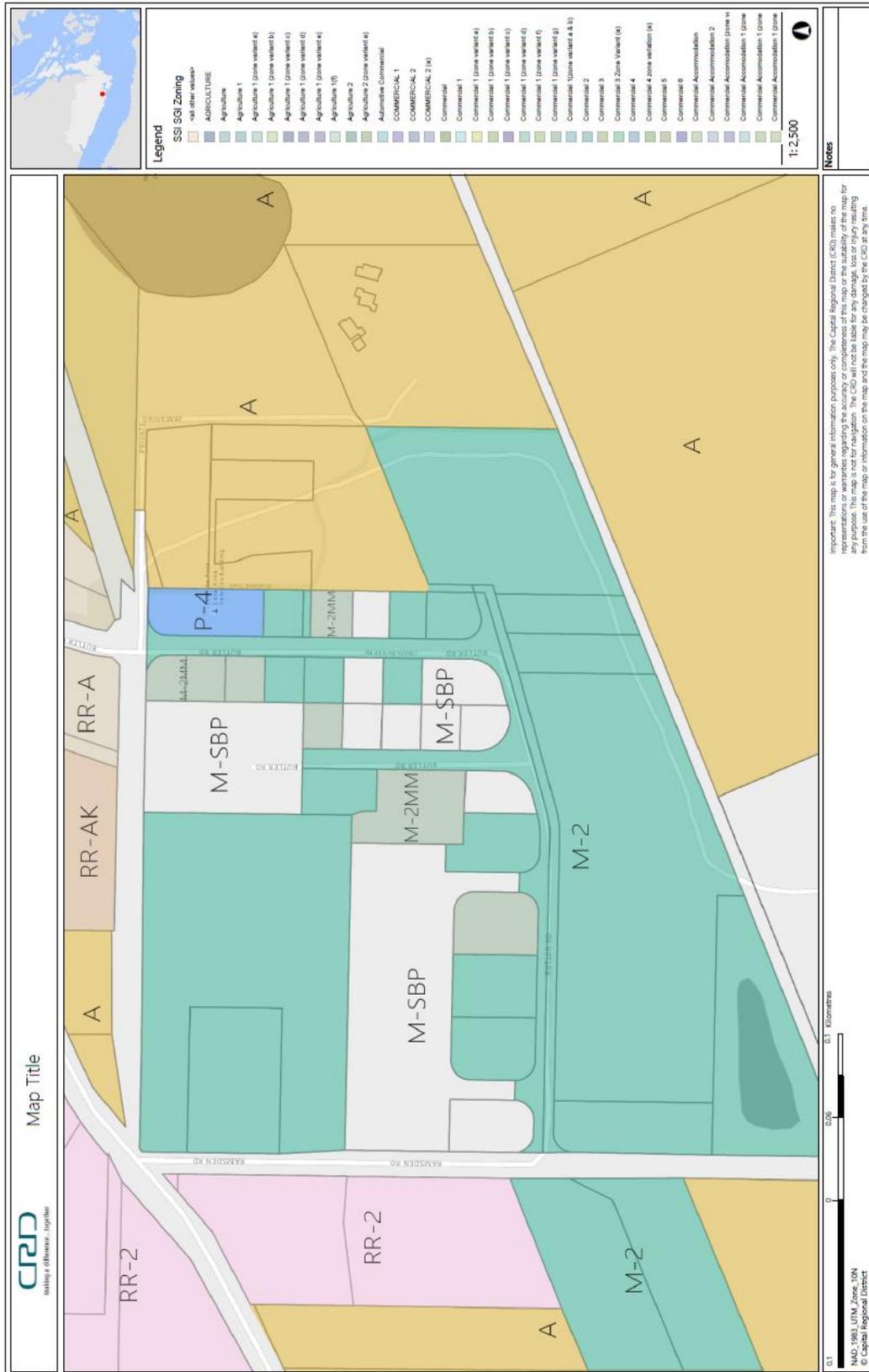
- (a) By adding a new subsection (h) as follows: “(h) *Cannabis production - personal* is permitted at a dwelling.”

**C. SCHEDULE A, PART 2 – ZONING DISTRICTS**

- (a) By amending section 4.0 AGRICULTURAL ZONE (AG), subsection 4.01(c) by deleting the words “Intensive Agriculture – Medical Marihuana Production on lands within the Agricultural Land Reserve”.
- (b) By amending section 4.0, subsection 4.11 by deleting the words “Intensive Agriculture – Medical Marihuana” and replacing with the words “Cannabis Cultivation”.
- (c) By amending section 27B.0 SOOKE BUSINESS PARK INDUSTRIAL ZONE (M-SBP), subsection 27B.01(k) by deleting the words “Intensive Agriculture – Medical Marihuana Production” and replacing with the words “Cannabis Production - Commercial”.



Appendix 4: Zoning Map





**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MARCH 19, 2019**

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**SUBJECT     Zoning Amendments for the Sooke Business Park in Otter Point**

**ISSUE**

To establish a consistent land use zoning designation for parcels within the Sooke Business Park development in Otter Point.

**BACKGROUND**

The Sooke Business Park is located at 7450 Butler Road in Otter Point and was created by bare land subdivision in 2011 (Appendix 1). The development includes 34 parcels plus common property. The land was zoned General Industrial (M-2) in the Juan de Fuca Land Use Bylaw No. 2040, which establishes a 900 m<sup>2</sup> minimum parcel size.

The strata lots share a common property access off Butler Road and have a common disposal field. Trucked water delivery is currently the primary source of potable water. Covenants were registered on the title of the lots at the time of subdivision to restrict intensive industrial uses, operate a stormwater system, restrict septic disposal capacity, and require a source of potable water. Development Permit DP-07-08 was issued for the subdivision, and included a riparian assessment and required boulevard landscaping.

Since 2014, seven lots have successfully rezoned to a new General Industrial Medical Marihuana (M-2MM) zone, which allows *intensive agriculture – medical marihuana production*, as well as the same industrial uses permitted by the M-2 zone.

More recently, the Sooke Business Park Industrial (M-SBP) zone was added to Bylaw No. 2040, and applied to eleven lots within the Sooke Business Park (Appendix 2). The M-SBP zone permits *intensive agriculture – medical marihuana production*, as well as a limited set of commercial uses such as fitness clubs and business office and support services. The zone was also drafted to remove gravel processing as a permitted use and to clarify those uses that are prohibited by covenant FB0424654. Parking is permitted within the front yard setback on lots that front an internal strata road.

Rezoning applications RZ000255 and RZ000257 are currently being considered to add 4 additional strata lots to the M-SBP zone. An amendment to the M-SBP zone, Bylaw No. 4278, is also under review to permit all federal cannabis licence categories in the M-SBP zone.

There are 10 parcels and 3 common property areas that remain zoned M-2, and 7 parcels that are zoned M-2MM. There are also 2 common property areas, used as septic areas for the development, that are zoned Rural (A). Staff recommend applying a consistent approach to zoning within the Sooke Business Park development.

Proposed Bylaw No. 4290 (Appendix 3) rezones 10 lots and 3 common property areas from M-2 to M-SBP, 7 lots from M-2MM to M-SBP, and 2 common property areas from Rural A to M-SBP. An amendment to define the maximum floor area of a caretaker's suite is also proposed. Staff recommend referring proposed Bylaw No. 4290 to the Otter Point Advisory Planning Commission (APC), to appropriate CRD departments and to external agencies for comment.

## **ALTERNATIVES**

### *Alternative 1*

That staff be directed to refer proposed Bylaw No. 4290, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 143, 2018” to the Otter Point Advisory Planning Commission, to appropriate CRD departments and the following external agencies for comment:

BC Hydro	MFLNRORD – Groundwater Protection Branch	RCMP
District of Sooke	Ministry of Transportation and Infrastructure (MoTI)	T’Sou-ke First Nation
Island Health		

### *Alternative 2*

That staff not proceed with proposed Bylaw No. 4290.

### *Alternative 3*

That more information be provided by staff.

## **PUBLIC CONSULTATION IMPLICATIONS**

The 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 *Local Government Act (LGA)*. Staff recommend referring the proposed amendment to the Otter Point APC.

Should the proposal proceed, a public hearing pursuant to Section 464 of the *LGA* will be required subsequent to the amendments passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent a notice of the proposed bylaw amendments and it will be advertised in the local paper and on the website.

## **PLANNING IMPLICATIONS**

The lands comprising the Sooke Business Park development are designated as Settlement Area One (SA1) and as a Commercial and Industrial Development Permit Area (DPA) in the Official Community Plan (OCP) for Otter Point, Bylaw No. 3819. The Settlement Area designation specifies that the predominant land use is rural residential; however, industrial uses on lands zoned industrial or with a valid temporary use permit are also permitted in the Settlement Area designation.

Zoning within the Sooke Business Park currently consists of 10 parcels zoned M-2, 7 parcels zoned M-2MM, 10 zoned M-SBP, and 4 currently undergoing rezoning to M-SBP. Changes to zoning within the Sooke Business Park have been initiated by individual development applications for specific properties. Typically, proponents have requested rezoning to align with updated market demand for specific permitted uses as the traditional general industrial uses outlined in the M-2 zone are less desirable. Rezoning applications to M-2MM and the M-SBP zone have received support as lighter industrial uses are generally favorable, and siting marijuana production facilities on industrial land has been deemed to be appropriate.

The Sooke Business Park development is not within proximity to schools or daycare facilities and landscaping around the perimeter of the development provides a buffer from residential areas. The CRD Juan de Fuca Local Area Services Building is located within the development where public events and recreational programs occur and the adjacent William Simmons Memorial Park and Butler Trail are used by the public including youth. However, cannabis facilities proposed in the M-SBP zone occur within industrial buildings that require high levels of security and no outward display of marketing that would negatively impact youth.

With regards to federally licenced cannabis production uses, there are no anticipated nuisances, odours, or security concerns related to the proposed use as the facilities are contained indoors and Health Canada’s regulations require license-holders to abide by strict security and quality control measures.

The proposed amendment also addresses comments made by the Otter Point Advisory Planning Commission to clarify that caretaker’s suites should have a maximum floor area of 90 m<sup>2</sup>.

In order to consolidate the zoning categories and apply a consistent approach to industrial land use within the Sooke Business Park development, staff recommend referral of proposed Bylaw No. 4290 to rezone all remaining parcels to M-SBP.

**CONCLUSION**

Proposed Bylaw No. 4290 has been prepared to rezone 10 parcels from General Industrial (M-2), 7 parcels from the General Industrial – Medical Marihuana (M-2MM) zone, and 2 common property areas from Rural A within the Sooke Business Park development to the Sooke Business Park Industrial (M-SBP) zone. The bylaw will also specify that the maximum floor area for a caretaker’s suite is 90 m<sup>2</sup>.

Staff recommend Alternative 1, that Bylaw No. 4290 be referred to the Otter Point APC, to relevant CRD departments and external agencies.

**RECOMMENDATION**

That staff be directed to refer proposed Bylaw No. 4290, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 143, 2019” to the Otter Point Advisory Planning Commission, to appropriate CRD departments and the following external agencies for comment:

BC Hydro	MFLNRORD – Groundwater Protection Branch	RCMP
District of Sooke	Ministry of Transportation and Infrastructure (MoTI)	T’Sou-ke First Nation
Island Health		

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

ET:wm

**Attachments:**

- Appendix 1. Sooke Business Park Map
- Appendix 2. M-SBP Zone
- Appendix 3. Proposed Bylaw No. 4290



**27B.0.0 SOOKE BUSINESS PARK INDUSTRIAL ZONE - M-SBP**

*Bylaw 4187*

**27B.01 Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Sooke Business Park Industrial (M-SBP) zone:

- (a) General industrial uses;
- (b) Business office and support services;
- (c) Athletic facilities;
- (d) Drive-in theatres;
- (e) Vehicle sales/rentals;
- (f) Equipment sales/rentals;
- (g) Auction rooms and places;
- (h) Unenclosed storage;
- (i) Retail sales of building and landscape supplies;
- (j) Retail sales accessory to a principal industrial use;
- (k) Intensive Agriculture – Medical Marihuana Production;
- (l) One dwelling unit for the use of a caretaker accessory to a principal use.

**27B.02 Prohibited Uses**

- (a) Kennels;
- (b) Uses for which a permit is required under the or *Environmental Management Act* or Regulation;
- (c) Refuse and garbage dumps, including transfer stations;
- (d) Salvage yards, including auto salvage;
- (e) The burning of vehicles and other salvage.

**27B.03 Minimum Lot Size for Subdivision Purposes**

The minimum lot size shall be 900 m<sup>2</sup>.

**27B.04 Minimum frontage for Subdivision Purposes**

The minimum lot frontage shall be 16 m.

**27B.05 Minimum Lot Width for Subdivision Purposes**

The minimum average lot width shall be 16 m.

**27B.06 Number of Dwelling Units**

One dwelling unit accessory to a principal use per lot is permitted.

**27B.07 Height**

- (a) Maximum height shall be 14 m for all buildings and structures;
- (b) Maximum height of any unenclosed storage use shall be 3.5 m within 30 m of a Residential Zone, Multiple Family Residential Zone, Commercial Zone, Rural Zone, Agricultural Zone or Institutional Zone.

**27B.08 Lot Coverage**

Maximum lot coverage shall be 60 percent.

**27B.09 Required Yards**

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 4.5 m except:
  - (i) where the lot abuts a Residential, Rural Residential, or Multiple Family Residential

- Zone, the side yard shall be a minimum of 15 m;
- (ii) where the lot abuts an Industrial Zone, the side yard may be 0 m;
  - (iii) where the lot abuts any other Zone, the side yard shall be a minimum of 3 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 7.5 m, except:
- (i) where a rear lot line abuts a Residential, Rural Residential, or Multiple Family Residential Zone the rear yard shall be a minimum of 15 m;
  - (ii) where a rear lot line abuts an Industrial Zone, the rear yard may be reduced to not less than 4.5 m.

**27B.10 Parking Setback**

For lots not fronting a public highway, parking spaces provided in accordance with this Bylaw may be located within the front yard setback.

**27B.11 Storage**

Storage shall not be permitted in required yards adjacent to any Residential or Multiple Family Residential Zone.

**CAPITAL REGIONAL DISTRICT**

**BYLAW NO. 4290**

\*\*\*\*\*

**A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"**

\*\*\*\*\*

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

1. Bylaw No. 2040, being the "Juan de Fuca Land Use Bylaw, 1992", is hereby amended as follows:

**A. SCHEDULE A, PART 2, ZONING DISTRICTS**

- (a) By deleting section 27A.0 General Industrial – Medical Marihuana - M-2MM in its entirety.
- (b) By amending section 27B.0 Sooke Business Park Industrial Zone – M-SBP by adding a new section after section 27B.06 Number of Dwelling Units, as follows:  
"27B.06A Maximum Floor Area: The maximum floor area of a caretaker's suite shall be 90 m<sup>2</sup>."

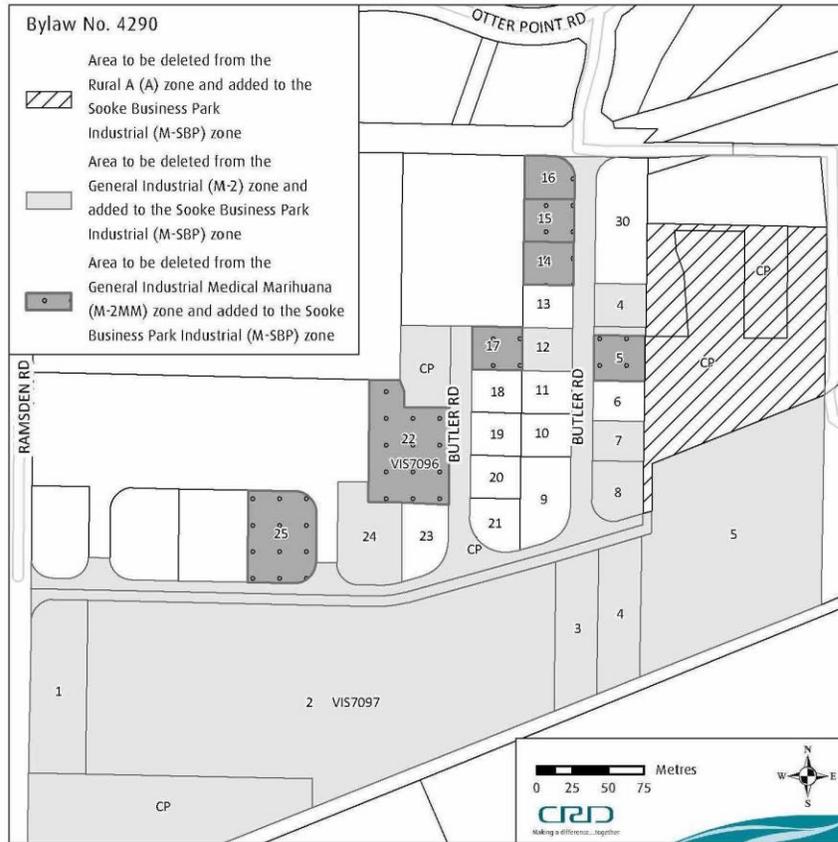
**B. SCHEDULE B, MAP NO. 2 - OTTER POINT ZONING MAP**

- (a) By deleting Strata Lots 4, 7, 8, 12, 24, and the Common Property Access and Common Property Pond Area, Section 16, Otter District, Plan VIS7096 and Strata Lots 1, 2, 3, 4, 5, and the Common Property Pond Area, Section 16, Otter District, Plan VIS7097 from the General Industrial (M-2) zone, and adding said lots to the Sooke Business Park Industrial (M-SBP) zone, as shown on Plan No. 1.
- (b) By deleting Strata Lots 5, 14, 15, 16, 17, 22, and 25, Section 16, Otter District, Plan VIS7096 from the General Industrial – Medical Marihuana (M-2MM) zone, and adding said lots to the Sooke Business Park Industrial (M-SBP) zone, as shown on Plan No. 1.
- (c) By deleting the Common Property Septic Disposal, Section 16, Otter District, Plan VIS7096 and VIS7097 from the Rural (A) zone and adding said lots to the Sooke Business Park Industrial (M-SBP) zone, as shown on Plan No. 1.

CRD Bylaw No. 4290

2

**Plan No. 1 of Bylaw 4290, an amendment to Bylaw No. 2040**



2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 143, 2019".

READ A FIRST TIME THIS	DAY OF	,2019.
READ A SECOND TIME THIS	DAY OF	,2019.
READ A THIRD TIME THIS	DAY OF	,2019.
ADOPTED THIS	DAY OF	,2019.

\_\_\_\_\_  
 CHAIR

\_\_\_\_\_  
 CORPORATE OFFICER



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MARCH 19, 2019**

---

**SUBJECT**     **Zoning Amendment Application for Lot 1, District Lot 17, Renfrew District,  
Plan VIP57304**

**ISSUE**

The applicant proposes to re-designate the subject property from Residential (R) to Tourism Commercial (TC), and to rezone the land from Community Residential – One (CR-1) to Tourism Commercial - One (TC-1), in order to provide guest accommodation in conjunction with an existing fishing guide business.

**BACKGROUND**

The 2.46 ha subject property is located in Port Renfrew adjacent to Parkinson, Powder Main and Osprey Roads (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 CR-1 and TC-1 zoned parcels to the north, a large undeveloped CR-1 zoned parcel to the east, a CR-1 zoned parcel to the south, and to TC-1 zoned lands to the south and west.

It is the intention of the owner to expand an existing fishing guide business by providing accommodation for clients. The requested TC-1 zone will allow for one single-family dwelling, bed and breakfast, home based business, retail establishments, tourist facilities and an accessory building for staff accommodation.

The Juan de Fuca Land Use Committee considered the application at their July 17, 2018, meeting and recommended referral to agencies and to a Public Information Meeting, to be held in the community, for comment. Referral comments are included in Appendix 3. Staff have prepared Bylaw No. 4254, which would re-designate the subject property from Residential (R) to Tourism Commercial (TC), and rezone the land from Community Residential - One (CR-1) to Tourism Commercial - One (TC-1) (Appendix 4).

**ALTERNATIVES**

*Alternative 1*

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca Land Use Committee on July 17, 2018, to a Public Information Meeting in Port Renfrew, BC Hydro, Cowichan Valley Regional District, District of Sooke, Island Health, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62, and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4254, "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 10, 2018", be introduced and read a first time and 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. 4254.

*Alternative 2*

That the CRD Board not proceed with Bylaw No. 4254.

*Alternative 3*

That more information be provided by staff.

**LEGISLATIVE AND PUBLIC CONSULTATION IMPLICATIONS**

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *Local Government Act (LGA)* will be required subsequent to the amendments passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent a notice of the proposed bylaw amendments and it will be advertised in the local paper and on the website.

**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. Since the proposal includes an amendment to Schedule 'A' of the Port Renfrew Comprehensive Community Plan, the bylaw will be considered by the Planning and Protective Services Committee and the CRD Board for a determination of consistency with the RGS prior to first reading.

CRD Regional and Strategic Planning staff have noted that the subject property is located within the Urban Containment Boundary Policy Area of the RGS. Staff noted that while Port Renfrew might not be deemed a "complete community", the proposal is of a scope and nature that is not at odds with the RGS policy objectives. They noted that the proposal allows for the expansion of existing businesses and economic activities in accordance with the RGS, but questioned where any required additional workforce housing would be located. On balance, Regional Planning staff would recommend that the Board consider a recommendation of RGS consistency.

**REFERRAL COMMENTS**

Referrals were sent to 8 agencies, to appropriate CRD departments and to a Public Information Meeting held in Port Renfrew. Comments received are noted below and included in Appendix 3.

CRD Integrated Water Services advised that there is currently one (1) single family equivalent allocated to the subject property and that there is insufficient capacity to approve additional service. Integrated Water Services is in agreement with the registration of a covenant restricting additional building construction and uses until such time as additional capacity is available in the system.

CRD Protective Services commented that the subject property is located within the Port Renfrew Fire Protection local service area, BC Ambulance Station 115 response area, and the JdF Emergency Program area. All private roadways/driveways are to be constructed to support fire and other emergency vehicles and buildings should be clearly numbered to assist emergency response. Finally, the Community Wildfire Protection Plan has identified the area as being at moderate risk for wildfire.

Cowichan Valley Regional District and the District of Sooke commented that their interests were unaffected by the proposal.

MoTI stated no objections to the proposal, but advised that the owner will need to obtain a commercial access permit to serve the existing and future business and that adequate off-street parking should be provided for guests and employees.

A Public Information Meeting was held in Port Renfrew on August 9, 2018, to provide opportunity for public input. There were 7 members of the public in attendance and one submission was received in response to public notification of the meeting.

Clarification was sought regarding the number of proposed accommodation units, approval of septic, the number of single family equivalents for water service, potential plans for fish processing, and the location of parking and boat maintenance.

The applicant was in attendance at the meeting and advised that he intends to use the property for the accommodation of guests of his fishing guide business, but that there would be no fish processing use. Parking would be provided on site.

### **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; however, use of the property strictly as a tourist commercial enterprise requires a change in the land use designation from Residential (R) to Tourism Commercial (TC).

The Tourism Commercial (TC) designation is intended to provide for a wide range of services to the travelling public and local residents. The primary focus is on a mix of commercial activities including: recreational vehicle storage, pubs, restaurants, hotels and motels, vacation sites, guest cabins, residential uses and various other commercial activities that cater to visitors. Developments under this designation must be designed to minimize potential land use conflict with adjacent uses.

The Community Residential – One (CR-1) zone allows for residential and retail uses; however, it does not permit expanded tourism commercial uses; therefore, an amendment to rezone the subject properties to Tourist Commercial – One (TC-1) is required to allow an expansion of the owner's guiding business. Use of the land as a tourism commercial operation would be in keeping with the majority of properties located on the west side of the Port Renfrew town site. Neighbouring businesses include a tourist cabin development, fishing lodge, restaurant, motel, RV camping and fish processing. While the full scope of the proposal is not yet known, the applicant operates a fishing guide business and the intent of this application is to allow expansion of that business by providing accommodation for clients. A dwelling for the business operator/owner would be located on the property and an additional accommodation unit for staff is permitted under the TC-1 zone. Residential zoned land in the Port Renfrew area is largely located to the east of the subject property and commercial centre in Beach Camp and south of Parkinson Road.

Since the property has currently only been allocated one single family equivalent water service, in order to ensure adequate capacity of potable water is available to service additional commercial uses, staff recommend that a covenant be registered prior to adoption of the amending bylaw. The covenant would restrict building construction for accommodation units requiring potable water beyond the single family equivalent until such time as the water service storage capacity has been increased.

Staff recommend Alternative 1, to receive the referral comments, proceed with first and second readings of the bylaw and hold a public hearing in the community.

**CONCLUSION**

The purpose of this Comprehensive Community Development Plan (OCP and zoning) amendment application is to allow the expansion of a fishing guide business by providing accommodation for clients. Staff recommend proceeding with first and second reading and a public hearing.

**RECOMMENDATIONS**

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca Land Use Committee on July 17, 2018, to a Public Information Meeting in Port Renfrew, BC Hydro, Cowichan Valley Regional District, District of Sooke, Island Health, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62, and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4254, “Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 10, 2018”, be introduced and read a first time and 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. 4254.

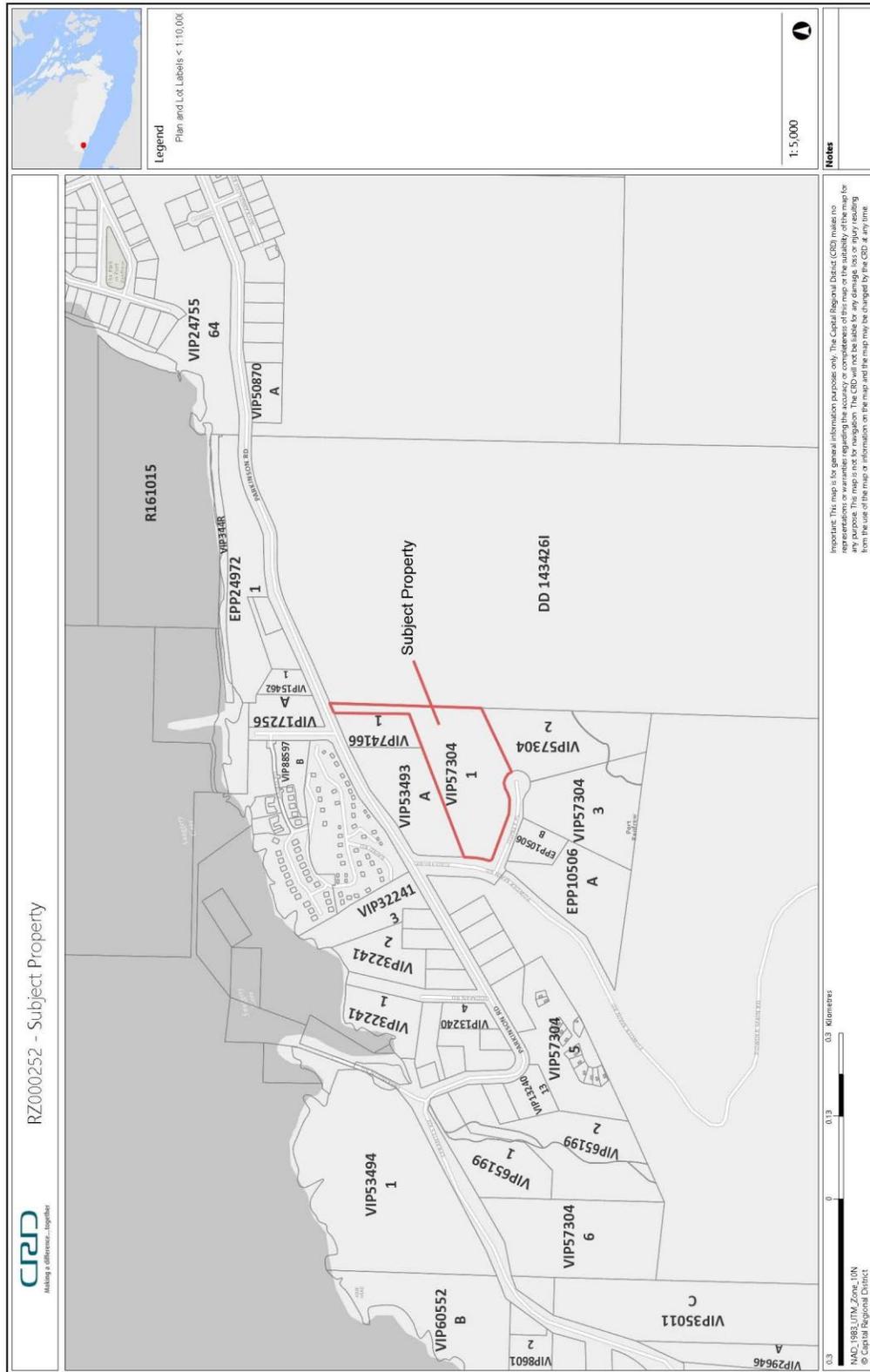
Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

IL/wm

Attachments:

- Appendix 1. Subject Property Map
- Appendix 2. Orthophoto Plan
- Appendix 3. Referral Comments
- Appendix 4. Proposed Bylaw No. 4254

Appendix 1: Subject Property





Appendix 3: Referral Comments

**Wendy Miller**

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**From:** Signe Bagh  
**Sent:** Monday, July 30, 2018 2:35 PM  
**To:** Iain Lawrence  
**Cc:** Jeff Weightman; Wendy Miller  
**Subject:** RSP Response - Proposed Bylaw No. 4254

Hi Iain,

Thank you for the opportunity to provide referral comments on the Proposed Bylaw No. 4254 to amend the Comprehensive Development Plan for Port Renfrew, Bylaw No. 3109 to re-designate the subject property from Residential (R) to Tourism Commercial (TC), and to rezone the land from Community Residential – One (CR-1) to Tourism Commercial - One (TC-1) to provide guest accommodation in conjunction with an existing fishing guide business.

Comments from Regional and Strategic Planning are provided below. Comments relate to a review of the proposed amendment against the 2018 Regional Growth Strategy (RGS) Bylaw No.4017.

1. **RGS Policy 1.1.1** requires land uses to be consistent with the Growth Management Concept Plan depicted on Map 3(a). That map shows the subject parcel as being within the Urban Containment Boundary Policy Area. That Policy Area requires employment and population growth to be accommodated in complete communities (see RGS p. 29 for details). Complete communities are accessible with multiple modes of transportation; contain destinations easily accessed by a 10 minute walk or a 15 minute bike ride; include a range of housing types and tenures; and are demographically diverse. According to these criteria, the area surrounding the subject property cannot yet be defined as a complete community. Significant growth in this area that does not move the community towards becoming more “complete” would not be supportable. The scope and nature of the proposed amendment is, however, not such that it is considered at odds with the RGS policy objectives.
2. **RGS Policy 3.2.1** aims for an adequate, accessible and diverse supply of housing across the housing spectrum. Will the expansion of this business generate additional need for workforce housing? If so, where/how will that need be met? Is there an opportunity to meet such need on site?
3. **RGS Policy 5.1.3** supports retention and growth of existing business and economic activities in the region. The proposed amendment allows for an existing business to expand.

On balance, staff would recommend that the Board consider a recommendation of RGS consistency.

Please let me know should you have any questions.

**Signe K. Bagh, MCIP** | Senior Manager  
Regional and Strategic Planning | Capital Regional District  
625 Fisgard Street, Victoria, BC V8W 1R7  
T: 250.360-3244 | C: 250.217.4344  
[www.crd.bc.ca](http://www.crd.bc.ca) | [Facebook](#) | [Twitter](#) | [YouTube](#)



Making a difference... together



**TO:** Iain Lawrence, Manager, Local Area Planning  
**FROM:** Joseph Marr, Manger, Water Distribution Engineering and Planning  
**DATE:** August 2, 2018  
**SUBJECT:** **PROPOSED ZONING AMENDMENT OF LOT 1, DISTRICT LOT 17, RENFREW DISTRICT, PLAN VIP57304 (OSPREY PLACE)**

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Thank you for your rezoning referral received July 18, 2018, which requests that we examine the above referenced proposal with regard to the water supply regulations and policies of the Capital Regional District (CRD) Integrated Water Services as established for the Port Renfrew Utility Service Commission (PRUSC).

Community piped water is currently supplied to this property by the CRD. The property is currently allocated and billed as one single family equivalent (SFE). To support rezoning CRDIWS will require the following:

1. The owner(s) shall provide a development site plan indicating any existing and proposed buildings, rv/camp sites, cabins etc.
2. A new SFE value for the property shall be calculated as per CRD Bylaw 4233
3. A new water meter(if required) shall be installed at the cost of the owner and monitored to confirm SFE's
4. The Owner(s) comply with all other relevant bylaws and applicable codes for servicing (CRD land use approvals, Building code, MOTI etc.)
5. The PRUSC approves the increase in SFE's and that the owner provides an amenity connection charge of \$8,000 per additional SFE as approved by the PRUSC.
6. A new water storage tank currently being proposed by other developers shall be installed prior to increasing the SFE's.
7. The Owner(s) pays all applicable connection fees, including parcel taxes and user fees as required.

This letter is for the purpose of providing you with information regarding the services available from the CRDIWS, and should not be construed as either approval or rejection of the proposed rezoning application.

These conditions are valid for 180 days from date of writing. However, if at any time there is a change in legislation, regulations and CRD Bylaws, which would cause any of the above conditions to be non-conforming, then the CRD reserves the right to revise any or all of the conditions accordingly, at any time during the 180 day period.

IWSS-1714139953-3911

**Mr. Iain Lawrence – August 2, 2018**

**Proposed Zoning Amendment Application – Osprey Place**

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**2**

Yours truly,



Joseph Marr, P.Eng.  
Manager, Water Distribution Engineering and Planning  
Infrastructure Engineering  
Integrated Water Services

Jm:eu

cc: Ian Jesney, Senior Manager, Infrastructure Engineering

IWSS-1714139953-3911

**Wendy Miller**

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**From:** Conrad Cowan  
**Sent:** Thursday, August 02, 2018 2:56 PM  
**To:** Wendy Miller  
**Cc:** Iain Lawrence  
**Subject:** RE: Rezoning Application RZ000252 (Opsrey Place)

In review of the staff report for rezoning application RZ000252 (Bylaw No. 4254). The following comments are made regarding the proposed application:

- ✓ Proposal is within the Port Renfrew Volunteer Fire Department fire protection area.
- ✓ Proposal is within the British Columbia Ambulance Station (115) response area.
- ✓ Proposal is within the boundaries of the CRD JDF Electoral Area Emergency Program.

Protective Services has the following concerns that may affect the delivery of emergency services to the proposed facility:

- ✓ The Community Wildfire Protection Plan has identified this area as **Moderate risk for wildfire**.
- ✓ All private roadways and driveways must be designed to support and allow access to the largest emergency vehicle likely to be operated on the driveway. This includes fire trucks and other emergency vehicles.
- ✓ As per the Capital Regional District Bylaw No. 4078, "Civic Addressing Bylaw (Juan de Fuca Electoral Area), No. 1, building numbers assigned are to be displayed in a conspicuous place on the property on which the building is located so that the number is visible from the roadway. This to assist and enhance the 9-1-1 Dispatch and Emergency Response throughout the CRD area.

Sincerely,

Conrad J.S. Cowan

Conrad James Shaw Cowan  
Manager, Electoral Area Fire & Emergency Programs  
Capital Regional District  
625 Fisgard St., Victoria, BC, V8W 2S6  
Ph: (250)360-3137 Fax: (250)360-3232  
e-mail: [ccowan@crd.bc.ca](mailto:ccowan@crd.bc.ca)

**For emergencies please contact the CRD Duty Officer at 250 360-3223 or by email at [eocreports@crd.bc.ca](mailto:eocreports@crd.bc.ca)**

*For information on Emergency Preparedness in the Capital Region, go to: [www.prepareyourself.ca](http://www.prepareyourself.ca)*

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**From:** Wendy Miller  
**Sent:** Wednesday, July 18, 2018 9:19 AM



**Wendy Miller**

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**From:** Ivy Campbell <icampbell@sooke.ca>  
**Sent:** Wednesday, August 08, 2018 11:04 AM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000252 (Opsrey Place) - CRD Referral

The District of Sooke has no comments on this zoning amendment.

Regards,

**Ivy Campbell** RPP, MCIP, CNU-A  
*Head of Planning*



**District of Sooke**  
2205 Otter Point Road, Sooke, BC V9Z 1K6  
Direct: 250-642-1628  
Web: [sooke.ca](http://sooke.ca) Email: [icampbell@sooke.ca](mailto:icampbell@sooke.ca)

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**From:** Wendy Miller <wmiller@crd.bc.ca>  
**Sent:** Wednesday, August 8, 2018 10:58 AM  
**To:** Ivy Campbell <icampbell@sooke.ca>  
**Subject:** RE: Rezoning Application RZ000252 (Opsrey Place) - CRD Referral

Good Morning,

I follow up to the below email.

Should you wish to make comment, submissions are requested by August 16, 2018.

Thank you,

Wendy

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**From:** Wendy Miller  
**Sent:** Wednesday, July 18, 2018 9:11 AM  
**To:** 'icampbell@sooke.ca' <[icampbell@sooke.ca](mailto:icampbell@sooke.ca)>  
**Subject:** Rezoning Application RZ000252 (Opsrey Place) - CRD Referral

Good Morning,

Please find attached a referral form and staff report for rezoning application RZ000252 (Bylaw No. 4254).

**Wendy Miller**

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**From:** Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>  
**Sent:** Wednesday, August 08, 2018 11:42 AM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000252 (Opsrey Place) - CRD Referral

Good Morning,

Please accept this as official response from the Ministry of Transportation in regards to the proposed rezoning on Opsrey Place in Port Renfrew; Ministry File 2018-04197.

The Ministry has no objections to the proposed rezoning, taking into consideration the following:

- The Ministry requires that the property owner obtain a commercial access permit to serve the existing business and the future guest accommodations. Additional conditions may arise through the permitting process
- The applicant should provide adequate off-street parking for guests and employees.

If you have any questions or concerns, please do not hesitate to contact me.

Have a great day,

Nikki Schneider  
District Development Technician

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**From:** Wendy Miller [mailto:wmler@crd.bc.ca]  
**Sent:** Wednesday, August 8, 2018 11:00 AM  
**To:** Schneider, Nikki TRAN:EX  
**Subject:** RE: Rezoning Application RZ000252 (Opsrey Place) - CRD Referral

Good Morning,

I follow up to the below email.

Should you wish to make comment, submissions are requested by August 16, 2018.

Thank you,

Wendy

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**From:** Wendy Miller  
**Sent:** Wednesday, July 18, 2018 9:13 AM  
**To:** 'Nikki.Schneider@gov.bc.ca' <Nikki.Schneider@gov.bc.ca>  
**Subject:** Rezoning Application RZ000252 (Opsrey Place) - CRD Referral

Good Morning,

Please find attached a referral form and staff report for rezoning application RZ000252 (Bylaw No. 4254).



Making a difference...together

**Notes from a Public Information Meeting  
Held August 9, 2018 at the Port Renfrew Community Centre, 6638 Deering Road,  
Port Renfrew, BC**

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**SUBJECT:** Zoning Amendment Application for RZ000252 - Lot 1, District Lot 17, Renfrew District, Plan VIP57304 - Osprey Place

**PRESENT:** Director Mike Hicks  
Staff: Iain Lawrence, Manager, Local Area Planning; Wendy Miller, Recorder

**PUBLIC:** 7

The meeting was called to order at 6:08 p.m.

The Director noted that, as the Advisory Planning Commission for Port Renfrew is inactive, the proposal has been referred to tonight's meeting to receive comments from the community.

Iain Lawrence spoke to the staff report and the request to re-designate the subject property from Residential (R) to Tourism Commercial (TC), and to rezone the land from Community Residential – One (CR-1) to Tourism Commercial – One (TC-1), in order to provide guest accommodation in conjunction with an existing fishing guide business.

Iain Lawrence reported that one submission was received from Lynne Conlin requesting clarification on the proposal including the number of accommodation units, approval of septic services, the number of single family equivalents (SFEs) for water services, potential plans for fish processing and the location of parking/boat maintenance.

In response to the submission, Iain Lawrence reported that in addition to lot coverage, the number of accommodation units and SFEs will be managed by Integrated Water Services during the building permit process and that the authority for assessing requirements for the septic tank and fields falls to Island Health.

The applicant stated that:

- there are currently no plans for fish processing
- parking will be on site
- the intent is to keep the property treed since there is more value in providing accommodation on a treed lot
- proposal is being pursued in response to clients wishing to stay upwards of three nights and the owner's intention to also live on the property

The Director responded to a question from the applicant advising that agency comments including tonight's comments from the community will be presented to the Juan de Fuca Land Use Committee.

No additional questions or concerns were raised by members of the public in attendance.

The meeting adjourned at 6:15 p.m.

PPSS-35010459-1755

Public Information Meeting Notes  
August 9, 2018

2

**jdf info**

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**From:** Lynne  
**Sent:** Thursday, August 09, 2018 9:35 AM  
**To:** jdf info  
**Subject:** Meeting Port Renfrew Rezoning RZ000252

Although I will try and attend the meeting these are my comments/ questions.

How many guest accommodations are planned and will a VIHA approved septic system and field be required?  
How many additional SFE's will be required?  
Will any fish processing be done on site now or in the future?  
Will all parking and boat maintenance be on premises & not on road?

Appendix 4: Proposed Bylaw No. 4254

CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4254

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

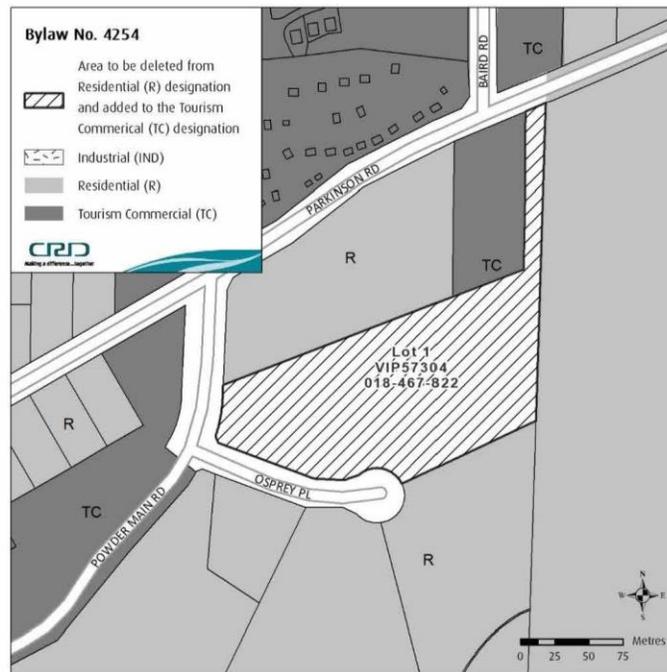
The Capital Regional District Board, in open meeting assembled, enacts as follows:

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

A. SCHEDULE B, MAP NO. 2 – LAND USE DESIGNATIONS

- (a) By deleting Lot 1, District Lot 17, Renfrew District, Plan VIP57304 from the Residential (R) designation and adding said lot to the Tourism Commercial (TC) designation, as shown on Plan No. 1; and

Plan No. 1 of Bylaw 4254, an amendment to Bylaw No. 3109



B. SCHEDULE B, MAP NO. 3 – ZONING

- (a) By deleting Lot 1, District Lot 17, Renfrew District, Plan VIP57304 from the Community Residential – One (CR-1) zone and adding said lot to the Tourism Commercial – One (TC-1) zone, as shown on Plan No. 2.





**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MARCH 19, 2019**

**SUBJECT**      **Zoning Amendment Application for Lot D, Section 36, Renfrew District, Plan VIS5337 – 17015 Parkinson Road**

**ISSUE**

The applicant proposes to amend the Tourism Commercial - One (TC-1) zone to in order to permit an existing mix of commercial and residential uses on a parcel in Port Renfrew.

**BACKGROUND**

The 0.35 ha subject property is located in Port Renfrew at 17015 Parkinson Road (Appendices 1 and 2). The property is designated as Tourism Commercial (TC) under Schedule 'A' (OCP) of the Comprehensive Development Plan for Port Renfrew, Bylaw No. 3109, and zoned Tourism Commercial - One (TC-1) under Schedule 'B' (Zoning) of the bylaw. The parcel is the site of the Port Renfrew General Store and is adjacent to CR-1 zoned land to the west, south and east and Parkinson Road to the north.

A building strata, granting individual title to the ground-floor retail space and each of the three dwelling units above was registered in April 2003. Since building construction and strata registration occurred prior to the adoption of a zoning bylaw for Port Renfrew in August, 2004, and the use has been ongoing since that time, the property is considered legal non-conforming for use in accordance with Section 528 of the *Local Government Act (LGA)*.

The *LGA* allows that if, at the time a land use bylaw is adopted, the land is lawfully used and does not conform to the new bylaw, the use may be continued as a non-conforming use. The *LGA* does not confer protection on uses that are discontinued for a period of 6 months or buildings that contain such a use if they are destroyed to more than 75% of the value above the foundation.

At the time Bylaw No. 3109 was developed a survey of existing uses was undertaken. The regulations were then written to accommodate those uses and minimize the number of non-conforming cases. The language in the TC-1 zone makes allowance for additional dwelling units above a retail use; however, any such units are considered accessory to the retail use and do not allow for occurrences where the units were strata titled and existed as a principal use.

The requested zone amendment would legalize the two additional dwelling units that exceed the current regulation and allow for the 3 dwelling units to be located above the primary dwelling as a conforming use.

Staff have prepared Bylaw No. 4292, which would amend the Tourism Commercial - One (TC-1) to permit Section 36, Renfrew District, Plan VIS5337 a maximum residential density of three (3) dwelling units above a tourist commercial or retail use. (Appendix 3).

**ALTERNATIVES**

*Alternative 1*

That staff be directed to refer proposed Bylaw No. 4292, "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 12, 2019" to a Public Information Meeting in Port Renfrew, 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. 4292 not be referred.

*Alternative 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 the 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.

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**

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*. At the present time, there is no active APC for Port Renfrew; therefore, staff recommend referring the proposed amendment bylaw to a Public Information Meeting, to be held in the community.

**PLANNING ANALYSIS**

The Port Renfrew Comprehensive Community Development Plan designates the subject property as Tourism Commercial (TC). This designation's focus is on a mix of commercial activities including: recreational vehicle storage, pubs, restaurants, hotels and motels, vacation sites, guest cabins, residential uses and various other commercial activities that cater to visitors. Developments under this designation must be designed to minimize potential land use conflict with adjacent uses.

The Tourism Commercial – One (TC-1) zone allows for residential, retail and tourist commercial uses, as well as supportive uses including staff accommodation and accessory dwelling units. These units are only permitted as accessory units to a retail use; however, additional, complicating language in the TC-1 zone negates the allowance for the additional dwelling units. Regardless of this additional language, it would be expected that accessory dwelling units would remain under the ownership and control of the owner of the primary retail use, and not provided with individual title and ownership through the *Strata Property Act*. Since development of Bylaw No. 3109 included a survey of existing uses and attempted to accommodate those uses, this existing situation was either missed or not provided with adequate regulation to fully accommodate the use.

Since each of the dwelling units has been granted individual title and would be considered a principal use, staff recommend an amendment to the TC-1 zone to bring the property into conformance with Bylaw No. 3109.

Ongoing use of the land would remain unchanged and be in keeping with the use of land in this part of the Port Renfrew town site. Neighbouring uses include dwelling units, the Port Renfrew Community Hall, and a waste transfer station.

Staff recommend referral of proposed Bylaw No. 4292 to a Public Information Meeting in Port Renfrew, to appropriate CRD departments and to external agencies for comment.

**CONCLUSION**

The purpose of this Comprehensive Community Development Plan amendment application is to authorize three (3) dwelling units above a retail establishment as a conforming use on Section 36, Renfrew District, Plan VIS5337. 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. 4292, “Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 12, 2019” to a Public Information Meeting in Port Renfrew, 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

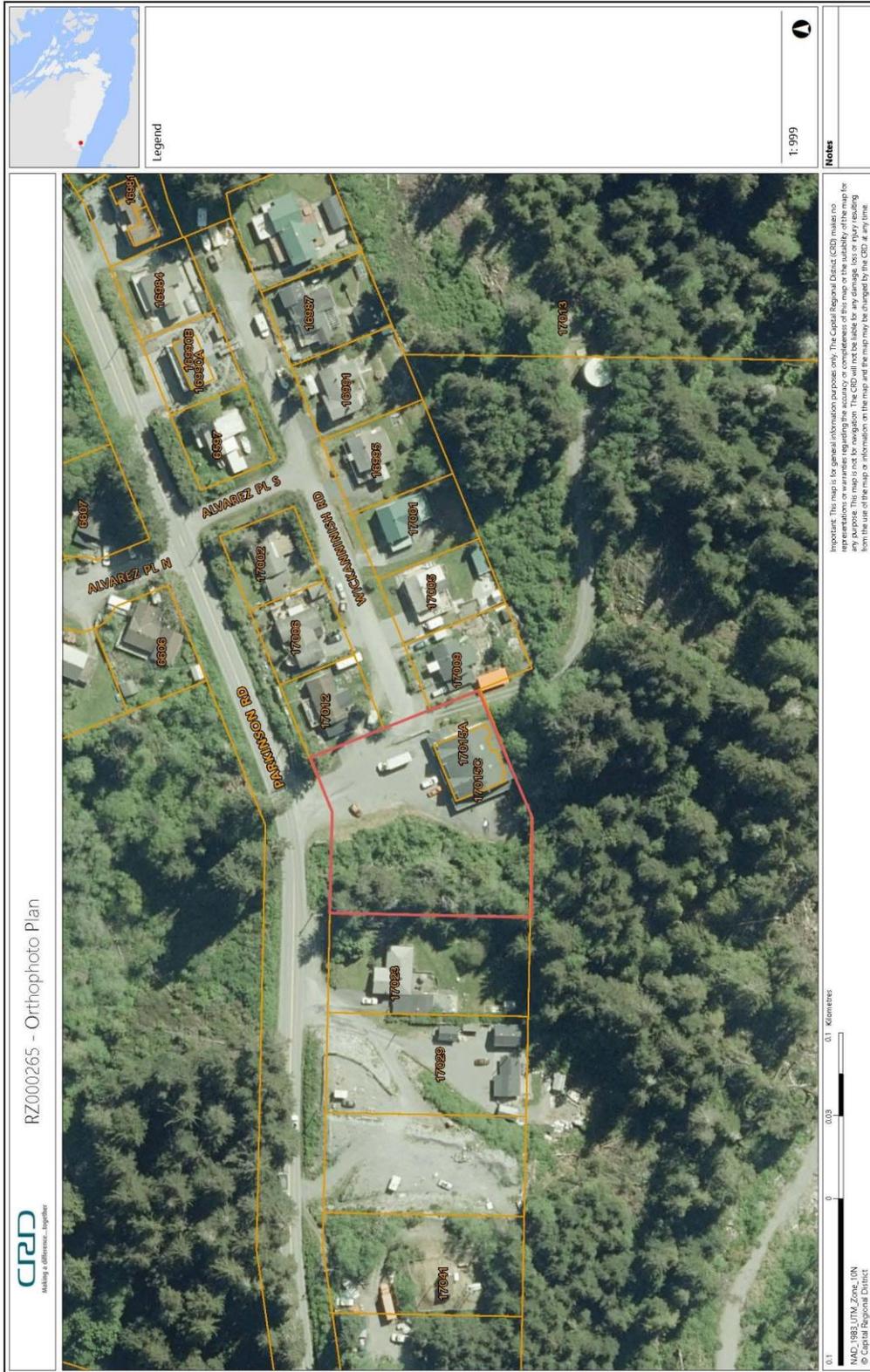
Attachments:

- Appendix 1: Subject Property Map
- Appendix 2: Orthophoto Plan
- Appendix 3: Proposed Bylaw No. 4292

Appendix 1: Subject Property Map



Appendix 2: Orthophoto Map



**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4292**

\*\*\*\*\*  
**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 IV, SECTION 23.1**
    - i. By deleting paragraph "g" in its entirety and replacing with the following:
      - g) Accessory buildings or structures to any of the above listed uses;
    - ii. By adding a new subsection "h" as follows:
      - h) One or more dwelling units in the rear of or above a retail establishment.
  - B. SCHEDULE B, PART IV, SECTION 23.2**
    - (a) By deleting subsection "f" in its entirety and replacing with the following:
      - f) The total number and type of dwelling unit that is allowed on a parcel in this zone is as follows:
        - i. One (1) single-family dwelling unit;
        - ii. On Section 36, Renfrew District, Plan VIS5337, three (3) dwelling units above a retail store or tourist facility.
2. This bylaw may be cited as "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 12, 2019".

READ A FIRST TIME THIS	day of	, 2019.
READ A SECOND TIME THIS	day of	, 2019.
READ A THIRD TIME THIS	day of	, 2019.
ADOPTED THIS	day of	, 2019.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MARCH 19, 2019**

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**SUBJECT**     **Zoning Amendment Application for Strata Lots 13, 26 and 27, Section 16, Otter District, Plan VIS7096**

**ISSUE**

The applicant is proposing to rezone three properties from the general Industrial (M-2) zone to the Sooke Business Park Industrial (M-SBP) zone.

**BACKGROUND**

The applicant applied to rezone Strata Lots 13, 26 and 27 to the Sooke Business Park Industrial (M-SBP) zone for the purpose of permitting licensed medical marihuana production in February, 2018 (Appendix 1). At their meeting of April 17, 2018, the Land Use Committee directed referral of the application to agencies and to the Otter Point Advisory Planning Commission (APC) for comment.

Since that time, the federal government implemented the legalization of cannabis and a national licensing framework. Due to questions initially raised by the APC regarding potential impacts of cannabis cultivation facilities, and the release of the federal *Cannabis Act* licencing scheme, the applicant requested their application be revised to permit a cannabis processing/packaging facility, similar to an industrial processing use. The revised proposal was considered by the Land Use Committee (LUC) on December 17, 2018. The LUC directed re-referral of the revised application to agencies and the Otter Point APC for comment. Referral comments are included in Appendix 2.

At their December 17, 2018, meeting the LUC also passed the following resolution:

**MOVED** by Director Hicks, **SECONDED** by Roy McIntyre that staff amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, 1992, to eliminate the distinction between medical cannabis production and recreational cannabis production in the Sooke Business Park Industrial (M-SBP) zone.

**CARRIED**

Based on the LUC's direction, staff have prepared a separate bylaw amendment to permit all cannabis-related licence uses in the M-SBP zone for consideration (Bylaw No. 4278).

If proposed Bylaw No. 4278 is approved, the M-SBP zone would permit all forms of cannabis production, processing and research related uses, but not retail sales. Considering this new context, rezoning application RZ000255 is again revised to include the subject properties in the Sooke Business Park Industrial (M-SBP) zone. Staff have prepared Bylaw No. 4234 for consideration (Appendix 3).

**ALTERNATIVES**

*Alternative 1:*

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca land Use Committee on April 18, 2018 and December 17, 2018 to the Otter Point Advisory Planning Commission; BC Hydro; District of Sooke; Island Health; Ministry of Transportation and Infrastructure; RCMP; T'Sou-ke First Nation; and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4234, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 133, 2018" be introduced and read a first time and 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. 4234.

*Alternative 2:*

That the CRD Board not proceed with Bylaw No. 4234.

*Alternative 3:*

That more information be provided by staff.

### **LEGISLATIVE AND PUBLIC CONSULTATION IMPLICATIONS**

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *Local Government Act (LGA)* will be required subsequent to the amendments passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent a notice of the proposed bylaw amendments and it will be advertised in the local paper and on the website.

### **REFERRAL COMMENTS**

Referrals were sent on April 18, 2018, and December 17, 2018, to 10 agencies, the Otter Point APC and to appropriate CRD departments. Comments are noted below and included in Appendix 2.

CRD Bylaw Enforcement does not anticipate significant bylaw enforcement implications as a result of the proposal.

District of Sooke stated no objection.

Island Health provided comment about federally licensed marihuana production facilities and recommended that odour control containment measures be implemented to reduce potential health risks of exposure. Comments also stated consideration of establishing buffers between residential and industrial zones to limit impact on residents and community. Island Health also requires compliance with the *Drinking Water Protection Act & Regulation* and the *Sewerage System Regulation*. Reference to the Medical Health Officer's public health approach to cannabis is included.

JdF Emergency Services stated concern with possible radio communication interference from electrical equipment used in large-scale marihuana cultivation facilities.

MoTI stated no objections to the proposal.

RCMP stated no comment.

The Otter Point APC considered the application on June 5, 2018, and 10 members of the public were present at the meeting. Discussion focused on the pending federal government legalization of cannabis and about the applicant's involvement with the industry. Concerns regarding water usage, site contamination, drainage and waste disposal for medical marihuana production facilities, as well as interference with radio-communication systems were stated. The Otter Point APC made the following motion:

**MOVED** by Bud Gibbons, **SECONDED** by Stephen Smith that the Otter Point APC accepts this application subject to more information being provided by the applicant on water use, drainage, ground water, light pollution and disclosure of the proposed medical marijuana use, and impact on emergency radio communications, and given assurances from potential developers to reduce impact of these concerns.

**CARRIED**

The Otter Point APC reconsidered the proposal in light of the federal *Cannabis Act* on January 22, 2019, and made the following motion:

**MOVED** by Sid Jorna, **SECONDED** by Al Wickheim that the Otter Point APC supports rezoning application RZ000255 and proposed Bylaw No. 4234, as revised.

**CARRIED**

## **PLANNING ANALYSIS**

The Settlement Area designation specifies that the predominant land use is rural residential; however, industrial uses on lands zoned industrial or with a valid temporary use permit are also permitted in the Settlement Area designation. The subject properties are currently zoned for general industrial uses and the proposed rezoning is consistent with the Settlement Area designation.

The Sooke Business Park Industrial (M-SBP) zone currently applies to 11 lots within the Sooke Business Park development at 7450 Butler Road. The M-SBP zone currently permits *intensive agriculture – medical marihuana production*, as well as a limited set of commercial uses such as business office and support services, and allows parking within the front yard setback on lots that front an internal strata road. This zone was also drafted to remove gravel processing as a permitted use and to clarify those uses that are prohibited by covenant FB0424654.

Details about the *Cannabis Act* and related legislation were not available at the time this application was initially considered by the LUC, referral agencies and the Otter Point APC. Subsequent consideration of the federal legalization of cannabis by the LUC prompted preparation of a bylaw amendment, proposed Bylaw No. 4278, which proposes that all federal cannabis licence categories be permitted in the M-SBP zone.

With regards to the proposed cannabis licence uses, Health Canada's regulations require license holders to abide by strict security and quality control measures including release of any odour. Local governments can also consider implementing regulations to enhance enforcement of nuisance odour if it is deemed warranted. Water and septic requirements are addressed through the building permit process.

In response to the concern raised by the JdF Emergency Program regarding electrical interference, JdF Planning staff contacted BC Hydro to determine areas of responsibility and potential solutions. Electrical interference can arise from a number of potential sources, including BC Hydro's infrastructure. Where such infrastructure is determined to be the cause, BC Hydro would be responsible for resolving the issue. Interference caused by electrical equipment within the facility would be operating in contravention of the standards set by Industry Canada. In those cases, Industry Canada should be notified.

Finally, the subject property is designated as a Commercial and Industrial Development Permit Area and is subject to the form and character guidelines in the Otter Point Official Community Plan. A development permit will be required prior to building construction.

Staff recommend Alternative 1, to receive the referral comments and proceed with readings of the bylaw and holding of a public hearing.

## **CONCLUSION**

The purpose of this zoning amendment application is to include the three subject properties in the Sooke Business Park Industrial (M-SBP) zone. Staff recommend proceeding with first and second reading and public hearing.

## **RECOMMENDATIONS**

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca Land Use Committee on April 18, 2018 and December 17, 2018 to the Otter Point Advisory Planning Commission; BC Hydro; District of Sooke; Island Health; Ministry of Transportation and Infrastructure; RCMP; T'Sou-ke First Nation; and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4234, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 133, 2018" be introduced and read a first time and 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. 4234.

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

Attachments:

- Appendix 1. Subject Properties Map
- Appendix 2. Referral Comments
- Appendix 3. Proposed Bylaw No. 4234
- Appendix 4. M-SBP Zone



Appendix 2: Referral Comments

**Wendy Miller**

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**From:** Wilf Marquis  
**Sent:** Thursday, January 17, 2019 9:39 AM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000255 (Lots 13, 26 and 27 - Sooke Business Park)

CRD Bylaw Enforcement Services has reviewed the staff report for amended rezoning application RZ000255 (Bylaw No. 4234) and does not anticipate any significant bylaw enforcement implications as a result of this proposal.

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

**Wendy Miller**

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**From:** Nicholas Deibler <ndeibler@sooke.ca>  
**Sent:** Wednesday, January 23, 2019 9:23 AM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000255 (Lots 13, 26 and 27 - Sooke Business Park) - CRD Referral

Good Morning Wendy,

Thank you for sharing Bylaw No. 4234, the proposed amendment to Bylaw No. 2040 with the District of Sooke (received December 27, 2018).

The District of Sooke has no objections to the amendment to the definition of *General Industrial Use* to include licensed cannabis processing, however, the following clarification is sought: Why are the applicants proceeding with a rezoning to the Sooke Business Park Industrial (M-SBP) zone, if the existing General Industrial (M2) zone now permits the desired use of cannabis processing?

Regards,

**Nicholas Deibler**  
*Planner 1*  
District of Sooke  
2205 Otter Point Rd  
Sooke BC, V9Z 1J2  
250-642-1627





## Response Summary Rezoning Application RZ000255

### Comments:

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. Locating a medical marijuana facility within an industrial zone area will help provide separation to area residents. Consider the use of buffer zones from residential and industrial zones to provide further assurance that the facility operations will have limited impact on residents and community.
3. Ensure compliance with the *Drinking Water Protection Act/Regulation* and Sewerage System Regulation.

**RESPONSE SUMMARY – REZONING APPLICATION RZ000255**

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

Comments:

◦ Same comments from my original response to this referral on May 23, 2018 apply.

◦ Although this rezoning is site specific, this office's comments to Proposed Bylaw No. 4278 referral applies here as well.

Signed		Title	EHO
Date	Jan 24, 2019	Agency	VIHA

To:

Emma Taylor  
Juan de Fuca Planning Services  
Juan de Fuca Local Services Building  
#3-7450 Butler Rd.  
Sooke, BC  
V9Z 1N1

I am writing this letter in regards to the expanding Cannabis Production Facilities within the Sooke Business Park located at 7450 Butler Road, Sooke, BC. Namely Strata lots 13, 26 and 27 RZ000255.

The Juan de Fuca Emergency Program (JdF EP) is mostly neutral when it comes to what kind of business is in the business park. We do however have concerns with the electrical noise produced by the lighting systems required for growing their product. This “electrical noise” interferes with our Emergency Radio Communications interoperability. Presently it is affecting our HF band (3-20 MHz) on our radios. HF is the radio band we would use in a large event. It gives us the ability to send and receive both voice and digital messages to a recipient located outside the disaster zone.

We would request that before any new production facilities are approved that the developer does a radio frequency study covering the 3-20 MHz frequency range and ensure that once the facility is in operation, no additional increase in the noise floor is present. The developer is required to ensure that all lighting and electronic systems installed in the facilities have the lowest amount of RF interference possible. All transformers, ballasts, etc. are to be fully shielded and grounded to reduce interference.

We understand that even with the best equipment that there will still be some RF interference, we request that the developer place \$3,000 in trust with the CRD (JdF EP) for further interference testing and filtering to remove the noise.

To help with the current interference from the existing facilities we request that the developer give JdF EP \$2,000 to purchase a specialised commercial HF antenna that will help to reduce the sensitivity of the interference.

Regards,  
Jeri Grant  
Juan de Fuca Emergency Program Coordinator

Brain Webb  
Juan de Fuca Emergency Radio Coordinator  
Deputy Emergency Program Coordinator

**From:** [Schneider, Nikki TRAN:EX](#)  
**To:** [Joyce Volek](#)  
**Subject:** RE: RZ000255 Butler Road 7450, SL 13, 26 & 27  
**Date:** Thursday, April 26, 2018 12:54:59 PM

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Good Afternoon,

Please accept this as official response from the Ministry of Transportation and Infrastructure in regards to the proposed rezoning of strata lots 13, 26 & 27 on Butler Road; Ministry File 2018-02199.

The Ministry has no objections to the rezoning. There are no conditions to be met at this time.

If you have any questions or concerns , please do not hesitate to contact me.

Have a great day,

Nikki Schneider  
District Development Technician  
Saanich Area Office

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**Wendy Miller**

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**From:** Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>  
**Sent:** Thursday, December 27, 2018 12:07 PM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000255 (Lots 13, 26 and 27 - Sooke Business Park) - CRD Referral

Good Afternoon,

Please accept this as official response from the Ministry of Transportation and Infrastructure for the Rezoning of Lots 13, 26 and 27, Sooke Business Park; Ministry File 2018-06994.

The Ministry has no objections to the proposal and there are no conditions at this time.

Should there be any questions or concerns, please do not hesitate to contact me.

Have a great day,

**Nikki Schneider**

Senior District Development Technician  
Ministry of Transportation and Infrastructure – Vancouver Island District  
Ph: 778-974-2633  
Fx: 250-952-4508

**From:** [Jeffrey McArthur](#)  
**To:** [Joyce Volek](#)  
**Subject:** Re: RZ000255 Butler Road 7450, SL 13, 26 & 27  
**Date:** Tuesday, April 24, 2018 12:26:57 PM

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Thank you, no issues, no comments.

Jeff

>>> Joyce Volek <jvolek@crd.bc.ca> 2018/04/24 11:56 AM >>>

Good morning, please find attached a referral form and staff report for rezoning application RZ000255.

The Juan de Fuca Land Use Committee directed referral of proposed Bylaw No. 4234 at its April 17, 2018 meeting.

Comment is requested by May 23, 2018.

Thanks

**Joyce Volek** | Administration  
Juan de Fuca Local Area Services  
Capital Regional District | 3-7450 Butler Road, Sooke, BC V9Z 1N1  
T: 250.642.8100 | F: 250-642-5274 | [www.crd.bc.ca](http://www.crd.bc.ca)



Making a difference...together

**Minutes of a Meeting of the Otter Point Advisory Planning Commission  
Held June 5, 2018 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,  
Otter Point, BC**

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**PRESENT:** Al Wickheim (Chair), Bud Gibbons, Anne Miller, Stephen Smith  
**Staff:** Emma Taylor, Planner; Joyce Volek, Recorder  
**ABSENT:** Sid Jorna  
**PUBLIC:** 10

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

**1. Elections**

Staff stated that elections are required for the Advisory Planning Commission as this is the first meeting of the year and the elections process was explained. The call for elections was declared open.

Al Wickheim accepted his nomination by Bud Gibbons for the Chair position of the Commission. As no further nominations were received, Al Wickheim was acclaimed as Chair.

Anne Miller accepted her nomination by Bud Gibbons for the Vice Chair position of the Commission. As no further nominations were received, Anne Miller was acclaimed as Vice Chair.

The Chair welcomed everyone to the meeting and provided a brief overview of the role of the Advisory Planning Commission (APC) noting that the APC is an advisory body to the Juan de Fuca Land Use Committee (LUC). The LUC makes recommendations to the Capital Regional District Board.

**2. Approval of the Agenda**

**MOVED** by Bud Gibbons, **SECONDED** by Anne Miller that the agenda be approved.

**CARRIED**

**3. Adoption of the Minutes of September 25, 2017**

**MOVED** by Stephen Smith, **SECONDED** by Anne Miller that the minutes of the meeting of September 25, 2017, be adopted.

**CARRIED**

**4. Planner's Report**

Emma Taylor provided an update for the Official Community Plan, East Sooke, Bylaw No. 4000 and the Official Community Plan, Shirley-Jordan River, Bylaw No. 4001. It was stated that consideration of Third Reading will take place at the Regional Board meeting in June. If Third Reading is granted, the bylaws would then be sent to the Ministry of Transportation & Infrastructure for approval.

**5. Rezoning Applications**

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

Emma Taylor provided an overview of the rezoning application for the three lots from General Industrial (M-2) to the Sooke Business Park Industrial (M-SBP) zone. Lot 13 is occupied by a warehouse building, Lot 26 is occupied by an industrial shelter and Lot 27 is vacant. The parcels are designated as Settlement Area One and as an Industrial

**Otter Point Advisory Planning Commission Meeting Minutes**  
**June 5, 2018**

2

Development Permit Area in the Official Community Plan for Otter Point. The permitted uses in the M-SBP zone were outlined and staff explained that the prohibited uses are also listed in a registered covenant on title. Staff are recommending that another covenant be registered requiring remediation of any building used for medical marihuana production prior to commencement of any subsequent use. The Land Use Committee recommended referral to various agencies and to the Otter Point Advisory Planning Commission for comment.

Staff made reference to the M-SBP zone handout and stated that 18 properties in the Sooke Business Park have already been rezoned to permit medical marihuana production, but that it is not clear how many are in operation. A discussion ensued regarding the federal government regulations for medical marijuana production, the pending laws for recreational marihuana production and information regarding the applicants' long-term business plans. Staff explained that the current federal licensing regulations require verification of local government land use zoning. There is not yet information about requirements for recreational marihuana production.

It was noted that one of the applicants, Jeff Green, was present at the meeting. Jeff Green stated he is the owner of Lot 13 and has submitted a rezoning application with the other applicant as a cost effective method. He is relocating his sporting goods business to a larger property and is rezoning Lot 13 to potentially make the sale of Lot 13 more attractive and increase the property value.

A Commission member made reference to a recent news article about the applicant for Lots 26 and 27 which stated they were involved with recreational marihuana production. Members raised concerns about lack of information from the applicant about their intent and about potential recreational marihuana production. The applicant was not present to address the Commission's questions.

Members of the public stated concern regarding water usage, site contamination, drainage and waste disposal for medical marihuana production facilities.

Additional concerns were raised of what the distribution process would be and whether this was for recreational or medical marijuana. Another Commission member advised that these issues would be addressed by the Federal Health Licensing regulations.

A Commissioner stated that existing medical marihuana production facilities in the Sooke Business Park have been known to cause interference with JDF Emergency Services radio communication systems.

Rob Peters, a member of the public, stated that he is aware of a medical marijuana facility which is a "closed" system where the water is recycled. It uses LED lighting and has a high fence with security cameras in place. He stated the federal government is very strict.

A further discussion ensued regarding light pollution, building height, security, drainage and chemical residue. Staff confirmed that the maximum height requirement in the M-SBP zone is 14 m. Staff further described the drainage regime of the properties as flowing into Kemp Lake and DeMamiel Creek watersheds, as well as undersurface drainage patterns established during previous industrial activity.

A public member addressed the Commission stating concern with:

- light pollution resulting in negative impacts to wildlife and to adjacent residential neighbourhood;

**Otter Point Advisory Planning Commission Meeting Minutes  
June 5, 2018**

**3**

- fire protection, increased fire risk and the potential to cause higher insurance rates in the area;
- the possibility of wells being contaminated by pesticides;
- remediation action;
- height and design of buildings.

It was clarified that the proposed covenant addresses the remediation of the building and not the entire site after a medical marihuana production use ceases.

Staff confirmed that the Industrial development permit guidelines in the Otter Point Official Community Plan outline the form and character requirements, including lighting, for industrial buildings and that the General Manager of Planning and Protective Services is delegated approval of development permits. It was further explained that a review of the disposal system capacity and covenants would be conducted as part of the building permit process. It was noted the CRD does not issue business licences.

A Commission member suggested a report be provided by the applicant addressing the proposed uses on the property and how waste disposal and drainage will be addressed.

Richard Ashton, a member of the public, stated that rezoning applications already have this approved zone in the Sooke Business Park and questioned the APC's role.

The Chair responded saying that, although the M-SBP zone has been approved on other properties, it is important to review the merits of each application and to ensure no negative impacts to the community will result.

A Commission member confirmed the APC would like to hear input from Otter Point residents and that the rezoning process allows opportunity for public input. There is no opportunity for public input in the building permit or development permit process.

A public member stated concern with a 45' building and the federal government requirement for lighting 24 hours/day.

Larry Swaykoski, a public member, asked whether the building will look like the concrete structure on the Pat Bay highway.

Staff advised that the development permit outlines the form and character for industrial buildings such as lighting and natural plantings.

Jeff Green stated that there are several other lots with this zoning already and it is unlikely all will be built out for marihuana production use. There are other permitted uses and that recent federal regulations could change and be more restrictive in the future.

Rob Peters, a public member, raised concerns with fire protection and questioned the ability of the Otter Point Fire Department to put out a potential fire.

Richard Ashton stated agreement with all that was said and wanted assurance that these concerns will be looked at by the CRD and that strict guidelines are in place.

The Chair asked the Commission if there were any other concerns with other permitted uses.

**Otter Point Advisory Planning Commission Meeting Minutes  
June 5, 2018**

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4

A Commission member asked if 'caretaker' had been defined. Staff advised that the term has not been defined in the bylaw.

The Chair asked if there had been any complaints or concerns with current production places. Staff advised no and referred to the most recent development permit with variance application that was supported and approved.

**MOVED** by Bud Gibbons, **SECONDED** by Stephen Smith that the Otter Point APC accepts this application subject to more information being provided by the applicant on water use, drainage, ground water, light pollution and disclosure of the proposed medical marijuana use, and impact on emergency radio communications, and given assurances from potential developers to reduce impact of these concerns. **CARRIED**

**6. Adjournment**

**MOVED** by Bud Gibbons, **SECONDED** by Al Wickheim that the meeting adjourn.

**CARRIED**

The meeting adjourned at 8:35 p.m.

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Chair

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Otter Point Advisory Planning Commission Meeting Minutes  
January 22, 2019

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4

8. Rezoning Applications

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

Emma Taylor spoke to the staff report and proposed Bylaw No. 4234. It was advised that the APC first considered Bylaw No. 4234 at its meeting of June 5, 2018. At that time, Bylaw No. 4234 proposed rezoning three properties in the Sooke Business Park from the General Industrial (M-2) zone to the Sooke Business Park Industrial (M-SBP) zone. Bylaw No. 4234 was subsequently amended to reflect the federal legalization of cannabis and comments raised by the APC at its June 5, 2018 meeting. The revised bylaw was considered by the LUC at its meeting of December 17, 2018. At that time, the bylaw clarified that licensed cannabis processing is a general industrial use on properties that are not adjacent to institutional, rural or rural residential zoned land.

Emma Taylor directed attention to the supplementary agenda which included Bylaw No. 4234, as revised, to support the LUC's directive to eliminate the distinction between medical cannabis production and recreational cannabis production.

Further to the concerns raised by the APC at its June 5, 2018 meeting regarding water usage, site contamination, drainage and waste disposal as well as interference with radio-communication systems, Emma Taylor advised that there are regulatory bodies in place to monitor these concerns including CRD Building Inspection, CRD Bylaw Enforcement, Island Health, Technical Safety BC (electrical permits) and Industry Canada (radio communications). It was further advised that a Prohibited Uses covenant is registered on the title of all lots within the Sooke Business Park and that all lots in the Sooke Business Park are also designated an Industrial Development Permit Area which guides the form and character of industrial development including outdoor lighting.

The APC stated support for examining the caretaker dwelling unit permitted by the M-SBP zone. The APC noted that, at present, there is no size limit to the caretaker unit.

**MOVED** by Sid Jorna, **SECONDED** by Al Wickheim that the Otter Point APC supports rezoning application RZ0000255 and proposed Bylaw No. 4234, as revised.

**CARRIED**

Appendix 3: Proposed Bylaw No. 4234

**CAPITAL REGIONAL DISTRICT  
 BYLAW NO. 4234**

\*\*\*\*\*

**A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"**

\*\*\*\*\*

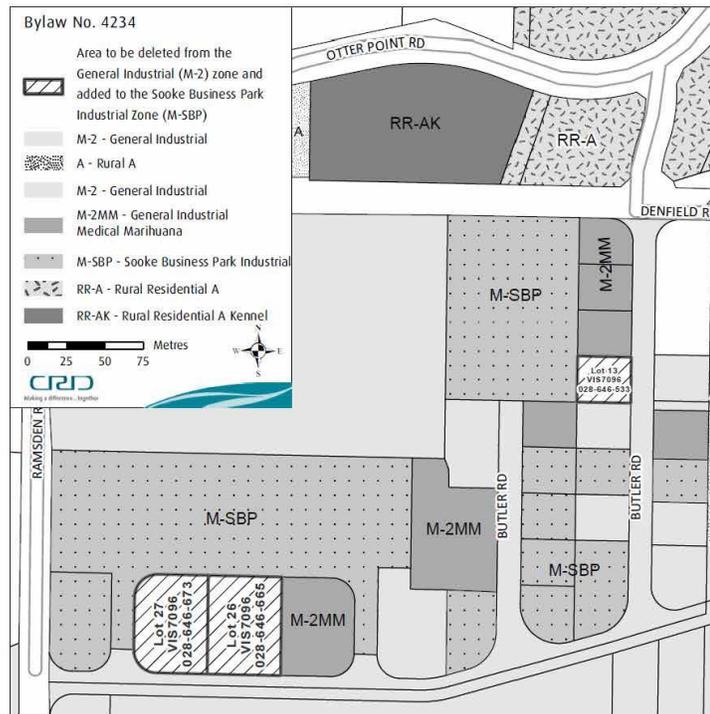
The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040, being the "Juan de Fuca Land Use Bylaw, 1992", is hereby amended as follows:

**A. SCHEDULE B, MAP NO. 2 - OTTER POINT ZONING MAP**

- (a) By deleting Strata Lots 13, 26 and 27, Section 16, Otter District, Plan VIS7096 from the General Industrial (M-2) zone, and adding said lots to the Sooke Business Park Industrial (M-SBP) zone, as shown on Plan No. 1.

**Plan No. 1 of Bylaw 4234, an amendment to Bylaw No. 2040**



CRD Bylaw No. 4234 2

2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 133, 2018".

READ A FIRST TIME THIS DAY OF ,2019.

READ A SECOND TIME THIS DAY OF ,2019.

READ A THIRD TIME THIS DAY OF ,2019.

ADOPTED THIS DAY OF ,2019.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

Schedule “A” of Capital Regional District Bylaw No. 2040  
Juan de Fuca Land Use Bylaw

**27B.0.0 SOOKE BUSINESS PARK INDUSTRIAL ZONE - M-SBP**

Bylaw 4187

**27B.01 Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Sooke Business Park Industrial (M-SBP) zone:

- (a) General industrial uses;
- (b) Business office and support services;
- (c) Athletic facilities;
- (d) Drive-in theatres;
- (e) Vehicle sales/rentals;
- (f) Equipment sales/rentals;
- (g) Auction rooms and places;
- (h) Unenclosed storage;
- (i) Retail sales of building and landscape supplies;
- (j) Retail sales accessory to a principal industrial use;
- (k) Intensive Agriculture – Medical Marihauna Production;
- (l) One dwelling unit for the use of a caretaker accessory to a principal use.

**27B.02 Prohibited Uses**

- (a) Kennels;
- (b) Uses for which a permit is required under the or *Environmental Management Act* or Regulation;
- (c) Refuse and garbage dumps, including transfer stations;
- (d) Salvage yards, including auto salvage;
- (e) The burning of vehicles and other salvage.

**27B.03 Minimum Lot Size for Subdivision Purposes**

The minimum lot size shall be 900 m<sup>2</sup>.

**27B.04 Minimum frontage for Subdivision Purposes**

The minimum lot frontage shall be 16 m.

**27B.05 Minimum Lot Width for Subdivision Purposes**

The minimum average lot width shall be 16 m.

**27B.06 Number of Dwelling Units**

One dwelling unit accessory to a principal use per lot is permitted.

**27B.07 Height**

- (a) Maximum height shall be 14 m for all buildings and structures;
- (b) Maximum height of any unenclosed storage use shall be 3.5 m within 30 m of a Residential Zone, Multiple Family Residential Zone, Commercial Zone, Rural Zone, Agricultural Zone or Institutional Zone.

**27B.08 Lot Coverage**

Maximum lot coverage shall be 60 percent.

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CONSOLIDATED FOR CONVENIENCE ONLY

March 14, 2018

122

Schedule “A” of Capital Regional District Bylaw No. 2040  
Juan de Fuca Land Use Bylaw

**27B.09 Required Yards**

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 4.5 m except:
  - (i) where the lot abuts a Residential, Rural Residential, or Multiple Family Residential Zone, the side yard shall be a minimum of 15 m;
  - (ii) where the lot abuts an Industrial Zone, the side yard may be 0 m;
  - (iii) where the lot abuts any other Zone, the side yard shall be a minimum of 3 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 7.5 m, except:
  - (i) where a rear lot line abuts a Residential, Rural Residential, or Multiple Family Residential Zone the rear yard shall be a minimum of 15 m;
  - (ii) where a rear lot line abuts an Industrial Zone, the rear yard may be reduced to not less than 4.5 m.

**27B.10 Parking Setback**

For lots not fronting a public highway, parking spaces provided in accordance with this Bylaw may be located within the front yard setback.

**27B.11 Storage**

Storage shall not be permitted in required yards adjacent to any Residential or Multiple Family Residential Zone.



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MARCH 19, 2019**

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**SUBJECT**     **Zoning Amendment Application for Strata Lot 10, Section 16, Otter District, Plan VIS7096**

**ISSUE**

Proposed rezoning of Strata Lot 10, Section 16, Otter District, Strata Plan VIS7096 from the General Industrial (M-2) zone to the Sooke Business Park Industrial (M-SBP) zone.

**BACKGROUND**

The applicant has applied to rezone a strata property within the Sooke Business Park development located at 7450 Butler Road in Otter Point (Appendix 1). The parcel is zoned General Industrial (M-2) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, and is adjacent to parcels zoned Sooke Business Park Industrial (M-SBP). The parcels are designated as Settlement Area One (SA1) and as an Industrial Development Permit Area (DPA) in the Official Community Plan (OCP) for Otter Point, Bylaw No. 3819.

The subject property was created by subdivision in 2011 as part of a 25-lot bare land strata. The strata lots share a common property access off Butler Road and have a common disposal field. A development permit DP-14-13 was issued in 2013 for construction of an industrial building on the property; however, the building permit remains incomplete.

The Juan de Fuca Land Use Committee considered the application at their December 17, 2018 meeting and recommended referral to agencies and the Otter Point Advisory Planning Commission (APC) for comment. Referral comments are included in Appendix 2. Staff have prepared Bylaw No. 4276, which would delete Lot 10 from the M-2 zone and add it to the M-SBP zone (Appendix 3).

**ALTERNATIVES**

*Alternative 1*

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca Land Use Committee on December 17, 2018 to the Otter Point Advisory Planning Commission; BC Hydro; District of Sooke; Island Health; Ministry of Transportation and Infrastructure; RCMP; T'Sou-ke First Nation; and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4276, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 139, 2018", be introduced and read a first time and 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. 4276.

*Alternative 2*

That the CRD Board not proceed with Bylaw No. 4276.

*Alternative 3*

That more information be provided by staff.

## **LEGISLATIVE AND PUBLIC CONSULTATION IMPLICATIONS**

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *Local Government Act (LGA)* will be required subsequent to the amendments passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent a notice of the proposed bylaw amendments and it will be advertised in the local paper and on the website.

## **REFERRAL COMMENTS**

Referrals were sent to 10 agencies, the Otter Point APC and to appropriate CRD departments. Comments received are noted below and included in Appendix 2.

CRD Bylaw Enforcement does not anticipate significant bylaw enforcement implications as a result of the proposal.

Island Health provided comment about federally licensed marihuana production facilities and recommended that odour control containment measures be implemented to reduce potential health risks of exposure. Comments also stated consideration of establishing buffers between residential and industrial zones to limit impact on residents and community. Island Health also requires compliance with the *Drinking Water Protection Act & Regulation* and the *Sewerage System Regulation*. Reference to the Medical Health Officer's public health approach to cannabis is included.

MoTI stated no objections to the proposal.

The Otter Point APC considered the application on January 22, 2019 and made the following motion:

**MOVED** by Bud Gibbons, **SECONDED** by Al Wickheim that the Otter Point APC supports rezoning application RZ000257 and proposed Bylaw No. 4276, as revised.

**CARRIED**

## **PLANNING ANALYSIS**

The Settlement Area designation specifies that the predominant land use is rural residential; however, industrial uses on lands zoned industrial or with a valid temporary use permit are also permitted in the Settlement Area designation. The subject property is currently zoned for general industrial uses and the proposed rezoning is consistent with the Settlement Area designation.

The Sooke Business Park Industrial (M-SBP) zone currently applies to 11 lots within the Sooke Business Park development at 7450 Butler Road. The M-SBP zone currently permits *intensive agriculture – medical marihuana production*, as well as a limited set of commercial uses such as business office and support services, and allows parking within the front yard setback on lots that front an internal strata road (Appendix 4). This zone was also drafted to remove gravel processing as a permitted use and to clarify those uses that are prohibited by covenant FB0424654.

A separate amendment is being considered, proposed Bylaw No. 4278, to amend the Sooke Business Park Industrial (M-SBP) zone to permit all federal cannabis licence categories under the *Cannabis Act*. Local government land use approval is required for such facilities to operate.

With regards to the proposed cannabis licence uses, Health Canada's regulations require license-holders to abide by strict security and quality control measures including release of any odour. Local governments can also consider implementing regulations to enhance enforcement of nuisance odour if it is deemed warranted. Water and septic requirements are addressed through the building permit process with input from Island Health. The subject property is also designated as a Commercial and Industrial Development Permit Area and is subject to the form and character guidelines in the Otter Point OCP.

Staff recommend Alternative 1, to receive the referral comments and proceed with readings of the bylaw and holding of a public hearing.

**CONCLUSION**

The purpose of this zoning amendment application is to include the subject property in the Sooke Business Park Industrial (M-SBP) zone. Staff recommend proceeding with first and second reading and public hearing.

**RECOMMENDATIONS**

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca Land Use Committee on December 17, 2018 to the Otter Point Advisory Planning Commission; BC Hydro; District of Sooke; Island Health; Ministry of Transportation and Infrastructure; RCMP; T’Sou-ke First Nation; and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4276, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 139, 2018”, be introduced and read a first time and 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. 4276.

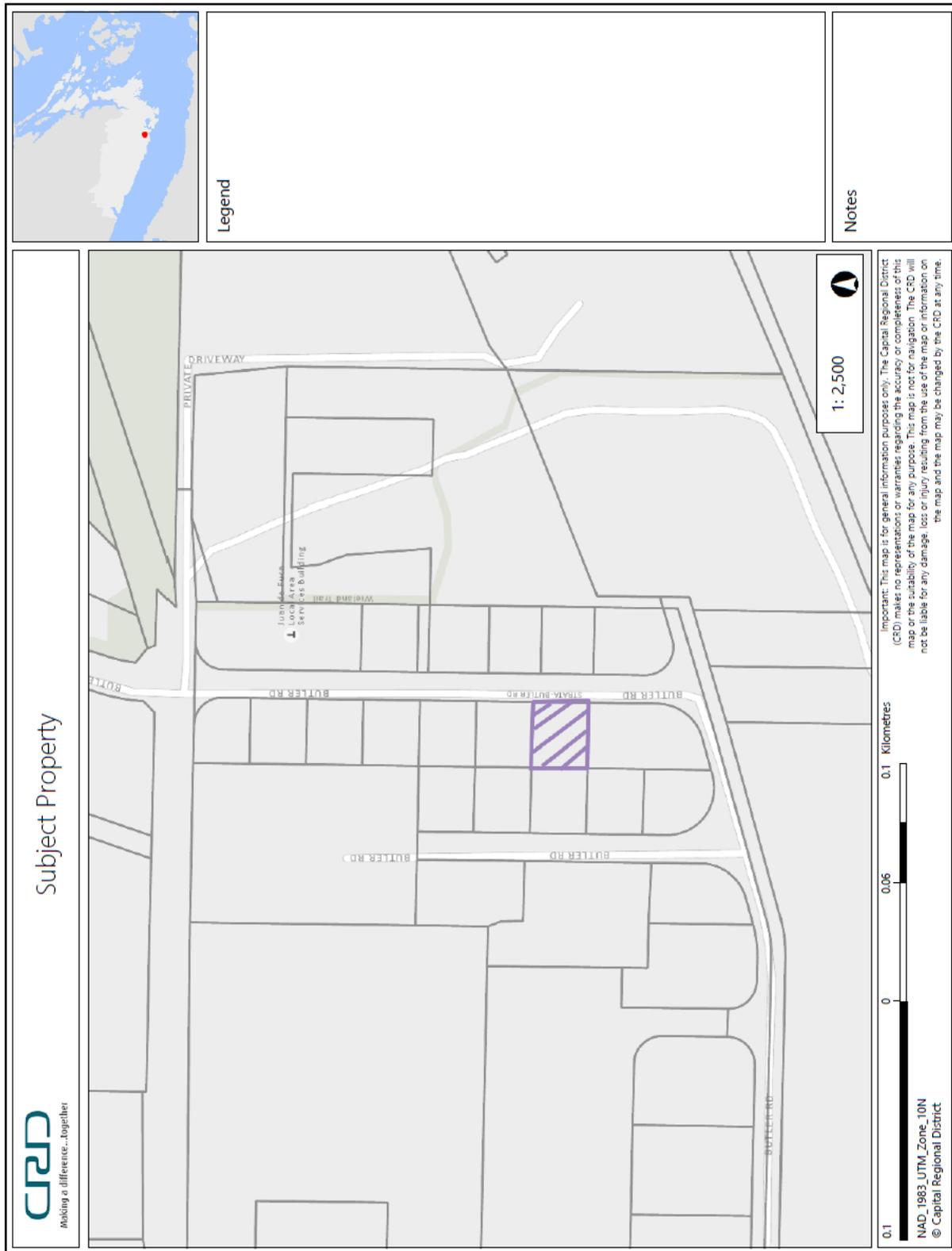
Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner, Local Area Planning
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ET/wm

Attachments:

- Appendix 1. Subject Property Map
- Appendix 2. Referral Comments
- Appendix 3. Proposed Bylaw No. 4276
- Appendix 4. M-SBP zone

Appendix 1: Subject Property



Appendix 2: Referral Comments

**Wendy Miller**

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**From:** Wilf Marquis  
**Sent:** Thursday, January 17, 2019 9:42 AM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000257 (Lot 10 - Sooke Business Park)

CRD Bylaw Enforcement Services has reviewed the staff report for rezoning application RZ000257 (Bylaw No. 4276) and does not anticipate any significant bylaw enforcement implications as a result of this proposal.

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

**Wendy Miller**

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**From:** Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>  
**Sent:** Thursday, December 27, 2018 12:20 PM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000257 (Lot 10 - Sooke Business Park) - CRD Referral

Good Afternoon,

Please accept this as official response from the Ministry of Transportation and Infrastructure in regards to the proposed rezoning of Lot 10, Sooke Business Park; Ministry File 2018-06996.

The Ministry has no objections to the proposed rezoning and there are no conditions at this time.

If you have any questions or concerns, please do not hesitate to contact me.

Have a great day,

**Nikki Schneider**

Senior District Development Technician  
Ministry of Transportation and Infrastructure – Vancouver Island District  
Ph: 778-974-2633  
Fx: 250-952-4508



**Proud Member of the EAF**  
*For employees, by employees*

RESPONSE SUMMARY – REZONING APPLICATION RZ000257

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

• Refer to comments in this office's response to the Proposed Bylaw No 4278 referral.

• 7450 Birkler Rd is not connected to a source of potable water nor sewer. Ensure compliance with the Drinking Water Protection Act / Regulation and Sewerage System Regulation.

Signed

Title

EHO

Date

Agency

Jan 24, 2019

VIHA

Otter Point Advisory Planning Commission Meeting Minutes  
January 22, 2019

4

8. Rezoning Applications

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

Emma Taylor spoke to the staff report and proposed Bylaw No. 4234. It was advised that the APC first considered Bylaw No. 4234 at its meeting of June 5, 2018. At that time, Bylaw No. 4234 proposed rezoning three properties in the Sooke Business Park from the General Industrial (M-2) zone to the Sooke Business Park Industrial (M-SBP) zone. Bylaw No. 4234 was subsequently amended to reflect the federal legalization of cannabis and comments raised by the APC at its June 5, 2018 meeting. The revised bylaw was considered by the LUC at its meeting of December 17, 2018. At that time, the bylaw clarified that licensed cannabis processing is a general industrial use on properties that are not adjacent to institutional, rural or rural residential zoned land.

Emma Taylor directed attention to the supplementary agenda which included Bylaw No. 4234, as revised, to support the LUC's directive to eliminate the distinction between medical cannabis production and recreational cannabis production.

Further to the concerns raised by the APC at its June 5, 2018 meeting regarding water usage, site contamination, drainage and waste disposal as well as interference with radio-communication systems, Emma Taylor advised that there are regulatory bodies in place to monitor these concerns including CRD Building Inspection, CRD Bylaw Enforcement, Island Health, Technical Safety BC (electrical permits) and Industry Canada (radio communications). It was further advised that a Prohibited Uses covenant is registered on the title of all lots within the Sooke Business Park and that all lots in the Sooke Business Park are also designated an Industrial Development Permit Area which guides the form and character of industrial development including outdoor lighting.

The APC stated support for examining the caretaker dwelling unit permitted by the M-SBP zone. The APC noted that, at present, there is no size limit to the caretaker unit.

**MOVED** by Sid Jorna, **SECONDED** by Al Wickheim that the Otter Point APC supports rezoning application RZ0000255 and proposed Bylaw No. 4234, as revised.

**CARRIED**

b) RZ000257 - Strata Lot 10, Section 16, Otter District, Plan VIS7096 (7450 Butler Road)

Emma Taylor spoke to the staff report and proposed Bylaw No. 4276. It was advised that when the LUC considered the rezoning request at its December 17, 2018 meeting, the applicant was requesting to rezone from the General Industrial (M-2) zone to the General Industrial – Medical Marihuana (M-2MM) zone in order to permit a licensed medical cannabis cultivation facility. At that meeting, staff requested that the bylaw be revised prior to First Reading to apply Sooke Business Park Industrial (M-SBP) zone.

Emma Taylor directed attention to the supplementary agenda which included Bylaw No. 4276, as revised, to support staff's request and the LUC's directive to eliminate the distinction between medical cannabis production and recreational cannabis production.

Otter Point Advisory Planning Commission Meeting Minutes  
January 22, 2019 5

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MOVED by Bud Gibbons, **SECONDED** by Al Wickheim that the Otter Point APC supports rezoning application RZ000257 and proposed Bylaw No. 4276, as revised.

CARRIED

9. Adjournment

MOVED by Anne Miller, **SECONDED** by Sid Jorna that the meeting adjourn.

CARRIED

The meeting adjourned at 8:56 p.m.

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Chair

Appendix 3: Proposed Bylaw No. 4276

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4276**

\*\*\*\*\*  
**A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"**  
\*\*\*\*\*

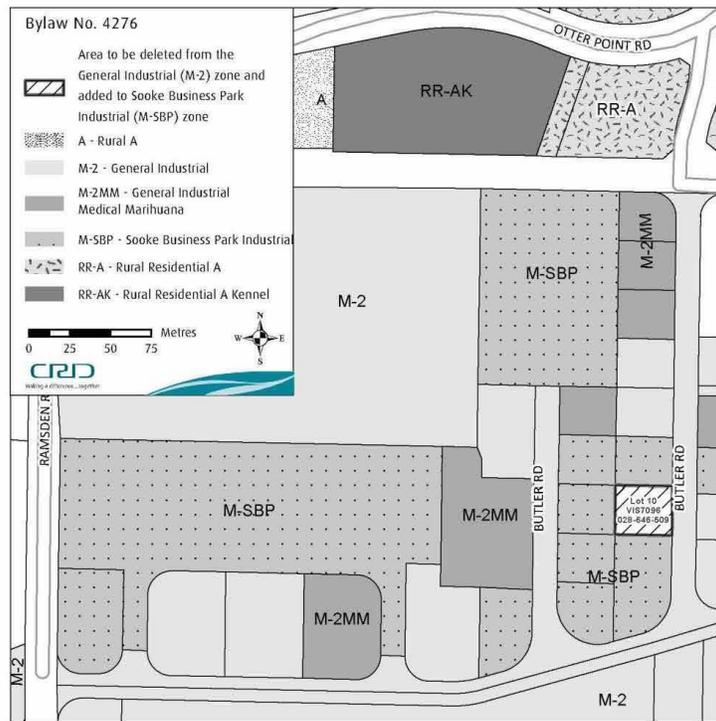
The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040, being the "Juan de Fuca Land Use Bylaw, 1992", is hereby amended as follows:

**A. SCHEDULE B, MAP NO. 2 – OTTER POINT ZONING MAP**

- (a) By deleting Strata Lot 10, Section 16, Otter District, Plan VIS7096 from the General Industrial (M-2) zone, and adding said lot to the Sooke Business Park Industrial (M-SBP) zone, as shown on Plan No. 1.

**Plan No. 1 of Bylaw 4276, an amendment to Bylaw No. 2040**





Appendix 4: Sooke Business Park Industrial (M-SBP) zone

Schedule "A" of Capital Regional District Bylaw No. 2040  
Juan de Fuca Land Use Bylaw

**27B.0.0 SOOKE BUSINESS PARK INDUSTRIAL ZONE - M-SBP**

Bylaw 4187

**27B.01 Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Sooke Business Park Industrial (M-SBP) zone:

- (a) General industrial uses;
- (b) Business office and support services;
- (c) Athletic facilities;
- (d) Drive-in theatres;
- (e) Vehicle sales/rentals;
- (f) Equipment sales/rentals;
- (g) Auction rooms and places;
- (h) Unenclosed storage;
- (i) Retail sales of building and landscape supplies;
- (j) Retail sales accessory to a principal industrial use;
- (k) Intensive Agriculture – Medical Marihauna Production;
- (l) One dwelling unit for the use of a caretaker accessory to a principal use.

**27B.02 Prohibited Uses**

- (a) Kennels;
- (b) Uses for which a permit is required under the or *Environmental Management Act* or Regulation;
- (c) Refuse and garbage dumps, including transfer stations;
- (d) Salvage yards, including auto salvage;
- (e) The burning of vehicles and other salvage.

**27B.03 Minimum Lot Size for Subdivision Purposes**

The minimum lot size shall be 900 m<sup>2</sup>.

**27B.04 Minimum frontage for Subdivision Purposes**

The minimum lot frontage shall be 16 m.

**27B.05 Minimum Lot Width for Subdivision Purposes**

The minimum average lot width shall be 16 m.

**27B.06 Number of Dwelling Units**

One dwelling unit accessory to a principal use per lot is permitted.

**27B.07 Height**

- (a) Maximum height shall be 14 m for all buildings and structures;
- (b) Maximum height of any unenclosed storage use shall be 3.5 m within 30 m of a Residential Zone, Multiple Family Residential Zone, Commercial Zone, Rural Zone, Agricultural Zone or Institutional Zone.

**27B.08 Lot Coverage**

Maximum lot coverage shall be 60 percent.

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CONSOLIDATED FOR CONVENIENCE ONLY

March 14, 2018

122

Schedule "A" of Capital Regional District Bylaw No. 2040  
Juan de Fuca Land Use Bylaw

**27B.09 Required Yards**

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 4.5 m except:
  - (i) where the lot abuts a Residential, Rural Residential, or Multiple Family Residential Zone, the side yard shall be a minimum of 15 m;
  - (ii) where the lot abuts an Industrial Zone, the side yard may be 0 m;
  - (iii) where the lot abuts any other Zone, the side yard shall be a minimum of 3 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 7.5 m, except:
  - (i) where a rear lot line abuts a Residential, Rural Residential, or Multiple Family Residential Zone the rear yard shall be a minimum of 15 m;
  - (ii) where a rear lot line abuts an Industrial Zone, the rear yard may be reduced to not less than 4.5 m.

**27B.10 Parking Setback**

For lots not fronting a public highway, parking spaces provided in accordance with this Bylaw may be located within the front yard setback.

**27B.11 Storage**

Storage shall not be permitted in required yards adjacent to any Residential or Multiple Family Residential Zone.

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CONSOLIDATED FOR CONVENIENCE ONLY

March 14, 2018

123