

## **OTTER POINT ADVISORY PLANNING COMMISSION**

Notice of Meeting on Tuesday, **June 5, 2018 at 7 p.m.**

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

---

### **AGENDA**

1. Elections
2. Approval of Agenda
3. Adoption of Minutes of September 25, 2017
4. Planner's Report
5. Rezoning Application
  - a) RZ000255 - Strata Lots 13, 26 and 27, Section 16, Otter District, Plan VIS7096 (Butler Road – Sooke Business Park)
6. Adjournment



Making a difference...together

**Minutes of a Meeting of the Otter Point Advisory Planning Commission**  
**Held September 25, 2017 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,**  
**Otter Point, BC**

---

**PRESENT:** Sid Jorna (Vice Chair), Bud Gibbons, Anne Miller, Stephen Smith  
**Staff:** Iain Lawrence, Local Area Planning Manager; Wendy Miller, Recorder  
**ABSENT:** Al Wickheim (Chair)  
**PUBLIC:** 5

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

The Vice 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 CRD Board.

**1. Approval of the Agenda**

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

**CARRIED**

**2. Approval of Supplementary Agenda**

No supplementary items.

**3. Adoption of the Minutes of July 17, 2017**

**MOVED** by Stephen Smith, **SECONDED** by Anne Miller that the minutes of the meeting of July 17, 2017, be adopted.

**CARRIED**

**4. Planner's Report**

No report.

**5. Rezoning Applications**

**a) RZ000247 and RZ000249 - Strata Lots 6, 11, 18, 19, and 20, Section 16, Otter District, Plan VIS7096 (Butler Road – Sooke Business Park)**

Iain Lawrence reported that the APC considered the request to rezone five properties (RZ000247) at its July 17, 2017, meeting. It was advised that the rezoning proposal has been revised to reflect an application (RZ000249) from another property owner to rezone four properties. At its meeting of September 19, 2017, the LUC supported a request from the original applicant to add Strata Lot 6 to the rezoning proposal. It was reported that comments from this evening's meeting will be brought forward directly to the CRD Board.

APC comments included:

- concern that the term "caretaker" is not defined by Bylaw No. 2040 or by proposed Bylaw No. 4187
- it is not clear if the dwelling unit permitted for use by a caretaker intends that the caretaker is the owner/operator or an employee of the owner/operator or if the structure can be used for residential/rental purposes
- a question of whether all the lots within the Sooke Business Park should have this zone applied to them

Iain Lawrence reported that rezoning of all the lots in the Sooke Business Park and review of the definition of caretaker can be considered at such time that the Juan de Fuca Land Use Bylaw, Bylaw No. 2040 undergoes review.

**MOVED** by Bud Gibbons, **SECONDED** by Stephen Smith that the Otter Point APC supports proposed Bylaw No. 4179, as amended to reflect rezoning of a total of ten properties, and that Otter Point APC supports considering rezoning of all the lots in the Sooke Business Park and review of the definition of caretaker at such time that the Juan de Fuca Land Use Bylaw, Bylaw No. 2040 undergoes review.

**CARRIED**

## **6. Adjournment**

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

**CARRIED**

The meeting adjourned at 7:11 p.m.

---

Chair



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, APRIL 17, 2018**

---

**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 in order to respond to market demand and permit licensed medical cannabis production facilities pursuant to Health Canada's *Access to Cannabis for Medical Purposes Regulations (ACMPR)*.

**BACKGROUND**

The applicant has applied to rezone three strata properties within the Sooke Business Park development located at 7450 Butler Road in Otter Point (Appendices 1 and 2).

The parcels are zoned General Industrial (M-2) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, and are adjacent to General Industrial – Medical Marihuana (M-2MM) zoned and other M-2 and M-SBP zoned parcels. 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 properties were 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. All of the parcels are currently developed.

The proposed amendment to rezone the properties M-SBP would allow for the current set of permitted uses under the M-2 zone, as well as federally-licensed medical cannabis production facilities, business office and support services and private fitness clubs. In addition, the M-SBP zone prohibits those uses currently prohibited under the M-2 zone, as well as those uses listed in the Prohibited Uses covenant registered on the title of all the lots within the Sooke Business Park.

Staff have prepared Bylaw No. 4234, which would delete Lots 13, 26 and 27 from the M-2 zone, and add them to the M-SBP zone (Appendix 3).

**ALTERNATIVES**

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

BC Hydro  
CRD Building Inspection  
CRD Protective Services

District of Sooke  
Island Health  
Ministry of Transportation and  
Infrastructure (MoTI)

RCMP  
T'Sou-ke First Nation

2. That proposed Bylaw No. 4234 not be referred.
3. That more information be provided by staff.

**LEGISLATIVE IMPLICATIONS**

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

Where an amendment or new land use and subdivision bylaw will apply to land within 800 m of a controlled access highway, the bylaw must be referred to the MoTI.

## **PUBLIC CONSULTATION IMPLICATIONS**

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *LGA*; therefore, staff recommend referring the proposed amendment 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 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 Juan de Fuca Land Use Bylaw No. 2040 was amended in 2014 by Bylaw No. 3922 to define medical marihuana production facilities as an *intensive agriculture* use in keeping with the Agricultural Land Commission's determination that medical marihuana production is an agricultural use. Bylaw No. 3923, which was also adopted in 2014, established a new General Industrial Medical Marihuana (M-2MM) zone, which added *intensive agriculture – medical marihuana production* to the list of permitted uses. More recently, Bylaw No. 4187 added the Sooke Business Park Industrial (M-SBP) zone to Bylaw No. 2040, and applied it to five lots within the Sooke Business Park. The zone 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.

While allowing for an expanded set of uses, the M-SBP zone more clearly specifies those uses that are prohibited. Those uses include the prohibited uses under the M-2 zone, as well as those named within the Prohibited Uses covenant currently registered on the title of all lots within the Sooke Business Park.

With regards to the *intensive agriculture – medical marihuana production* use, there are no anticipated risks, 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.

As a condition of rezoning, staff recommend that a covenant be registered on the title of the subject properties requiring the remediation of any buildings used for medical cannabis production prior to commencement of any subsequent use.

Since the proposed additional uses are intended to complement the general industrial and public facility uses on adjacent parcels in the Sooke Business Park, they should not create a significant impact on adjacent properties.

At the present time, Lot 13 is occupied by a warehouse building, Lot 26 is occupied by an industrial shelter and Lot 27 is vacant. New construction will require an Industrial Development Permit to guide the form and character of the structures and require building permits.

Staff recommends Alternative 1, referral of proposed Bylaw No. 4234, to the Otter Point APC, BC Hydro, CRD Building Inspection, CRD Protective Services, District of Sooke, Island Health, MoTI, RCMP and T'Sou-ke First Nation.

## **CONCLUSION**

The purpose of this zoning amendment application is to allow medical cannabis production and a limited set of commercial uses on three properties within the Sooke Business Park. Staff recommend referring the proposed bylaw to relevant CRD departments, the Otter Point APC and other agencies for comment.

### **RECOMMENDATION**

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

BC Hydro  
CRD Building Inspection  
CRD Protective Services

District of Sooke  
Island Health  
Ministry of Transportation and  
Infrastructure

RCMP  
T'Sou-ke First Nation

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

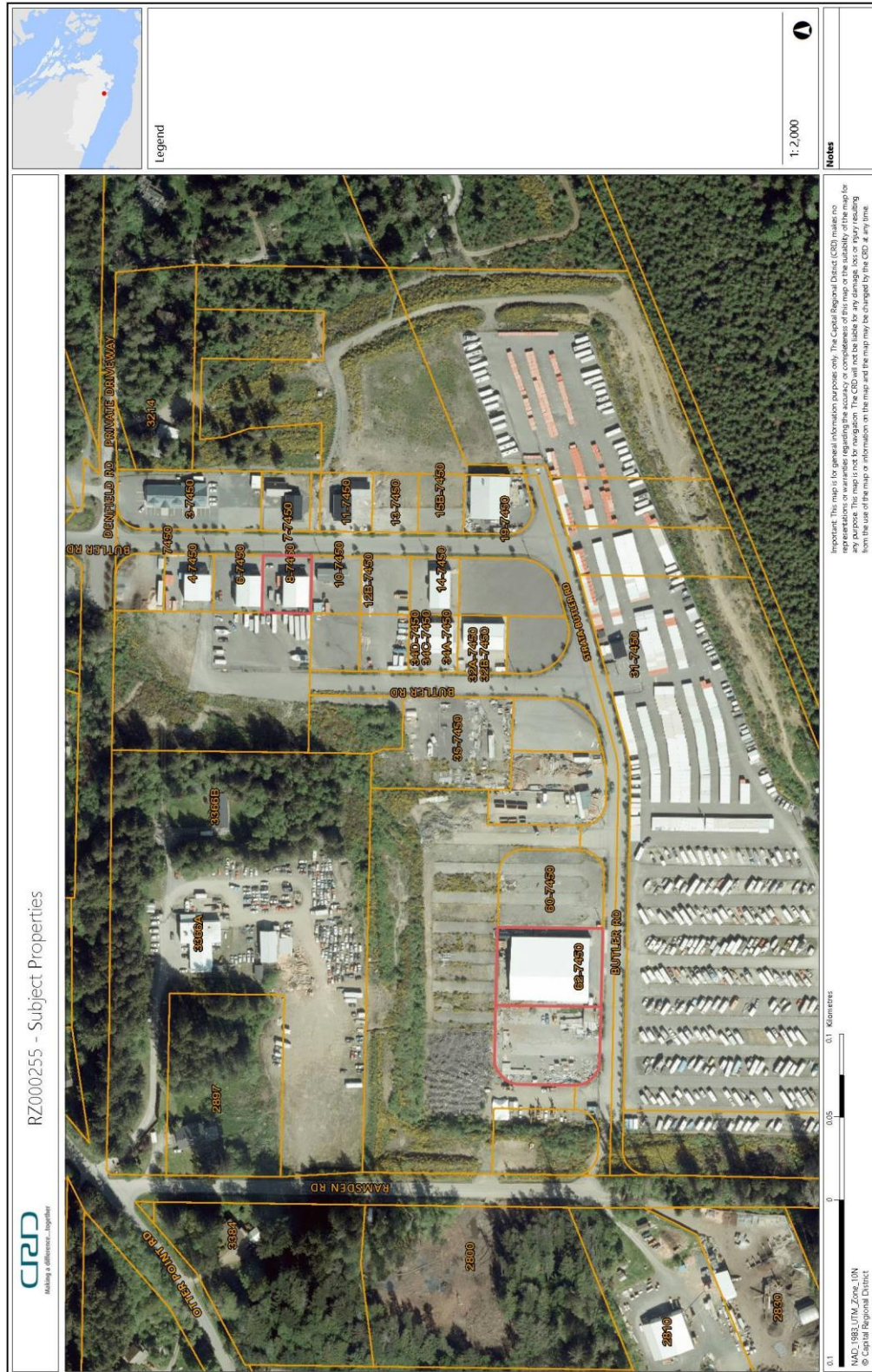
Attachments:

- Appendix 1. Subject Properties Map
- Appendix 2. Orthophoto Plan
- Appendix 3. Proposed Bylaw No. 4234

[illegible]



Appendix 2: Orthophoto Plan





CORPORATE OFFICER

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

Strata Lots 13, 26 and 27, Section 16, Otter District, Plan VIS7096 shown on this plan attached to and forming part of this bylaw.

