

OTTER POINT ADVISORY PLANNING COMMISSION

Notice of Meeting on Tuesday, **April 9, 2019 at 7 p.m.**

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

AGENDA

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of March 5, 2019
4. Planner's Report
5. Proposed Bylaw
 - a) Bylaw No. 4290, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 143, 2019" (Sooke Business Park)
6. Adjournment



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**Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held March 5, 2019 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,
Otter Point, BC**

PRESENT: Al Wickheim (Chair), Bud Gibbons, Sid Jorna, Anne Miller, Stephen Smith
Staff: Emma Taylor, Planner; Wendy Miller, Recorder
PUBLIC: 2

The meeting was called to order at 7:01 p.m.

1. Approval of the Agenda

MOVED by Sid Jorna, **SECONDED** by Anne Miller that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of the Minutes of January 22, 2019

MOVED by Anne Miller, **SECONDED** by Sid Jorna that the minutes of the meeting of January 22, 2019, be adopted.

CARRIED

4. Planner's Report

- a) It is anticipated that the Land Use Committee (LUC) will direct staff at its March 19, 2019 meeting to refer a proposed bylaw to the Advisory Planning Commission (APC) for consideration. At this time, staff is looking ahead to April 9, 2019 to schedule a meeting of the APC.
- b) It was advised that there is opportunity to subscribe on the CRD website to receive notice of when LUC agendas and minutes are added or updated.

5. Temporary Use Permit Application

a) TP000010 - Lot 4, Section 47, Otter District, Plan 23769 – 7822 Tugwell Road

Emma Taylor spoke to the staff report and the request for a temporary use permit to allow a federally licensed micro-cannabis cultivation facility on the subject property zoned Rural Residential 2 (RR-2).

Emma Taylor confirmed that a temporary use permit can be issued for up to three years and that the holder of the permit can apply to have a permit renewed once and that rezoning would be required to permit the use long-term. It was confirmed that no submissions have been received in response to the 500m notice mailed to adjacent property owners advising of the application.

Emma Taylor reported that the Otter Point Official Community Plan (OCP), Bylaw No. 3819, permits temporary use permits to be issued throughout the Plan area. Emma Taylor outlined the OCP's considerations for evaluating requests for temporary use permits and directed attention to the draft permit and permit conditions as included in the staff report.

Emma Taylor responded to questions from the APC confirming that:

- there is opportunity for the CRD to regulate odour nuisances and amend the Capital Regional District Ticket Information Authorization Bylaw, 1990, Bylaw No. 1857, to enforce the regulations and to set certain fine amounts where there are bylaw contraventions
- Health Canada requires applicants to notify local government, the RCMP and local fire departments of proposed cannabis licences
- the staff report with the proposed temporary use permit was referred to the Manager, CRD Electoral Area Fire and Emergency Programs for comment

Emma Taylor confirmed that the applicant was present.

The applicant stated that:

- he has spoken with neighbours and has the support of neighbours
- the property is well lit, day and night and he has not received complaints from neighbours
- there is no lighting along the fence line
- there is perimeter lighting along buildings
- additional lighting will be limited to servicing the proposed building (internal/security)
- the property is private and fully fenced
- the fence line is treed
- carbon filters will eliminate all odours
- all plants will be grown indoors
- waste water equates to approximately 1-5 gallons a day

Emma Taylor confirmed that the permit stipulates that the micro-cultivation use be screened from the road and adjacent properties and restricts nuisances including odour.

The APC stated:

- that policy statements in the OCP support the use of the best “green” techniques and materials when constructing/developing
- support for downward facing lighting
- support for waste water and growing medium recycling/reuse
- support for treatment of the waste water as to not impact De Mamiel Creek
- that the applicant has proposed purchasing trucked water to supply the operation
- trucking of water is not considered “green”

Emma Taylor confirmed that the capacity of the septic system will be evaluated as part of the building permit process.

The APC questioned if the applicant considered other locations for the operation including the Sooke Business Park.

The applicant responded to the APC stating that:

- he investigated options at the Sooke Business Park but the options were too cost prohibited for the proposed operation
- there is a 3000 gallon cistern on site
- he does not object to rain water collection

The APC stated that it would have liked to have been provided with letters of support from neighbours.

A Robinson Road resident stated that:

- she has concern regarding waste water runoff as her property is serviced by a surface well
- she supports the applicant adhering to the federal requirements for air filtration, although the operation considered temporary
- she has lost the enjoyment of her property due to cannabis odour in her neighbourhood

The resident responded to a question from the APC confirming that she does not know where the odour is originating from.

The APC noted that a condition of the permit addresses nuisance related to the emission of odours.

Emma Taylor advised that staff are exploring bylaw options to address obnoxious odours.

The applicant responded to questions from the APC confirming that:

- different cannabis cultivators have different odours
- he is already an authorized Health Canada licence holder
- no odours are coming from his operation
- growing medium is separated from vegetation
- stalks and roots are composted

MOVED by Bud Gibbons, **SECONDED** by Sid Jorna that the Otter Point APC supports Temporary Use Permit TP0000010 with additional permit conditions supporting protecting De Mamiel Creek from runoff related to the proposed operation and supporting the use of ground oriented lighting.

The APC stated support for the growth medium and vegetation being composted/reused on site as opposed to be trucked off site. The APC raised concern related to security issues relative to the value of the product on site.

The Chair called the question.

CARRIED

6. Adjournment

The meeting adjourned at 8:57 p.m.

Chair



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

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 m² 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 m².

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 m².

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		

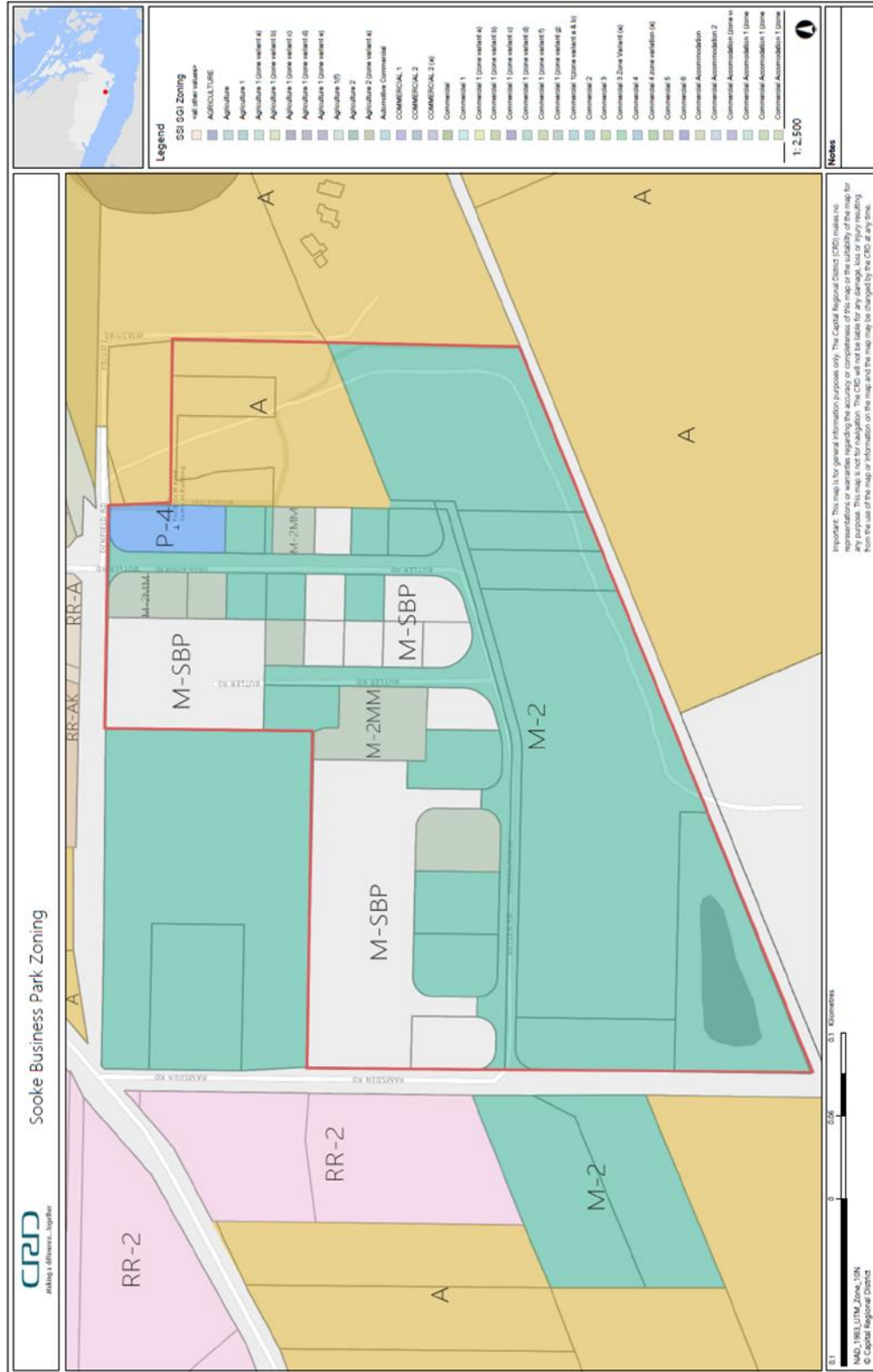
Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

ET:wm

Attachments:

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

Appendix 1: Sooke Business Park Map



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 m².

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 m²."

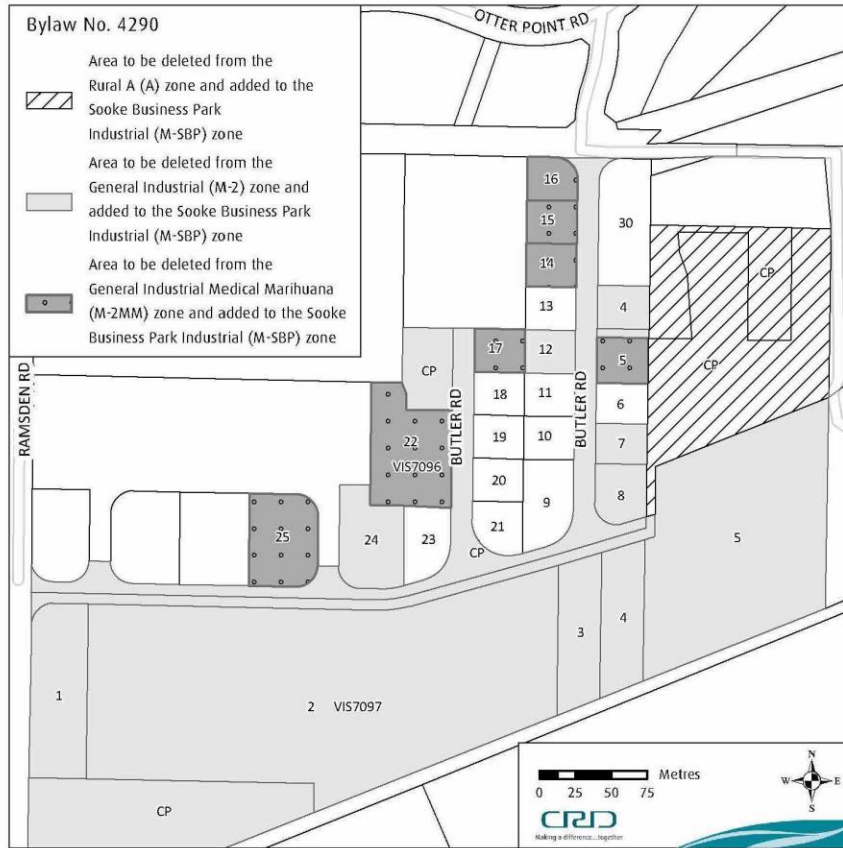
B. SCHEDULE B, MAP NO. 2 - OTTER POINT ZONING MAP

- (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