

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **April 19, 2022 at 7 pm**

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 February 15, 2022
4. Chair's Report
5. Planner's Report
6. Development Variance Application
 - a) VA000156 – Lot 1, Section 89, Sooke District, Plan 26576, except part in Plan 35281 (1381 Pike Road)
7. Temporary Use Permit Application
 - a) TP000011 - Lot 4, Section 47, Otter District, Plan VIP52344 (7861 Tugwell Road)
8. Liquor Lounge Endorsement and Outdoor Patio Application
 - a) LP000031 - Lot 4, Section 47, Otter District, Plan VIP52344 (7861 Tugwell Road)
9. Adjournment

Please note that during the COVID-19 situation, the public may attend the meeting in-person or electronically through video or teleconference. Should you wish to attend the meeting in-person, please contact the Juan de Fuca Community Planning Office at 250.642.8100. Should you wish to attend electronically, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details. Written submissions continue to be accepted until 4:00 pm the day before the meeting.



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Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, February 15, 2022 at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC

PRESENT: Director Mike Hicks (Chair) (EP), Stan Jensen (EP), Roy McIntyre (EP),
Ron Ramsay (EP), Dale Risvold (EP), Sandy Sinclair (EP), Vern McConnell (EP)
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services (EP);
Wendy Miller, Recorder (EP)
PUBLIC: Approximately 17 EP

EP – Electronic Participation

The meeting was called to order at 7:01 pm.

The Chair provided a Territorial Acknowledgment.

1. Approval of the Agenda

The Chair advised that the proposal approved under Temporary Use Permit Renewal Application TP000009 has changed and that a new permit would need to be considered at a future LUC meeting. Therefore, the item is to be removed from the agenda.

MOVED by Sandy Sinclair, **SECONDED** by Dale Risvold that the agenda be approved, as amended to strike consideration of Temporary Use Permit Renewal Application TP000009.

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Dale Risvold, **SECONDED** by Ron Ramsay that the supplementary agenda be approved.

CARRIED

3. Adoption of Minutes from the Meeting of January 18, 2022

MOVED by Sandy Sinclair, **SECONDED** by Dale Risvold that the minutes from the meeting of January 18, 2022, be adopted.

CARRIED

4. Chair's Report

No report.

5. Planner's Report

No report.

6. Development Permit with Variance Application

a) DV000076 – Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828 (4460 Rannveig Place)

Iain Lawrence spoke to the staff report for a riparian development permit with variance to reduce the requirement that 10% of the perimeter of a parcel front onto a highway for the purpose of creating a three-lot subdivision.

Iain Lawrence highlighted the subject property and proposed subdivision plan advising that the property was rezoned in 2021 (RZ000269) to rezone the Rural A-1 portion of the

property to Rural Residential 2 (RR-2) for the purpose of creating two 1.0 hectare parcels and to adjust the Agricultural 1 (AG-1) zone boundary to align with the proposed plan of subdivision. It was reported that Riparian Assessment report provided by the applicant addressed the *Riparian Areas Protection Regulations (RAPR)* and the Watercourses and Wetland Areas DP guidelines. The report confirmed that the driveway and all structures located on proposed Lot 3 are outside of the Streamside Protection and Enhancement Area (SPEA). It was advised that the owner will put in place a reciprocal access easement between proposed Lots 1 and 2 to utilize the existing driveway.

Iain Lawrence confirmed that no comments were received in response to the notice of intent mailed to the owners and occupiers of land within 500 m of the subject property.

The Chair confirmed that the applicant was present.

MOVED by Sandy Sinclair, **SECONDED** by Dale Risvold that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That Development Permit with Variance DV000076, for Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828, to authorize a three-lot subdivision and to vary Juan de Fuca Land Use Bylaw No. 2040, Part 1, Section 3.10(4) by reducing the frontage requirement for proposed Lot 1 from 10% (67.27 m) of lot perimeter to 1.1% (7.31 m), and for proposed Lot 2 from 10% (56.36 m) of lot perimeter to 1.6% (9.35 m), as shown on the plans prepared by J.E. Anderson, dated January 4, 2022, be approved.

CARRIED

Stan Jensen entered the meeting at 7:09 pm.

7. Zoning Amendment Application

a) **RZ000275 - Lots A-H, and J and K, District Lot 87, Renfrew District, Plan EPP31225 (Kirby Creek Road)**

Iain Lawrence spoke to the staff report for a joint application to rezone the subject properties from Forestry (AF) to Rural 2 (RU2).

Iain Lawrence highlighted the subject properties and outlined the RU2 zone. It was advised that the RU2 zone was created in response to the site specific rezoning of a split zoned Rural A and AF parcel in Shirley in 2019 and that the RU2 zone is considered appropriate for properties in the 4 ha range that have been removed from the Private Managed Forest Land program.

Iain Lawrence directed attention to one submission as included in the supplementary agenda which asks that consideration be given to adding equestrian use to the RU2 zone.

Iain Lawrence responded to questions from the LUC advising that the RU2 zone would permit such structures as barns and stables, as well as the outdoor keeping of livestock.

MOVED by Ron Ramsay, **SECONDED** by Vern McConnell that staff be directed to refer proposed Bylaw No. 4464, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 155, 2022" to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro

District of Sooke

FLNR - Archaeology Branch

FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development

FLNR - Water Protection Section
Island Health
Ministry of Agriculture
Ministry of Transportation & Infrastructure
RCMP
Shirley Fire Department
Sooke School District #62
Pacheedaht First Nation
T'Sou-ke First Nation

CARRIED

8. Comprehensive Community Development Plan Amendment Applications

a) RZ000276 - Blocks D and E, District Lots 751 and 911, Renfrew District, Plan EPC2056 (Crown Lease #927321)

Iain Lawrence spoke to the staff report for the application to rezone the subject area from Marine (M) to a new Commercial Marina (CM-1) zone in order to permit a commercial marina, community use services, food service establishments and retail establishments.

Iain Lawrence highlighted the subject property and advised that:

- the subject area is included in the Port Renfrew Water Supply Local Service Area
- an amendment is being pursued to add the subject area to the Port Renfrew Fire Protection Local Service Area
- the subject property was initially granted status as a Licence of Occupation area by the Province on February 25, 2016
- the marina is operating under Temporary Use Permit TP000008 which was issued by the CRD in 2016 and renewed in 2019
- Temporary Use Permit TP000008 will expire on July 24, 2022

Iain Lawrence outlined Bylaw No. 4473, which would create the proposed new CM-1 zone, and directed attention to one submission as included in the supplementary agenda which noted concern regarding notification of public participation at meetings.

The Chair confirmed that the application agent was present.

Iain Lawrence responded to questions from the LUC advising that, should the LUC support referral, the proposal will be referred to Planning and Protective Services to comment on fire protection requirements. The proposal would also be referred to a public information meeting as there is no active Advisory Planning Commission for Port Renfrew.

LUC discussion ensued regarding the option of the proposal not being considered at a public hearing.

Iain Lawrence clarified that a public hearing is not required when a proposed bylaw is consistent with a community's Official Community Plan. Direction to proceed or not proceed to public hearing is considered after the CRD Board gives a bylaw second reading.

The Chair confirmed that consideration of a public hearing would be considered after the public information meeting.

The applicant responded to questions from the LUC advising that:

- a separate application has been submitted for the upland portion of the development area
- the Ministry of Transportation and Infrastructure has indicated support for registration of an easement through the upland portion of the development area to the marina site

MOVED by Roy McIntyre, **SECONDED** by Ron Ramsay that staff be directed to refer proposed Bylaw No. 4473, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 14, 2022" to a Public Information Meeting, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro

Cowichan Valley Regional District

Department of Fisheries and Oceans

FLNR - Archaeology Branch

FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Island Health

Ministry of Transportation & Infrastructure

RCMP

Sooke School District #62

Pacheedaht First Nation

CARRIED

b) RZ000277 - Lot 1, Section 97, Renfrew District, Plan EPP24972; and part of Section 97, Renfrew District Shown Coloured Red on Plan 344R (17110 Parkinson Road)

Iain Lawrence spoke to the staff report for the application to rezone the subject properties from Community Residential – One (CR-1) to a new Multiple Family Residential (MR-1) zone in order to permit residential development in the form of single family dwellings, duplexes, townhomes, and apartment units.

Iain Lawrence highlighted the subject properties and outlined Bylaw No. 4477 which would create the proposed new MR-1 zone and define the uses that would be permitted by the MR-1 zone.

Iain Lawrence directed attention to one submission as included in the supplementary agenda which is the same submission received for the marina application (RZ000276).

Iain Lawrence responded to a question from the LUC confirming that the proposal will be referred to Planning and Protective Services for comment by the Port Renfrew Fire Department. It was further confirmed that the staff recommendation incorrectly notes the proposed as Bylaw No. 4473.

Kristine Gatzke stated that Pacheedaht First Nation has submitted comment on the application and that Pacheedaht will be considering the proposal through a parallel process.

The Chair reported that Iain Lawrence will be meeting directly with Pacheedaht to discuss the Port Renfrew applications.

MOVED by Roy McIntyre, **SECONDED** by Vern McConnell, that staff be directed to refer proposed Bylaw No. 4477, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 15, 2022" to a Public Information Meeting, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro

Cowichan Valley Regional District

Department of Fisheries and Oceans

FLNR - Archaeology Branch

FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Island Health

Ministry of Transportation & Infrastructure

RCMP

Sooke School District #62

Pacheedaht First Nation

CARRIED

9. Adjournment

The meeting adjourned at 7:45 pm.

Chair



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, APRIL 19, 2022**

SUBJECT **Development Variance Permit for Lot 1, Section 89, Sooke District, Plan 26576, except part in Plan 35281 – 1381 Pike Road**

ISSUE SUMMARY

A request has been made for a development variance permit to reduce the requirement that ten percent of the perimeter of the lot front onto a public highway in order to authorize a three-lot subdivision.

BACKGROUND

The 4.29 hectare (ha) property is zoned Rural Residential 6 (RR-6) under the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, and located at the intersection of Pike Road and East Sooke Road in East Sooke (Appendix A). The subject property is adjacent to other RR-6 zoned parcels to the north and south and to a Rural (A) zoned parcel to the east. Portions of the proposed parcels are designated as Steep Slope development permit areas.

The owners have submitted subdivision and development permit applications (SU000684/DP000252) to create two 0.5 ha lots and a 3.29 ha remainder parcel. The proposed plan of subdivision initially indicated that minimum frontage requirements would be met (Appendix B); however, the Ministry of Transportation and Infrastructure (MoTI) requested that driveway accesses be constructed for the two new parcels, rather than using a shared access. As a result of topography and in order to achieve usable grades for the driveway on Lot 2, the proposed subdivision plan configuration was altered resulting in a substantial reduction in the road frontage provided for proposed Lot 1 (Appendix C).

Ten percent of the perimeter of proposed Lot 1 is approximately 34.3 m; however, given the configuration of the parcel, the frontage is only 3% (10.51 m). Therefore, the applicants have requested a variance to reduce the requirement in Part 1, Section 3.10(4)(a) of Bylaw No. 2040 that one tenth of the perimeter of the lot front a public highway.

ALTERNATIVES

Alternative 1:

The Land Use Committee recommends to the CRD Board:

That Development Variance Permit VA000156 for Lot 1, Section 89, Sooke District, Plan 26576, except part in Plan 35281 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4)(a) by reducing the minimum frontage requirement for proposed Lot 1 from 10% of the lot perimeter (34.3 m) to 3% of the lot perimeter (10.51 m) for the purpose of permitting a three-lot subdivision, be approved.

Alternative 2:

The Land Use Committee recommends to the CRD Board:

That the development variance permit be denied and require that the subdivision comply with zoning requirements.

IMPLICATIONS

Legislative Implications

The Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Schedule “A”, Part 1, Section 3.10(4) specifies that where a lot being created by a subdivision fronts on a highway, the minimum frontage on the highway shall be the greater of: (a) one tenth of the perimeter of the lot that fronts on the highway; or (b) the minimum frontage specified in this Bylaw for the lot. As no other frontage requirement is specified for the zone, the proposed lots must be one tenth the perimeter of the lot. A development variance permit is required in order to allow proposed Lot 1 to have a frontage of 10.51 m or approximately 3%.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, 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 Application Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the April 19, 2022, Land Use Committee meeting.

Land Use Implications

The parent property is designated as Settlement Area in the East Sooke Official Community Plan, Bylaw No. 4000. The Settlement Area designation supports an average parcel size of one hectare with a minimum parcel size of 0.4 hectares for residential development. The proposed plan is consistent with the Settlement Area designation. The proposed subdivision is also consistent with the RR-6 average minimum lot size requirement of 1 ha with no lot being smaller than 0.5 ha.

In evaluating whether a frontage exemption is justified, the following technical criteria are normally considered:

- How does it relate to the topography of the area?
- Does it create any environmental impacts?
- Will reducing the frontage produce an awkward lot configuration?
- Will reducing the frontage eliminate future subdivision potential of the lot and of lots beyond?
- Does the proposed reduction disturb existing residences?
- Will the exemption reduce road network and access options?

The land that is the subject of this application is designated as a Steep Slope Development Permit Area by the East Sooke OCP and required a Development Permit. DP000252 has already been issued to authorize the 3-lot subdivision.

Part 1, Section 3.10(7) of Bylaw No. 2040 requires that side lot lines to be substantially at right angles or radial to street lines unless the Approving Officer is satisfied that it is impractical to comply. The plan amendment was required by the Approving Officer to provide safer driveway accesses from East Sooke Road; the angle of the side lot lines between proposed Lot 1 and 2 are largely unchanged from the original proposal aside from the adjustment required to accommodate the new driveway configuration. Proposed Lot 1 will not be capable of further subdivision under the current zone.

Through the public notification process, any residences that may be affected by the proposed frontage reduction will have an opportunity to come forward with their concerns. The MoTI's review of the subdivision will involve final consideration of road network and access options. Staff

recommends Alternative 1 subject to public notification and consideration of comments from neighbouring residents.

CONCLUSION

The applicant has submitted a three-lot subdivision application and is requesting a reduction of the minimum frontage requirement for proposed Lot 1 from 10% of the lot perimeter (34.3 m) to 3% of the lot perimeter (10.51 m). Staff recommend approval of development variance permit VA000156 (Appendix D), subject to public notification.

RECOMMENDATION

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

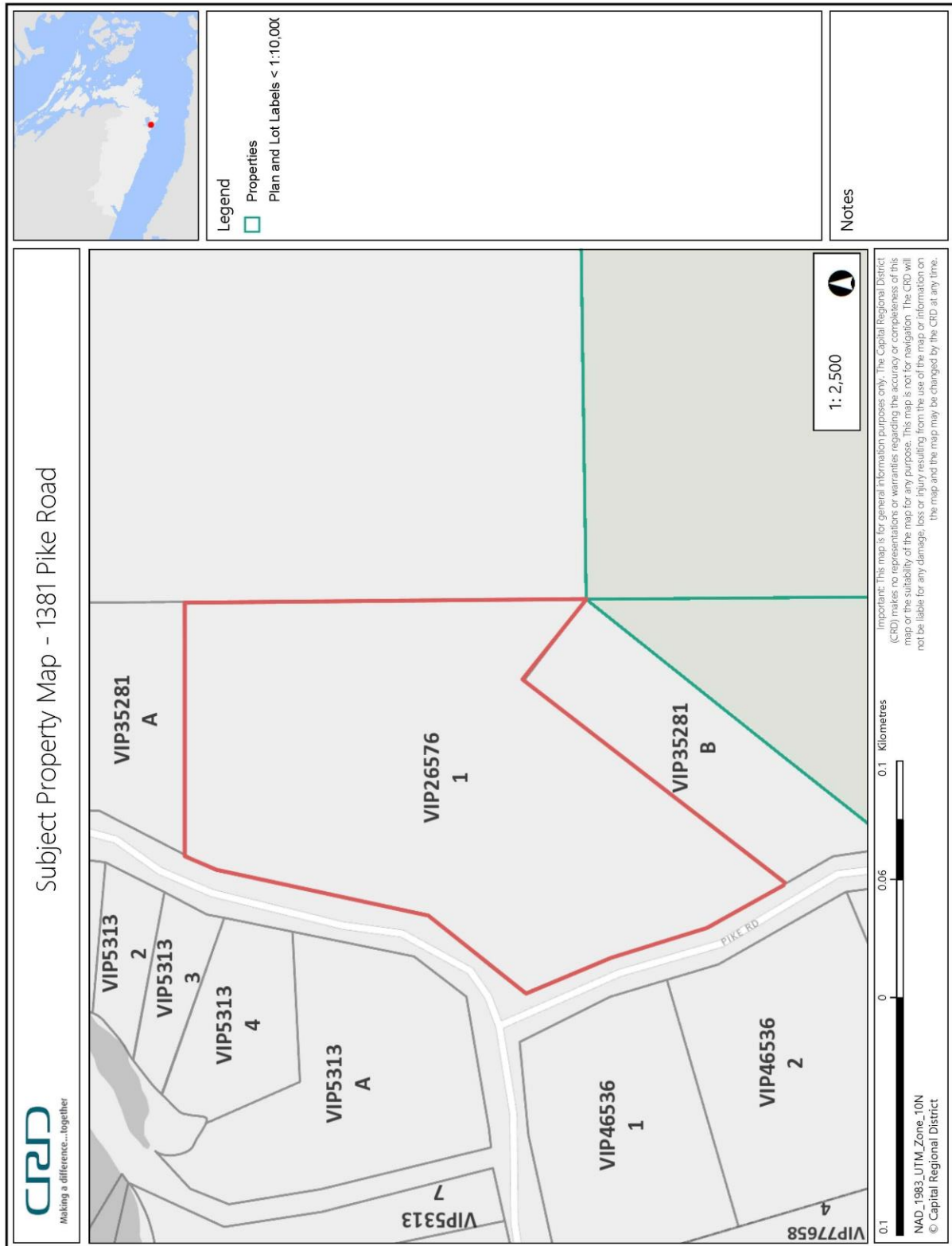
That Development Variance Permit VA000156 for Lot 1, Section 89, Sooke District, Plan 26576, except part in Plan 35281 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4)(a) by reducing the minimum frontage requirement for proposed Lot 1 from 10% of the lot perimeter (34.3 m) to 3 % of the lot perimeter (10.51 m) for the purpose of permitting a three-lot subdivision, be approved.

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

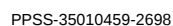
ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Subdivision Plan from DP000252
Appendix C: Updated Subdivision Plan, J. E. Anderson and Associates, November 18, 2021
Appendix D: Permit VA000156

Appendix A: Subject Property Map



PROPOSED SUBDIVISION OF LOT 1, SECTION 89,
Sooke District, Plan 26576, Except
Part in Plan 35281.



[illegible]

Appendix D: Permit VA000156



CAPITAL REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT NO. VA000156

1. This Development Variance Permit is issued under the authority of Section 498 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 Development Variance Permit applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:

PID: 002-344-483;

Legal Description: Lot 1, Section 89, Sooke District, Plan 26576, except part in Plan 35281

3. The Capital Regional District's **Bylaw No. 2040, Schedule A, Part 1, Section 3.10 (4)(a)** is varied under Section 498 of the *Local Government Act* as follows:
 - a) By reducing the minimum frontage requirement for proposed Lot 1 from 10% of the perimeter of the lot (34.3 m) to 3% of the perimeter of the lot (10.51 m) as shown on the Proposed Subdivision Plan, prepared by JE Anderson and Associates, dated November 18, 2021, attached.
4. 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 (VA000156) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
5. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
5. 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.
6. The following plans and specifications are attached:

Attachment 1: Tentative Plan of Subdivision, prepared by JE Anderson & Associates, dated November 18, 2021.
7. This Permit is NOT a Building Permit.

RESOLUTION PASSED BY THE BOARD, THE ____ th day of _____, 2022.

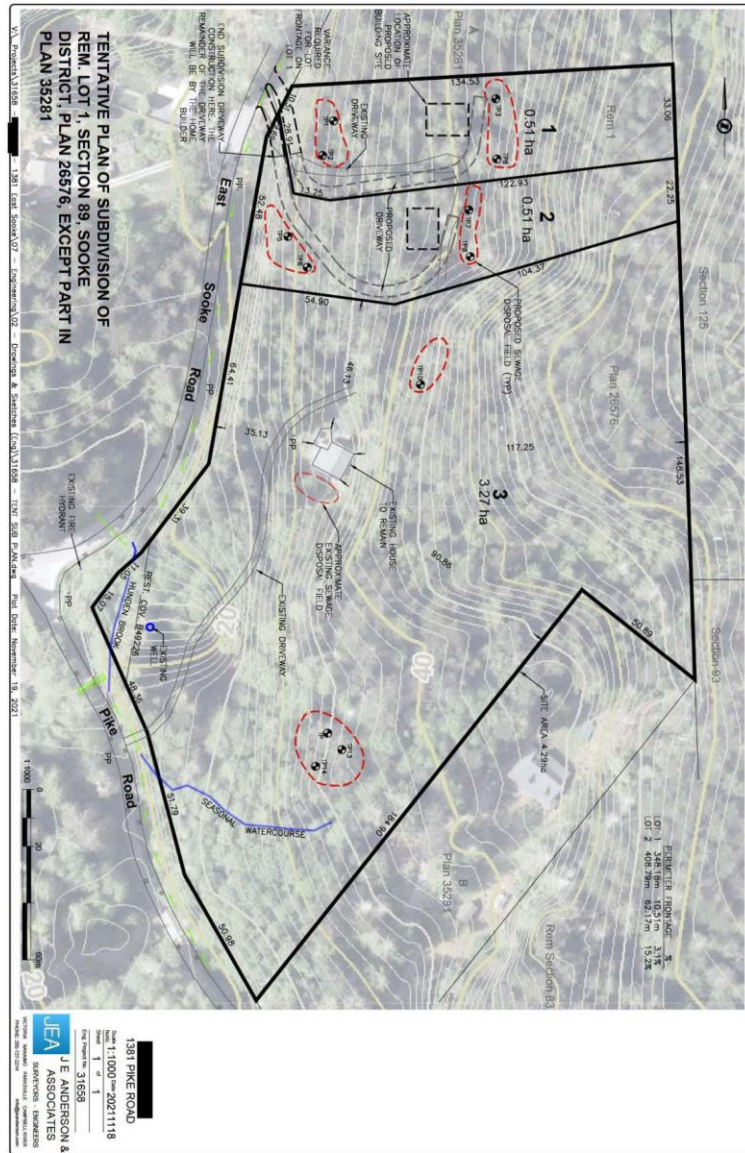
ISSUED this ____ day of _____, 2022

Corporate Officer
Kristen Morley



VA000156

Attachment 1: Tentative Plan of Subdivision





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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, APRIL 19, 2022**

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

ISSUE SUMMARY

An application has been made for a new temporary use permit to allow for the continued operation of a microbrewery with new outdoor patio and expanded food service on land zoned Rural Residential 2 (RR-2).

BACKGROUND

The 1.0 ha property is located at 7861 Tugwell Road in Otter Point (Appendix A) 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 north, and is adjacent to other RR-2 zoned properties to the east, west and south.

The owner applied for a temporary use permit (TP000009) in 2018 to expand a microbrewery operation beyond what would be permitted under the Home Based Business Category 3 (Home Industry) regulations. Changes requested at that time included moving the sales area to an unused portion of the building and expanding the brewing operation to include the area used for sales. Two outdoor, covered storage areas for refrigeration equipment, an air compressor, forklift, empty kegs and other brewery equipment were also proposed (Appendices B and C). The microbrewery has been issued a manufacturer's brewing licence with on-site store endorsement and picnic area endorsement from the Liquor and Cannabis Regulation Branch (LCRB). The picnic area endorsement allows the operator to host up to 30 persons on the property for the purpose of consuming products outdoors.

On April 10, 2019, the CRD Board passed a resolution approving the issuance of TP000009 subject to conditions. The permit was issued on August 30, 2019, following registration of a restrictive covenant and indemnity, and will expire on August 30, 2022, three years after the date of issuance of the Permit.

The initial operation occupied an indoor floor area of 59.4 m² within an accessory building. A building permit (BP005329) to increase the indoor floor area to 96.7 m² was completed in December 2019, and a building permit (BP008015) to construct an 82 m² covered, outdoor storage area is in progress. The combined area devoted to the brewery use does not exceed the conditions set by TP000009.

The owner has now applied for a new temporary use permit to allow for the continued operation of the brewery and to add a new outdoor patio and expanded food service. Concurrent applications have been submitted to the provincial LCRB and to the CRD for the proposed changes to the licence and permit. The owner has also provided a letter of intent (Appendix D).

Staff have prepared temporary use permit TP000011 (Appendix E) for consideration.

ALTERNATIVES

Alternative 1:

That staff be directed to refer Temporary Use Permit TP000011 to the Otter Point Advisory Planning Commission, to appropriate CRD departments, and to the following external agencies and First Nation for comment:

BC Hydro
District of Sooke
Island Health
Ministry of Transportation and Infrastructure
RCMP
T'Sou-ke First Nation

Alternative 2:

That the temporary use permit not be referred.

IMPLICATIONS

Legislative

Section 492 of the *Local Government Act (LGA)* enables a local government to designate areas where temporary uses may be allowed and to specify general conditions regarding the issuance of temporary use permits in those areas. Temporary use permits may be issued throughout the Otter Point Official Community Plan (OCP) area as outlined in Bylaw No. 3819, and in accordance with Sections 493 of the *LGA*.

Public Consultation

If a local government proposes to pass a resolution to issue a temporary use permit, it must give notice in accordance with Section 494 of the *LGA*. Sections 494(3) and 494(4) require notice to be published in a newspaper at least 3 days and not more than 14 days before the adoption of the resolution to issue the permit, and to be given to each resident/tenant within a given distance as specified by bylaw. CRD Bylaw No. 3885, Development 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.

CRD Bylaw No. 3885, also provides for the Board to refer an application to an agency or organization for their comment. The CRD Board determines which bodies are consulted in accordance with the *LGA*.

Land Use

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 was established in 2017 under the Home Based Business Category 3 (Home Industry) regulations. Based on the size of the dwelling, the area devoted to the brewery was restricted to 60 m² (640 sq. ft.) in an accessory building. Temporary use permit TP000009 was issued in 2019 to allow the brewery to expand to occupy the entire 96.7 m² (1,040 sq. ft.) accessory building and an 82 m² (884 sq. ft.) outdoor covered storage area. The permit allowed up to 30 members of the public and a total of up to 10 vehicles to be present at the facility at one time.

The owner obtained a *manufacturer's licence* for brewing from the BC Liquor and Cannabis Regulation Branch in 2017. A *picnic endorsement* was also granted at that time under a process that did not require public consultation or a local government resolution. Liquor consumption in the picnic area is restricted to that which is served or sold from the on-site store, and to that registered under the *manufacturer's licence*. In accordance with TP000009, the *picnic endorsement* allowed the operator to host up to 30 members of the public.

In November 2020, the LCRB granted a *Temporary Expanded Service Area (TESA)* to support compliance with the Provincial Health Officer's orders and guidelines regarding physical distancing due to COVID-19. Currently approved *TESAs* throughout the province will expire June 1, 2022. To continue operation of the expanded service area, the owner has applied to the LCRB for a *lounge endorsement* and outdoor patio. The owner has submitted a concurrent CRD liquor licence referral application (LP000031) to seek public comment and obtain a local government resolution to meet the requirements of the provincial approval process, and has provided a letter of intent to describe the proposal (Appendix D). The *lounge endorsement* would permit the sale and service of liquor for onsite consumption, as well as entertainment. The lounge may be located indoors or on a patio or both, and food must be available to patrons in the lounge.

As outlined in the letter of intent, the owner wishes to operate a food trailer as part of the lounge service, in addition to selling snacks and non-alcoholic beverages through the existing on-site store. The food trailer would require a permit to operate a food service establishment from Island Health in accordance with the provincial *Food Premises Regulation*. The letter of intent notes that there is no plan to provide amplified music as part of the lounge service.

To limit impact on the public road, Temporary Use Permit TP000009 included 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, TP000009 included a condition that restricts nuisances or annoyances caused by noise, odour or unsightliness. The owner also agreed to restrict the hours of operation of the store and picnic area to between 11:00 am and 7:00 pm. These same restrictions would remain conditions of TP000011.

To date, the Juan de Fuca planning office has received no complaints from neighbouring residents regarding noise, odour or traffic related to the existing operation.

Staff have prepared Temporary Use Permit TP000011 to maintain the conditions established by TP000009, and to reflect the application for the *lounge endorsement* and new outdoor patio from the LCRB.

Staff recommend proceeding with referrals and public notification of the temporary use permit application.

CONCLUSION

An application has been submitted for a new temporary use permit to allow for the operation of a brewery with outdoor patio and expanded food service. The application for a temporary use permit for the brewery with outdoor patio and food service is in keeping with the Otter Point OCP policies. Staff recommend proceeding with referrals and public notification of the temporary use permit application.

RECOMMENDATIONS

That staff be directed to refer Temporary Use Permit TP000011 to the Otter Point Advisory Planning Commission, to appropriate CRD departments, and to the following external agencies and First Nation for comment:

BC Hydro
District of Sooke
Island Health
Ministry of Transportation and Infrastructure
RCMP
T'Sou-ke First Nation

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

ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Site Plan
Appendix C: Building Drawings
Appendix D: Letter of Intent
Appendix E: Temporary Use Permit TP000011

Legend

- Properties
- Plan and Lot Labels < 1:10,000
- Watercourses
- Intermittent or other water course
- Define Stream
- River

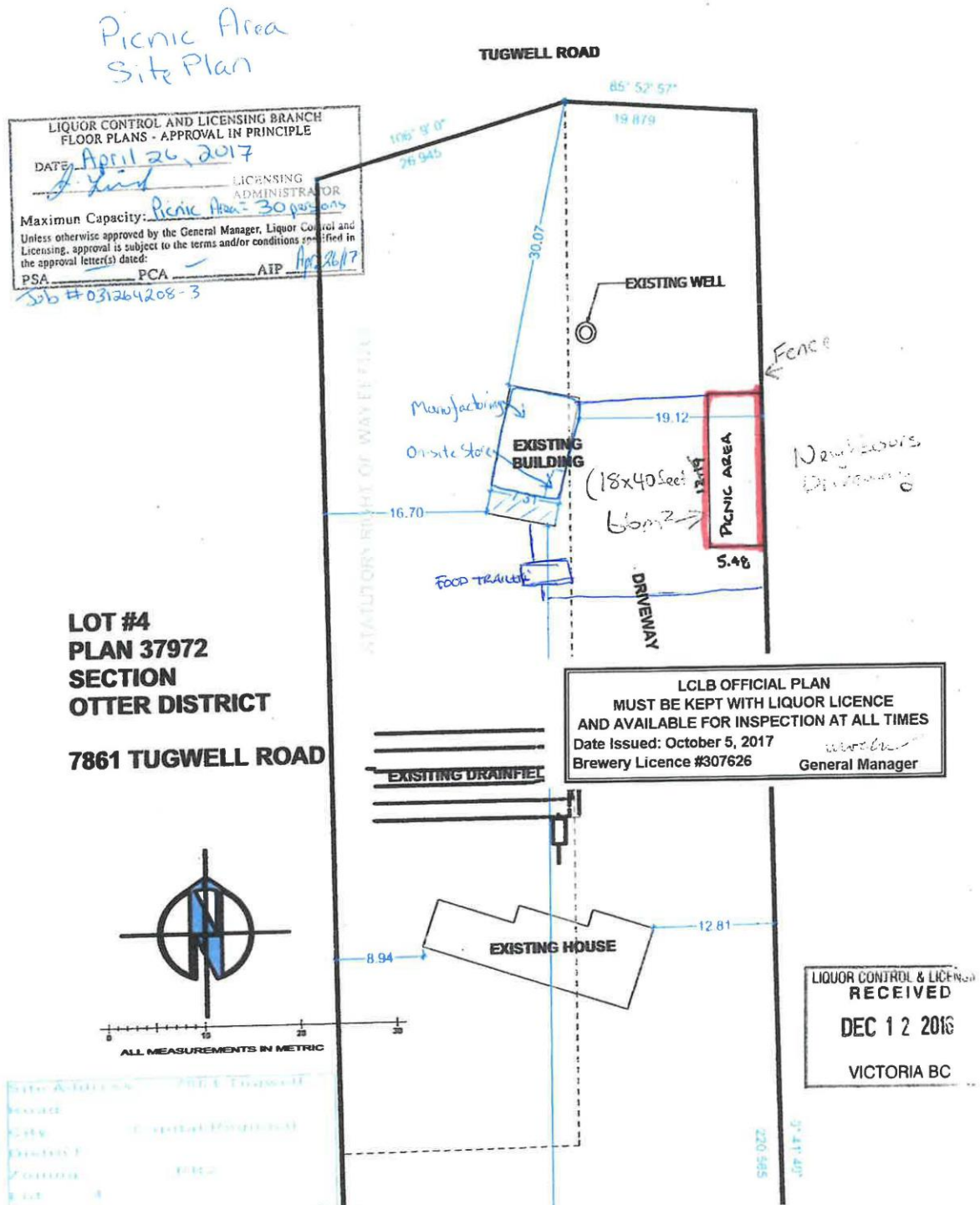
Scale: 1:2,500

Notes: This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD from time to time.

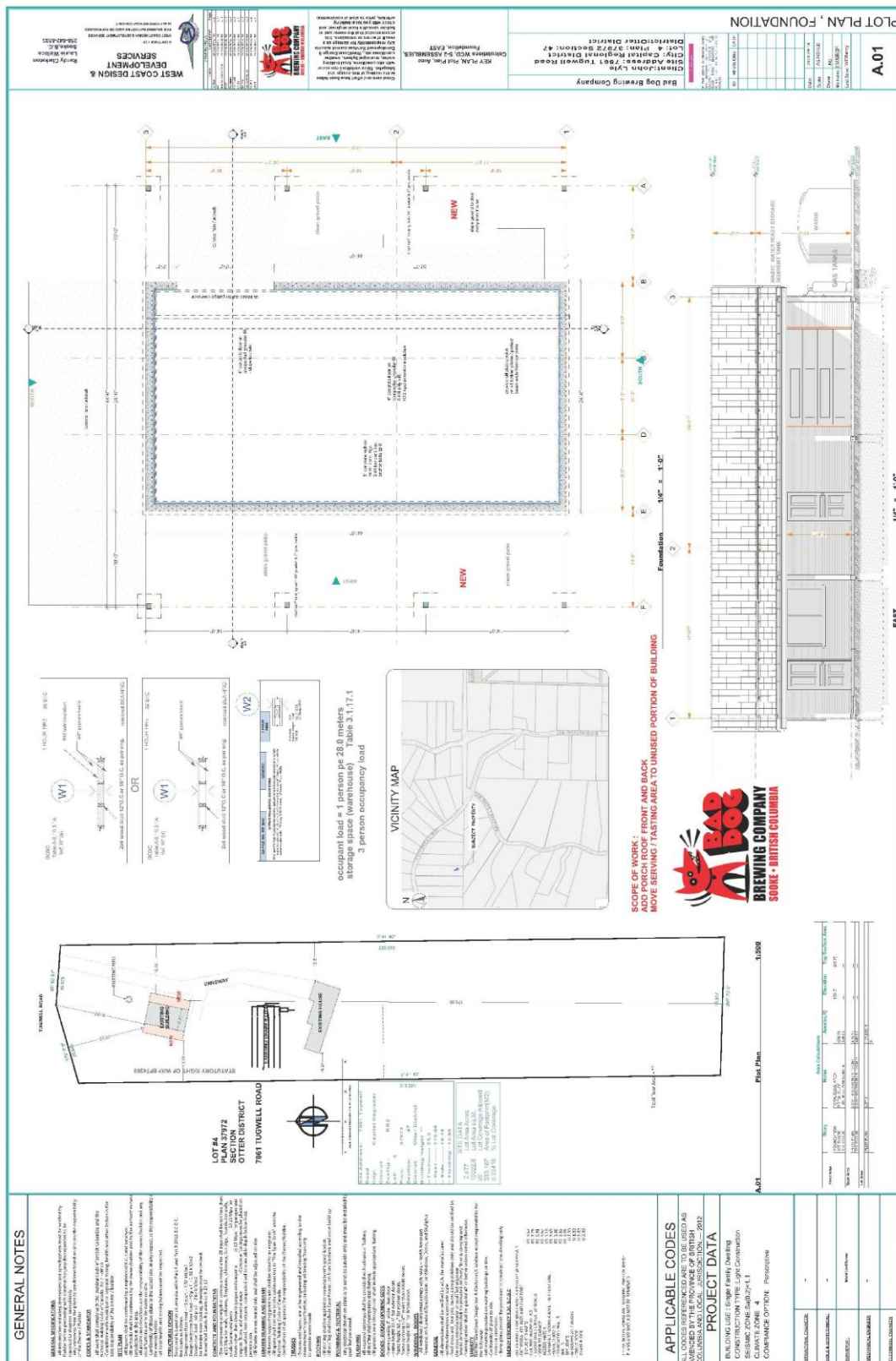
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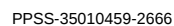
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VIP33075	2
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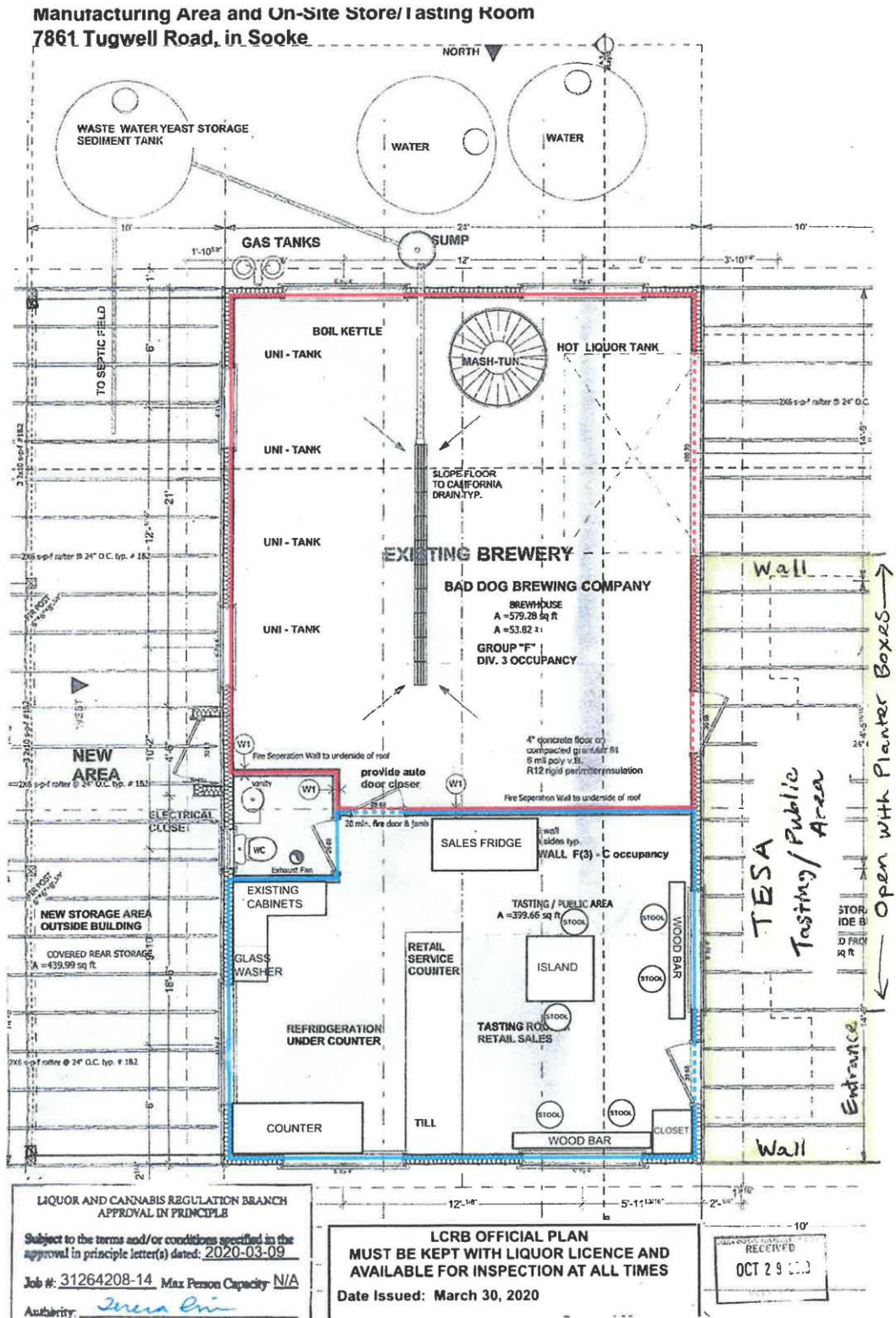
Appendix B: Site Plan



Appendix C: Building Drawings







Appendix D: Letter of Intent

Bad Dog Brewing Company Inc.
Liquor License # 307626
7861 Tugwell Rd
Sooke, BC V9Z 0J7
PH. 250-642-3621

February 4, 2022

Re: Letter of Intent for proposed Lounge Area with Patio Service

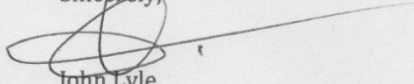
To whom it may concern,

In addition to the packaged snacks and non-alcoholic beverages that we currently have available for our patrons, Bad Dog Brewing Company is purchasing a food trailer to offer hot meals during our hours of operation. We have recently paid a deposit for the food trailer, which is being built to suit by Food Truck Canada.

Because we are located in a rural residential area, there are no plans to add amplified music of any kind, to ensure nearby residents are not disturbed by our establishment. We have had no complaints to date from our local government.

In order to have continued use of our Temporary Expanded Service Area after June 1, 2022, we are required to apply for a Lounge Endorsement and Patio Service area. We have gone to the expense of adding outdoor heaters to the area and hope that we can continue to use it in the future.

Sincerely,



John Lyle
Owner/Brewer
Bad Dog Brewing Company Inc.



CAPITAL REGIONAL DISTRICT

TEMPORARY USE PERMIT NO. TP000011

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, outdoor patio and food service establishment (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.
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 (TP000011) 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.

TP000011

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 _____, 2022

ISSUED this ____ day of _____, 2022

Corporate Officer

Picnic Area Site Plan

Liquor Control and Licensing Branch
FLOOR PLANS - APPROVAL IN PRINCIPLE
DATE: April 26, 2017
LICENSING ADMINISTRATOR: [Signature]
Maximum Capacity: Picnic Area 30 persons
Unless otherwise approved by the General Manager, Liquor Control and Licensing, approval is subject to the terms and/or conditions specified in the approval letter(s) dated:
PSA: PCA AIP April 26, 2017
Job # 031264208-3

TUGWELL ROAD

EXISTING WELL

Fence

New 20' x 30' Driveway

Manufacturing Onsite Storage

EXISTING BUILDING (18x40 feet)

Food Trailer

DRENNAY

PICNIC AREA 12.19' x 5.46'

LOT #4
PLAN 37972
SECTION
OTTER DISTRICT

7861 TUGWELL ROAD

EXISTING DRAINFIELD

EXISTING HOUSE

LCLB OFFICIAL PLAN
MUST BE KEPT WITH LIQUOR LICENCE
AND AVAILABLE FOR INSPECTION AT ALL TIMES
Date Issued: October 5, 2017
Brewery Licence #307626
General Manager

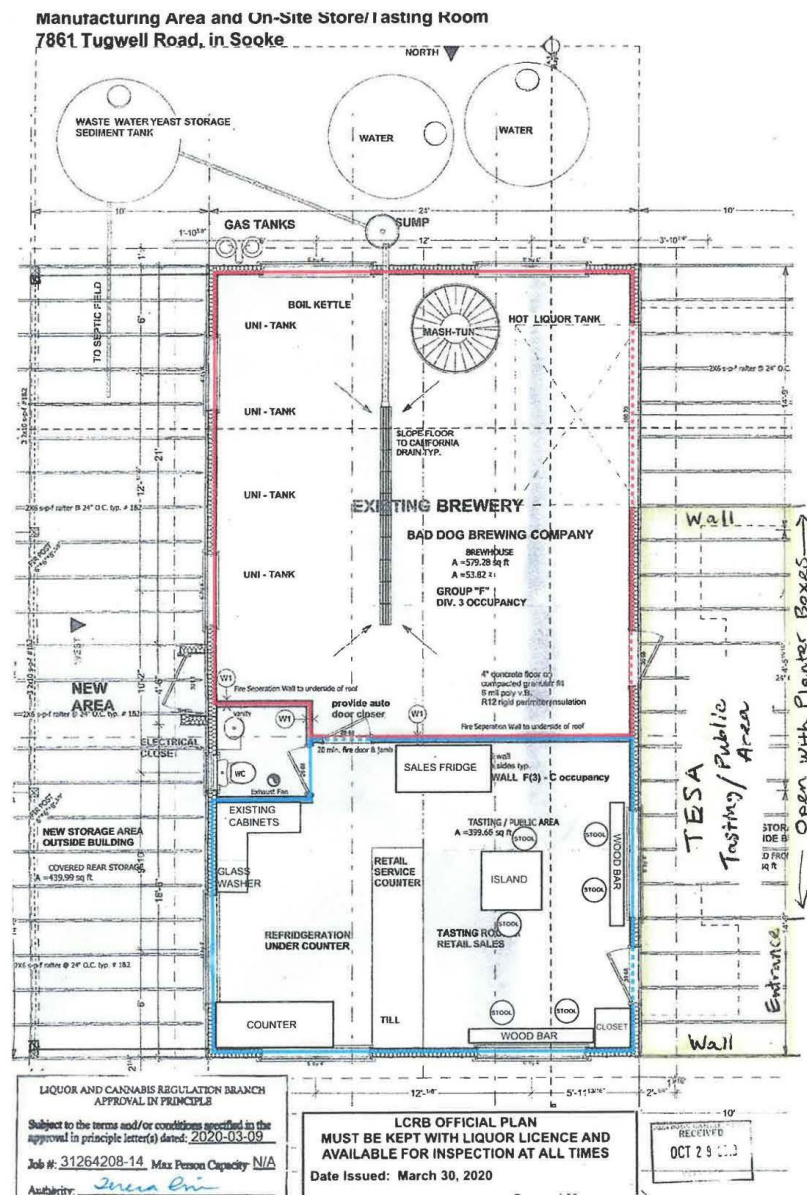
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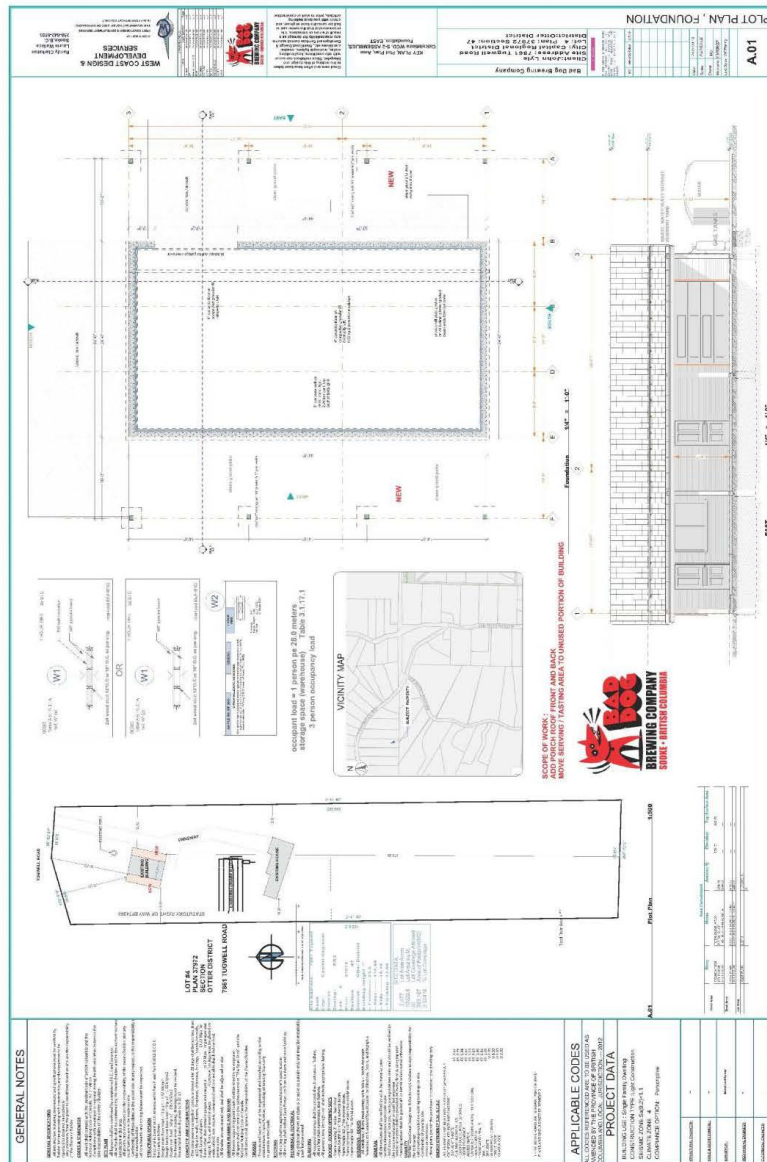
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LIQUOR CONTROL & LICEN
RECEIVED
DEC 12 2016
VICTORIA BC

TP000011

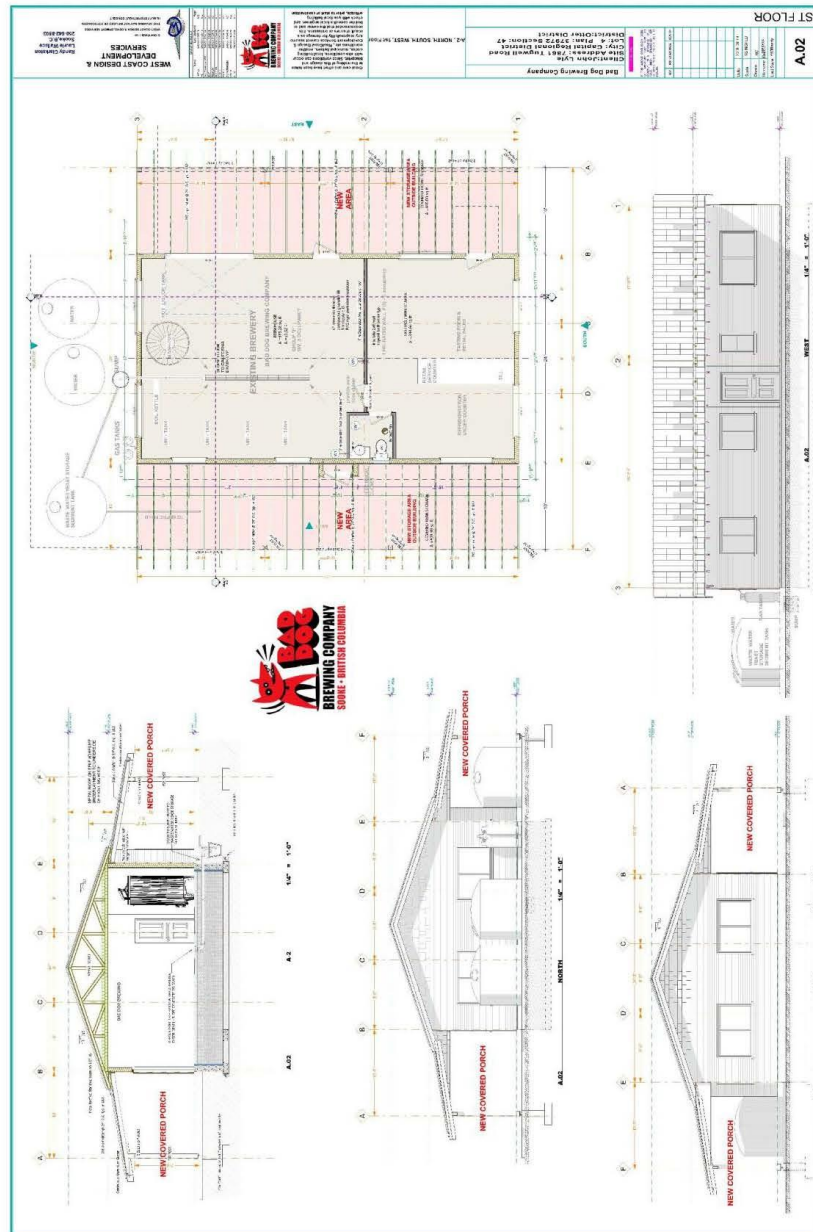
Page 4

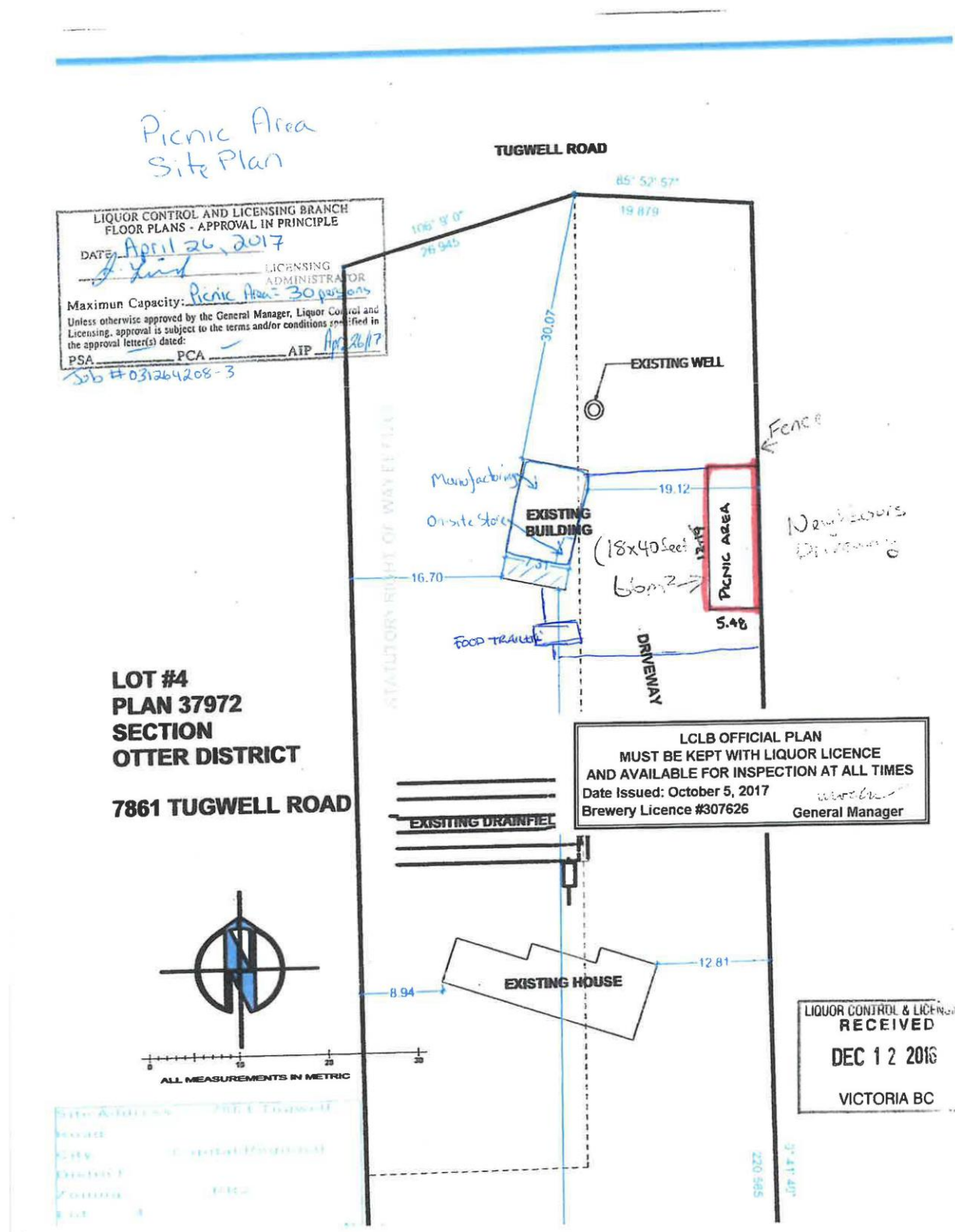


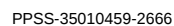


TP000011

Page 6









Making a difference...together

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, APRIL 19, 2022**

SUBJECT **Liquor Lounge Endorsement and Outdoor Patio Application - 7861 Tugwell Road**

ISSUE SUMMARY

An application has been made for a liquor lounge endorsement with outdoor patio for an existing brewery. A resolution is required from the Land Use Committee either commenting on the application or opting out of the review process.

BACKGROUND

The 1.0 ha property is located at 7861 Tugwell Road in Otter Point (Appendix A) 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 north, and is adjacent to other RR-2 zoned properties to the east, west and south.

The owner has requested a liquor *lounge endorsement* and *outdoor patio* on an existing *manufacturer's licence* for brewing from the Liquor and Cannabis Regulation Branch (LCRB). The *lounge endorsement* would permit the serving of liquor, food, and entertainment in a designated area, which may include a patio. The location of the brewery, an onsite store, picnic area and the proposed food trailer and lounge/patio areas are shown in Appendices B and C. In order to participate in the decision-making process, local governments must conduct public consultation and provide comments and a resolution to the LCRB.

A concurrent application has been submitted for a temporary use permit (TP000011) to authorize the operation of the brewery, picnic area, lounge/outdoor patio and food trailer. The CRD Board has delegated the authority to conduct public consultation and to provide comment on the application or opt out of the review process to the Land Use Committee (LUC).

ALTERNATIVES

Alternative 1

1. That comment be provided to the LCRB confirming that the Land Use Committee has considered the proposed location, person capacity, hours of liquor service, impact of noise, the general impact on the community of the proposed *lounge endorsement* and *outdoor patio* application for Bad Dog Brewing Company (LP000031);
2. That public comments received by the Land Use Committee regarding application LP000031 be provided to the LCRB; and
3. That the *lounge endorsement* with *outdoor patio* for Bad Dog Brewing Company (LP000031) be supported in-principle, subject to the issuance of Temporary Use Permit TP000011.

Alternative 2

That the *lounge endorsement* application for Bad Dog Brewing Company (LP000031) not be supported.

Alternative 3

That the Land Use Committee opt out of the review process and the *lounge endorsement* application for Bad Dog Brewing (LP000031) be forwarded to the LCRB with no comment.

IMPLICATIONS

Legislative

The liquor licensing process is established under the *Liquor Control and Licensing Act* and administered by the LCRB. Local governments are notified by the LCRB of applications for a *lounge endorsement* and *outdoor patio* application and are provided opportunity to either comment and make recommendations, or to opt out of the review process. Local governments may delegate the authority to provide comment on some or all types of applications that would otherwise require a Board resolution.

The Capital Regional District Delegation Bylaw, Bylaw No. 4186, delegates to the LUC the powers, duties and functions of the Board to give comments and recommendations directly to the LCRB on liquor and cannabis licence applications.

Public Consultation

Local governments are to provide comments and recommendations to LCRB within 90 days of receipt of an application unless an extension is requested. An extension was requested and has been acknowledged by the LCRB. Consideration must be given to the location of the proposed service area, the person capacity and the hours of liquor service. Comments must be provided to the LCRB on the following:

- the impact of noise on the community in the immediate vicinity of the service area;
- the general impact on the community if the application is approved;
- the views of local residents;
- a description of the method used to gather public comments; and
- recommendations on whether the application should be approved or rejected with supporting rationale.

Local government is to conduct public consultation in a manner that is considered fair and equitable to both the residents and the applicant, provides all nearby residents reasonable notice and opportunity to comment, avoids bias, is appropriate to local circumstances, and provides sufficient information regarding the application, type of licence, and the proposed person capacity and hours of service. In advance of the April 19, 2022, LUC meeting, notices were sent to property owners and occupants within 500 m of the subject property advising of the opportunity to provide comment on the application. Any responses received from the public will be presented at the April 19, 2022, LUC meeting.

Land Use

The subject property is zoned Rural Residential 2 (RR-2) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The LCRB requires that a *lounge endorsement* and *outdoor patio* application only be approved if the use is permitted by zoning. Since the RR-2 zone does not permit the proposed use, the applicant has applied for a temporary use permit (TP000011) to operate the lounge on an outdoor patio with food service for the existing brewery.

Access to the brewery is from Tugwell Road and the Ministry of Transportation & Infrastructure regulates commercial access requirements in the Electoral Area. Therefore, staff have recommended referral of concurrent temporary use permit application TP000011 to the Ministry for comment. Part 3 of the Juan de Fuca Land Use Bylaw No. 2040 provides parking regulations and licensed premises require one parking space per 3 seats in the establishment. TP000011 would allow up to 10 vehicles for brewery and lounge patrons to be parked on the property at any given time.

As part of the LCRB application review, occupant load calculations are required for standalone patios and are generally determined by building and/or fire officials. CRD Building Inspection and Protective Services will be requested to comment on the occupancy load as part of referral

process for TP000011; however, the final calculation will be provided to the LCRB as part of the building permit process. The onsite public capacity for any aspect of the brewery, including the patio and picnic area being considered as part of TP000011 is 30 persons. The proposed hours of service for the *lounge endorsement* are 11:00 am and 7:00 pm. These are the same restrictions as exist for the current temporary use permit.

Noise disturbance in the JdF Electoral Area is enforced by CRD Bylaw Enforcement through the regulations of the Noise Suppression Bylaw (Juan de Fuca), Bylaw No. 3341. The owner has provided a letter of intent that notes that there is no plan to provide amplified music as part of the lounge with food service (Appendix D). 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. The proposed new outdoor patio and lounge for expanded food service is not expected to conflict with the terms permitted in Bylaw No. 3341.

Based on consideration of the above information and subject to public input received regarding the application, staff recommend that the Land Use Committee provide comments and a resolution of support to the LCRB. Should the application be supported, staff recommend that issuance of the *lounge endorsement* and *outdoor patio* be subject to issuance of Temporary Use Permit TP000011.

CONCLUSION

An application for a *lounge endorsement* and *outdoor patio* for an existing brewery has been submitted for Bad Dog Brewing Company in Otter Point. Temporary Use Permit application TP000011 to authorize the lounge use as an addition to the existing brewery is being considered concurrently. A resolution is required from the Juan de Fuca Land Use Committee either commenting on the application or opting out of the review process. Owners and occupants within 500 m of the subject property were notified of the application and provided opportunity to comment in advance of the LUC meeting. Should the LUC opt in to the Provincial review process, comments and resolution including rationale must be provided to the LCRB.

RECOMMENDATION

1. That comment be provided to the LCRB confirming that the Land Use Committee has considered the proposed location, person capacity, hours of liquor service, impact of noise, the general impact on the community of the proposed *lounge endorsement* and *outdoor patio* application for Bad Dog Brewing Company (LP000031);
2. That public comments received by the Land Use Committee regarding application LP000031 be provided to the LCRB; and
3. That the *lounge endorsement* with *outdoor patio* for Bad Dog Brewing Company (LP000031) be supported in-principle, subject to the issuance of Temporary Use Permit TP000011.

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

ATTACHMENTS

- Appendix A: Subject Property Map
Appendix B: Site Plan
Appendix C: Building Drawings
Appendix D: Letter of Intent

TP000009 - Subject Property

Legend

- Properties
- Plan and Lot Labels < 1:10,000
- Watercourses
- Intersected or Other water features
- River

Scale

0 500 1000

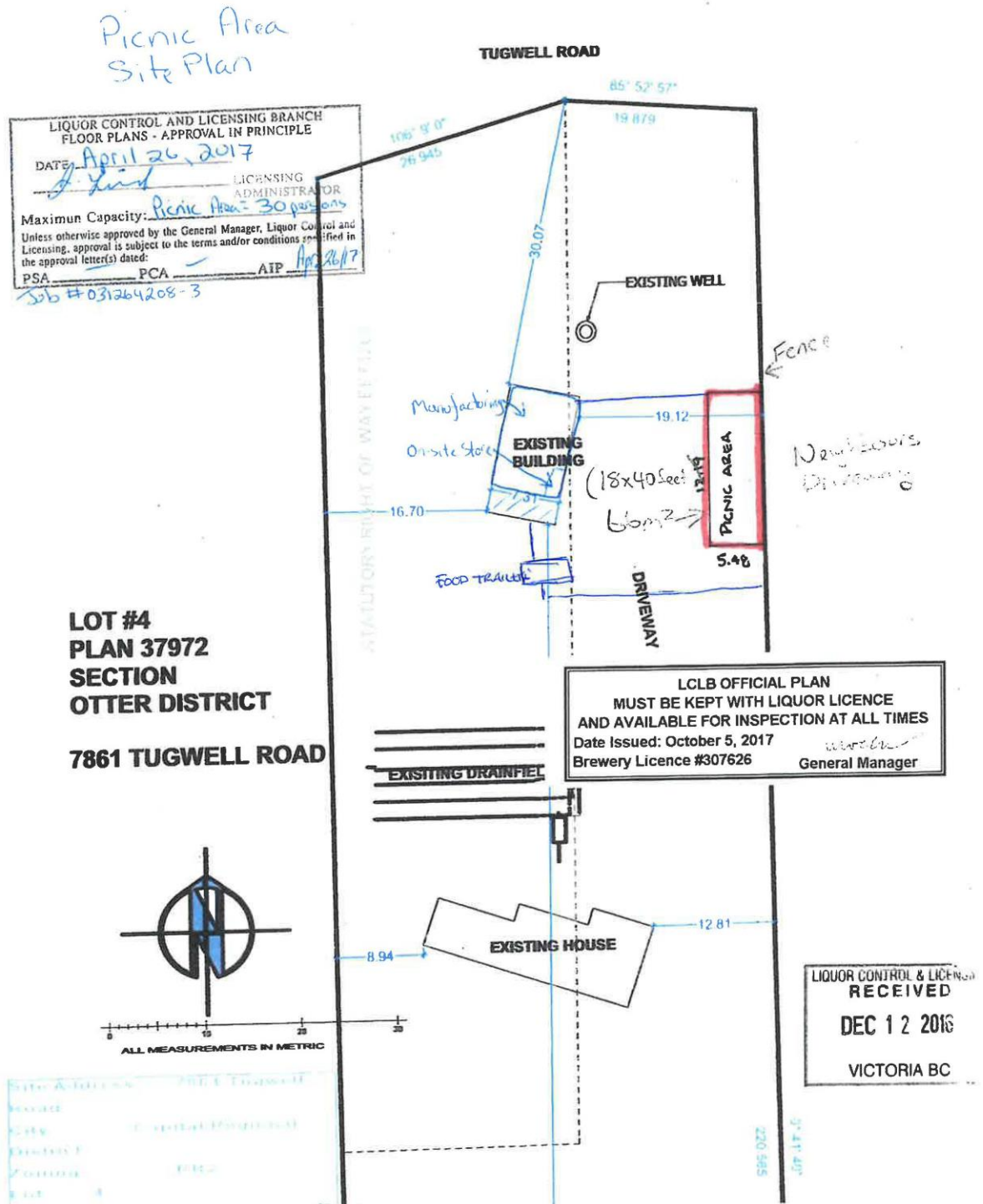
Notes

Important: This map is for general information purposes only. The Capital Regional District (CRD) makes no warranty, representation or guarantee as to the accuracy or completeness of the information shown on this map for any purpose. This map is not to be used for any purpose other than for information only. The CRD may be changed from time to time without notice. The CRD is not responsible for any errors or omissions on this map. The CRD is not responsible for any damage to property resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

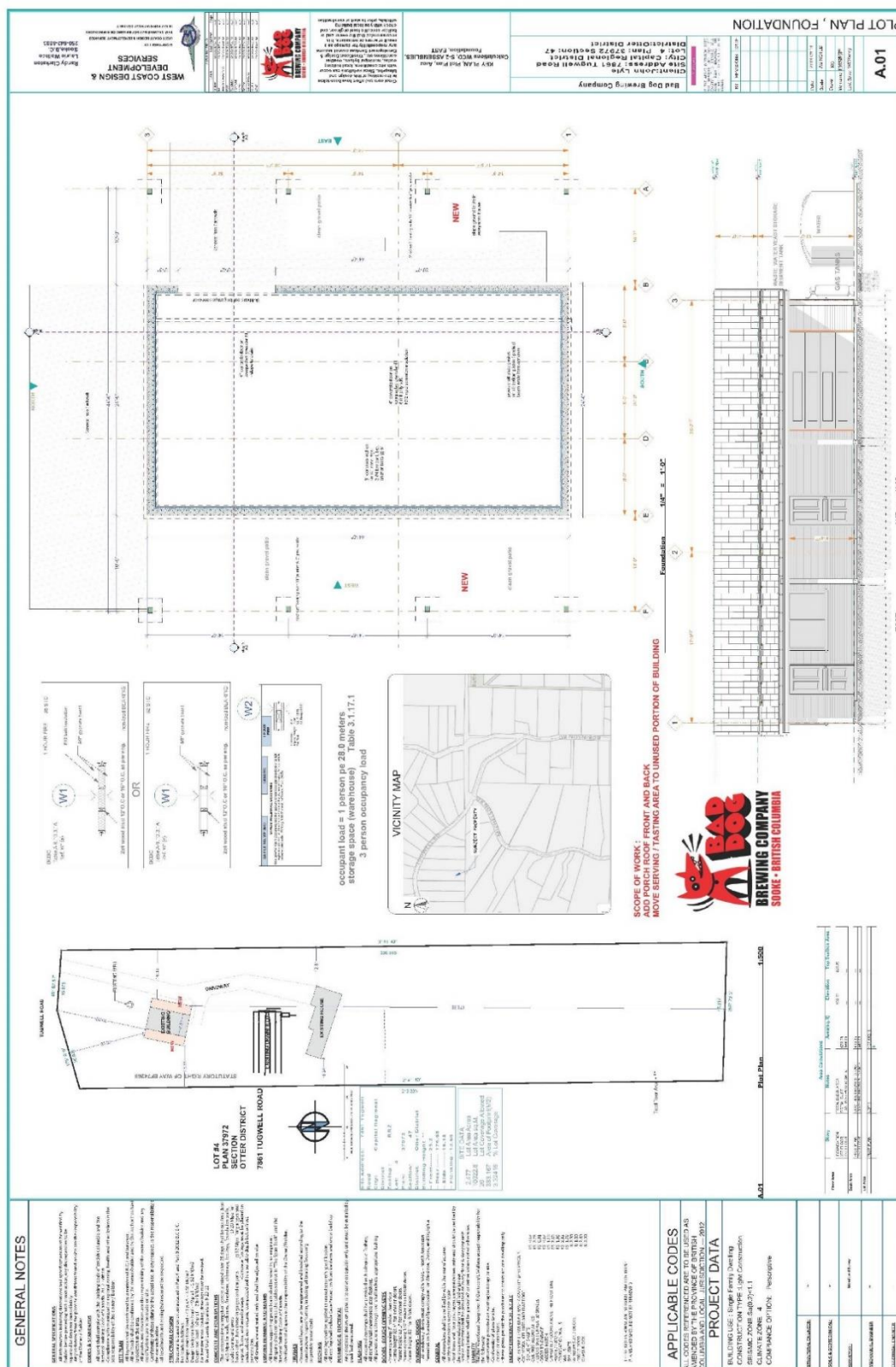
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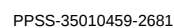
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 - VIP41026 (B)
 - VIP5080 (1)
 - VIP41026 (A)
 - VIP60626 (1)
 - VIP33075 (2)
 - VIP1773 (12, 14, 16, 22, 23, 24)
 - VIP60626 (2)
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Appendix B: Site Plan

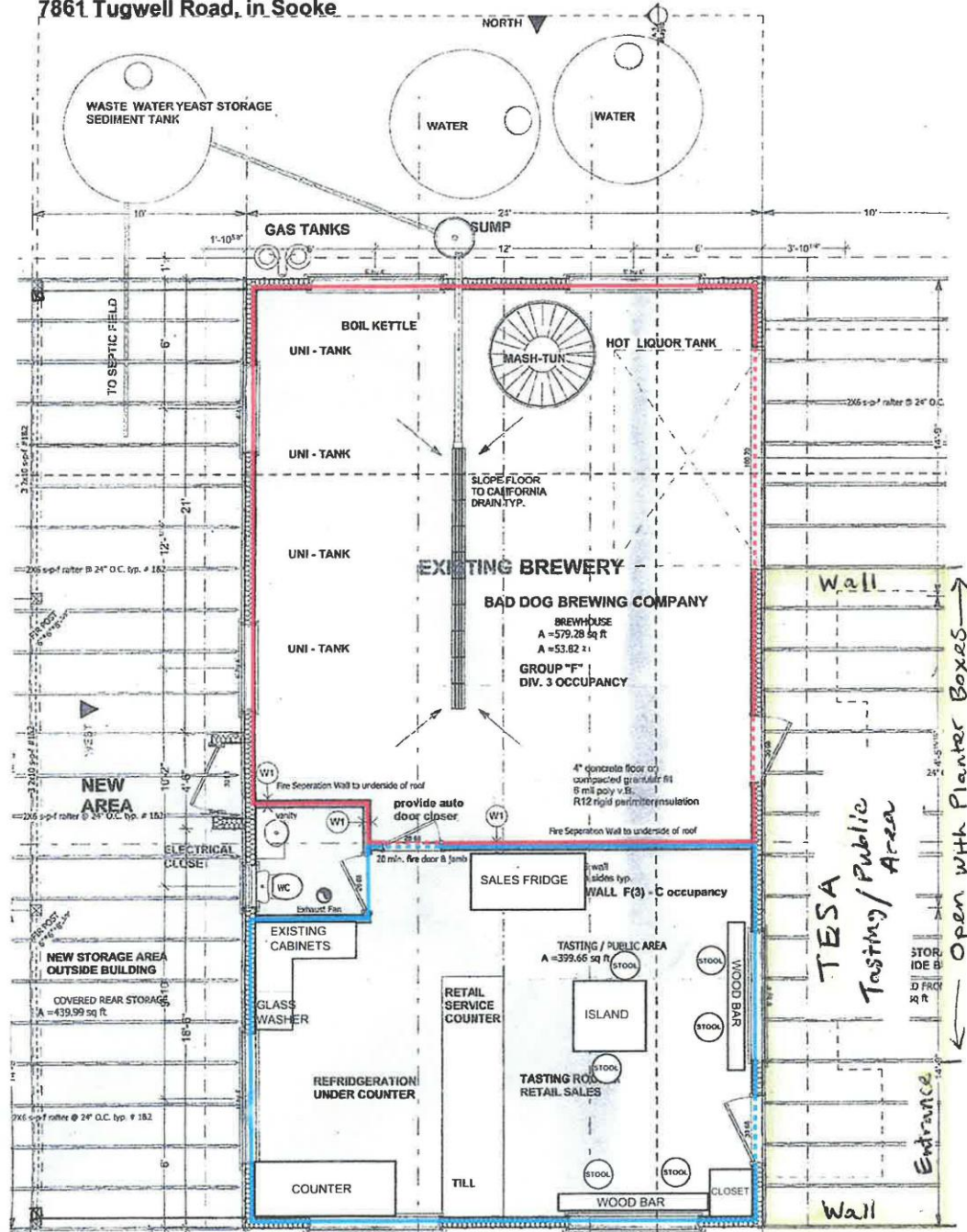


Appendix C: Building Drawings





Manufacturing Area and On-Site Store/Tasting Room
7861 Tugwell Road, in Sooke



LIQUOR AND CANNABIS REGULATION BRANCH
APPROVAL IN PRINCIPLE

Subject to the terms and/or conditions specified in the
approval in principle letter(s) dated: 2020-03-09

Job #: 31264208-14 Max Person Capacity: N/A

Authority: *Jenna Eni*

LCRB OFFICIAL PLAN
MUST BE KEPT WITH LIQUOR LICENCE AND
AVAILABLE FOR INSPECTION AT ALL TIMES

Date Issued: March 30, 2020

RECEIVED
OCT 29 2022

Appendix D: Letter of Intent

Bad Dog Brewing Company Inc.
Liquor License # 307626
7861 Tugwell Rd
Sooke, BC V9Z 0J7
PH. 250-642-3621

February 4, 2022

Re: Letter of Intent for proposed Lounge Area with Patio Service

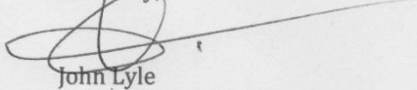
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Sincerely,



John Lyle
Owner/Brewer
Bad Dog Brewing Company Inc.