

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **May 20, 2025, at 7 pm**

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

AGENDA

1. Territorial Acknowledgment
2. Approval of Agenda
3. Adoption of Minutes of April 15, 2025
4. Chair's Report
5. Planner's Report
6. Development Variance Permit Application
 - a) VA000166 – The Northerly 50 Feet of Lot 111, Malahat District (Wellswood Road/Trans Canada Highway)
7. Temporary Use Permit Renewal Application
 - a) TP000011 – Lot 4, Section 47, Otter District, Plan VIP52344 (7861 Tugwell Road)
8. Adjournment

PLEASE NOTE: The public may attend the meeting in-person or electronically through video or teleconference. To attend electronically, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details.



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Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, April 15, 2025, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC

PRESENT: Director Al Wickheim (Chair), Les Herring, Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold, Anna Russell
Staff: Iain Lawrence, Senior Manager, Juan de Fuca Local Area Services; Darren Lucas, Planner; Wendy Miller, Recorder
PUBLIC: 1

The meeting was called to order at 7:00 pm.

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgement.

2. Approval of the Agenda

MOVED by Roy McIntyre, **SECONDED** by Dale Risvold that the agenda be approved.

CARRIED

3. Adoption of Minutes of March 18, 2025

MOVED by Vern McConnell, **SECONDED** by Anna Russell that the minutes from the meeting of March 18, 2025, be adopted.

CARRIED

4. Chair's Report

The Chair stated that he visited the property that is the subject of the application under consideration this evening.

5. Planner's Report

No report.

6. Zoning Amendment Application

a) RZ000287 – Lot 3, Sections 84 and 88, Sooke District, Plan VIP72026 (5700 Block East Sooke Road)

Darren Lucas spoke to the application to rezone part of the subject property from Rural A to Rural Residential 6A (RR-6A) in order to permit a 4-lot subdivision.

The subject property and proposed subdivision plan were highlighted.

It was advised that a concurrent subdivision application (SU000762) has been received for the undeveloped land and that the proposal is supplemented by an Agricultural Land Reserve (ALR) Buffer Report, a Riparian Areas Regulation Report, and a letter from a well drilling company.

Darren Lucas confirmed that proof of potable water is a condition of subdivision. It was further confirmed that the application agent was present.

Iain Lawrence advised that the part of the property that is designated ALR is proposed to be part of a common property access driveway and that proposed Bylaw No. 4657 would be referred to the Agricultural Land Commission for comment.

The agent confirmed that the ALR part of the property is forested with a gravel drive and that no changes to that area are proposed.

Staff responded to questions from the LUC advising that the proposed lot configuration would be a bare land strata and not a building strata. The proposal to rezone to a bare land strata is in keeping with the policies of the East Sooke Official Community Plan.

MOVED by Vern McConnell, **SECONDED** by Dale Risvold that staff be directed to refer proposed Bylaw No. 4657, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 167, 2025" to the East Sooke Advisory Planning Commission, appropriate CRD departments, and the following external agencies and First Nations for comment:

Sc'ianew (Beecher Bay) First Nation

T'Sou-ke First Nation

Agricultural Land Commission

BC Hydro

District of Sooke

Island Health

Ministry of Forests - Archaeology Branch

Ministry of Forests - Water Protection Section

Ministry of Land, Water and Resource Stewardship

Ministry of Transportation & Transit

RCMP

Sooke School District #62

CARRIED

7. Adjournment

The meeting adjourned at 7:18 pm.

Chair



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, MAY 20, 2025

SUBJECT **Development Variance Permit for the Northerly 50 Feet of Lot 111, Malahat District – Wellswood Road/Trans Canada Highway**

ISSUE SUMMARY

A request has been made for a development variance permit to reduce the required side yard setbacks from 3 m to 1.5 m for the purpose of constructing a single-family dwelling (SFD) in the Greenbelt 2 (Gb2) zone.

BACKGROUND

The 0.85 ha waterfront property is located in the Malahat and is split-zoned Greenbelt 2 (Gb2) and Greenbelt 3 (Gb3) under the Malahat Land Use Bylaw 1981, Bylaw No. 980 (Appendix A). The vacant parcel is surrounded by other Greenbelt zoned parcels and has an existing driveway access that originates from the Trans-Canada Highway and traverses two parcels to the south via an easement known as Wellswood Road (Appendix B).

The subject property is approximately 15 m wide and partially designated as Steep Slopes and Foreshore and Marine Shoreline development permit areas. Apart from the steeper slopes located adjacent to the Trans-Canada Highway to the west and Saanich Inlet to the east, the property has a gradual slope that descends approximately 70 m over a distance of 560 m.

The applicant has requested a variance to reduce the required side yard setback in the Gb2 zone to provide an adequate building footprint. The site plan submitted in support of the application indicates that a proposed SFD would be sited a distance of 1.5 m from both side yards (Appendices C and D).

ALTERNATIVES

Alternative 1

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

That Development Variance Permit VA000166 for the Northerly 50 Feet of Lot 111, Malahat District, to vary Malahat Use Bylaw, 1981, Bylaw No. 980, Section 3.2.04(2), by reducing the side yard setback requirement from 3 m to 1.5 m for the purpose of constructing a single-family dwelling, be approved.

Alternative 2

That the development variance permit be denied.

IMPLICATIONS

Legislative Implications

The Malahat Land Use Bylaw 1981, Bylaw No. 980, Section 3.2.04(2) specifies that side yards shall be provided of not less than 3 m in width. A variance is required in order to permit the single-family dwelling to be located within this setback requirement.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, if a local government is proposing to pass a resolution to issue a development variance permit, it must give notice to each resident/tenant within a given distance as specified by bylaw. Capital Regional District Bylaw No. 3885, Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or

organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the May 20, 2025, Land Use Committee meeting.

Land Use Implications

The Malahat Land Use Bylaw specifies that in the Greenbelt 2 zone, side yards shall be provided of not less than 3 m in width. Since the dwelling is proposed to be located 1.5 m from each of the side yards, a variance is required. Although the Gb2 zone specifies a minimum parcel size for subdivision of 12 ha, the subject property was created prior to adoption of the bylaw and is only 0.85 ha in size, being approximately 15 m wide and 560 m long.

The applicant submitted a desired building design concept drawing since they wish to have the variance request considered prior to finalizing plans for a building permit application (Appendix E). Upon referral of the variance request to CRD Building Inspection, the Building Inspector confirmed that there were no siting concerns with the proposal.

Staff are of the opinion that the proposal shown on the site plan and desired building design concept drawing, is considered appropriate for the site and otherwise complies with the regulations of the Gb2 zone. The development is not expected to adversely affect the natural environment and, as proposed, is located on a flatter area outside the Steep Slopes and Foreshore and Marine Shoreline development permit areas. Should the variance be approved, the extent of all proposed works will be reviewed during the building permit referral process by JdF Planning staff to confirm compliance with the requirements of the zone and other applicable land use regulations. The variance is not anticipated to substantially alter the use and enjoyment of adjacent land. Staff recommend approval of VA000166 subject to public notification (Appendix F).

CONCLUSION

The applicant has requested a development variance permit for the purpose of constructing a single-family dwelling. As proposed, the dwelling will encroach into both of the 3 m side yard setback requirements of the Greenbelt 2 (Gb2) zone. Since no significant impacts are anticipated to result from reducing the setback, staff recommend approval of the development variance permit subject to public notification. If the Permit is approved by the Board, the Corporate Officer will proceed to issue the Permit and register a Notice of Permit on Title.

RECOMMENDATION

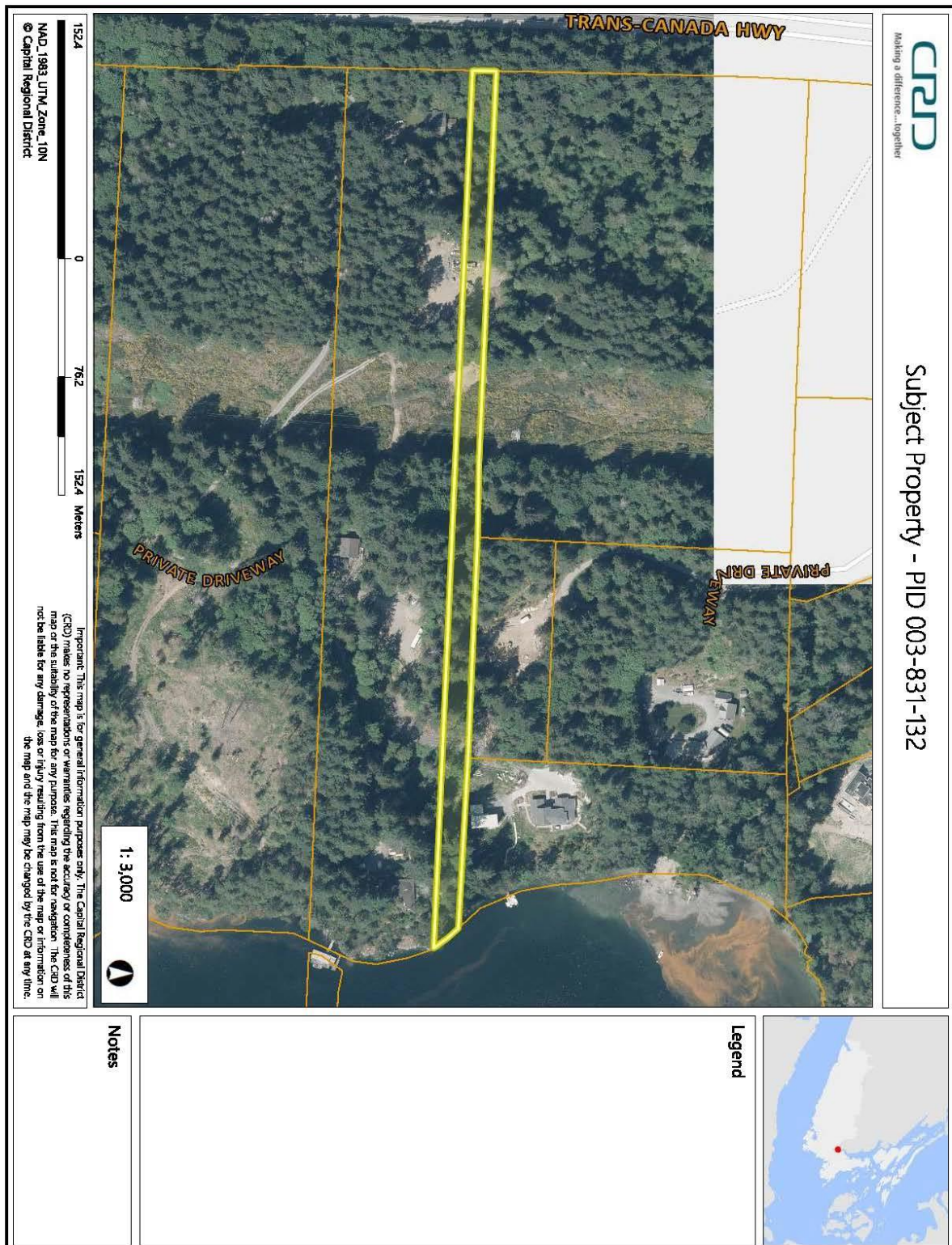
The Land Use Committee recommends to the Capital Regional District Board:
That Development Variance Permit VA000166 for the Northerly 50 Feet of Lot 111, Malahat District, to vary Malahat Use Bylaw, 1981, Bylaw No. 980, Section 3.2.04(2), by reducing the side yard setback requirement from 3 m to 1.5 m for the purpose of constructing a single-family dwelling, be approved.

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Housing, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

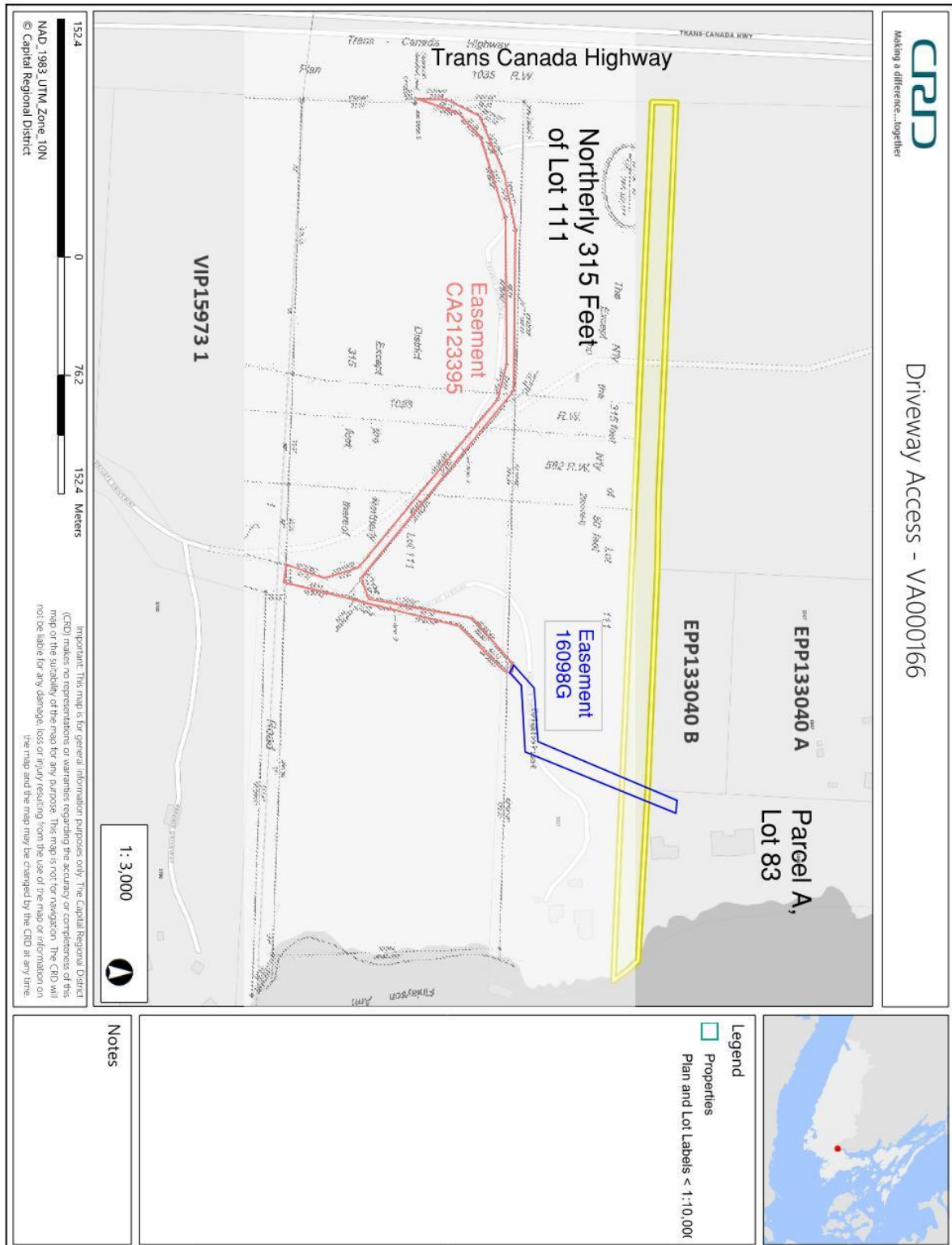
ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Driveway Access – Wellswood Road
Appendix C: Site Plan
Appendix D: Requested Variance
Appendix E: Building Design Concept Drawing
Appendix F: Permit VA000166

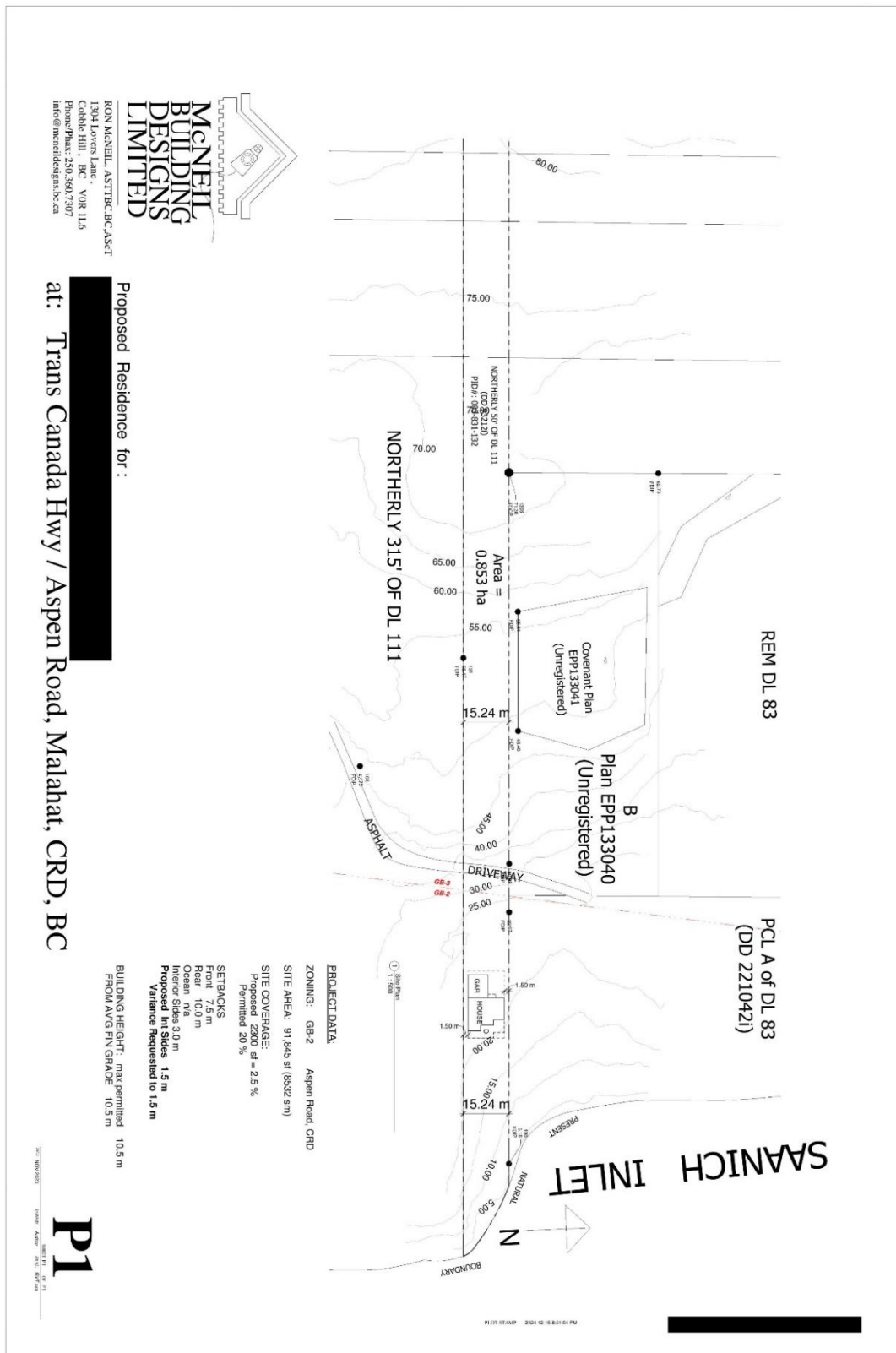
Appendix A: Subject Property Map



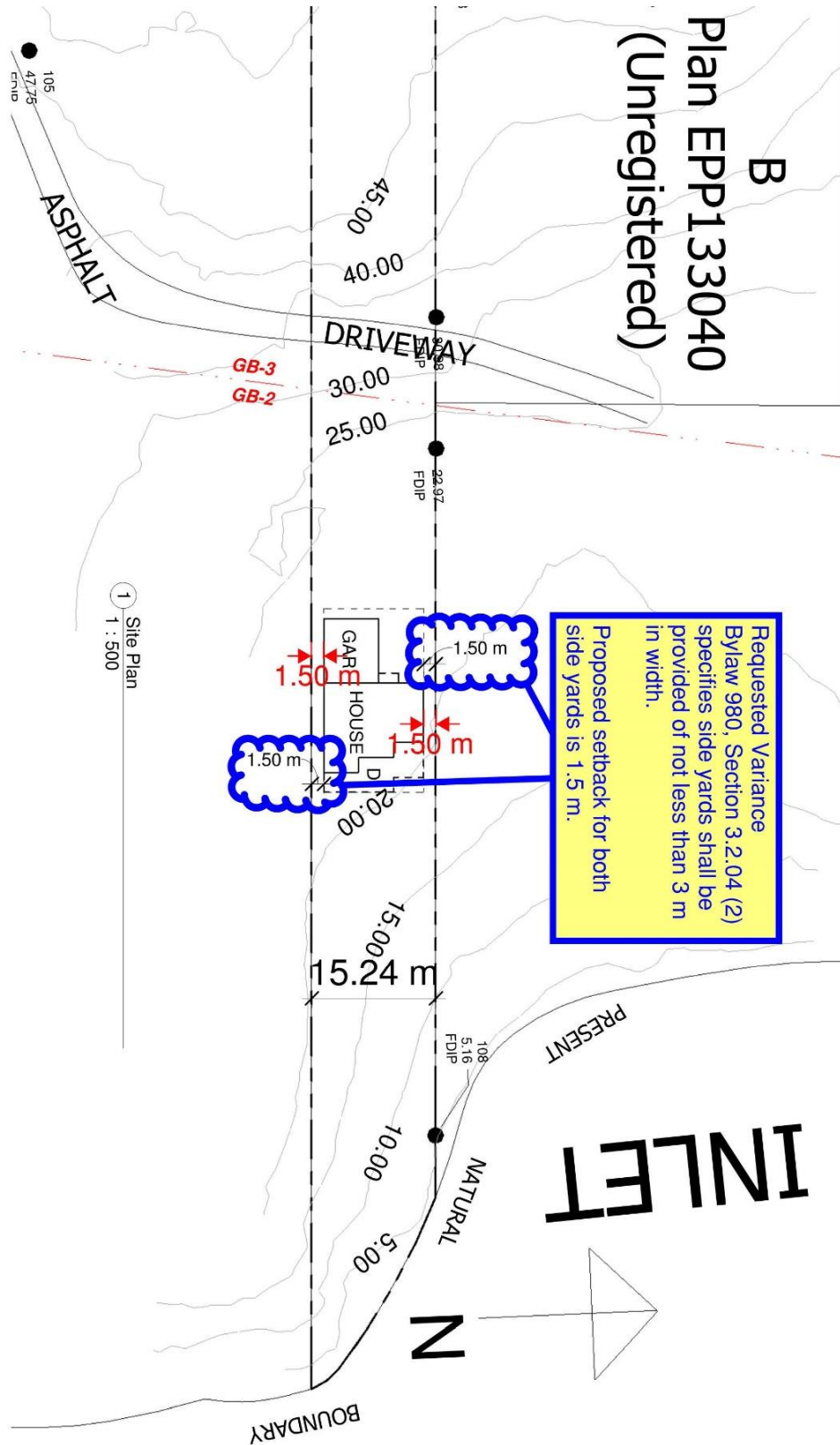
Appendix B: Driveway Access – Wellswood Road



Appendix C: Site Plan



Appendix D: Requested Variance



Appendix E: Building Design Concept



Appendix F: Permit VA000166



CAPITAL REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT NO. VA000166

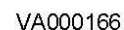
1. This Development Variance Permit is issued under the authority of Section 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically authorized by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:

PID: 003-831-132;
Legal Description: Northerly 50 Feet of Lot 111, Malahat District
3. The Capital Regional District's **Bylaw No. 980**, is varied under Section 498 of the *Local Government Act* as follows:
 - a. Section 3.2.04 (2) is varied by reducing the side yard setback requirement from 3 m to 1.5 m
for the purpose of constructing a single-family dwelling.
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 (VA000166) 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.
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 plan and specification is attached:
 - a. Attachment 1: Site Plan
8. This Permit is NOT a Building Permit.

RESOLUTION PASSED BY THE BOARD, THE ____ day of _____, 2025.

ISSUED this _____ day of _____, 2025

Corporate Officer
Kristen Morley

[illegible]



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, MAY 20, 2025

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

ISSUE SUMMARY

A request has been made for a three-year renewal of a temporary use permit to allow for the continued operation of a 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 A) and is zoned Rural Residential 2 (RR-2) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The property lies adjacent to Tugwell Road to the north and to other RR-2 zoned properties to the east, west and south.

The owner applied for a temporary use permit in 2018 to expand a microbrewery operation beyond what would be permitted under the Home Based Business Category 3 (Home Industry) regulations.

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. The microbrewery was then issued a manufacturer's brewing licence with on-site store and picnic area endorsements 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.

In order to authorize changes to the operation, which included an outdoor patio and food service (Appendix B), temporary use permit TP000011 was considered by the Land Use Committee and approved by the CRD Board on July 13, 2022. The Permit was issued by the CRD Corporate Officer on August, 25, 2022, prior to the expiry of TP000009 on August 30, 2022.

TP000011 will expire on August 25, 2025, and the owner has now applied for a three-year renewal of temporary use permit TP000011 to allow for the continued operation of the microbrewery. Staff have prepared temporary use permit TP000011 – RENEWAL (Appendix C) for consideration.

ALTERNATIVES

Alternative 1:

The Land Use Committee recommends to the Capital Regional District (CRD) Board:
That a three-year renewal for Temporary Use Permit TP000011, to allow the operation of a microbrewery with outdoor patio and food service in the Rural Residential 2 (RR-2) zone, on Lot 4, Section 47, Otter District, Plan VIP52344, be approved.

Alternative 2:

That the temporary use permit renewal be denied.

IMPLICATIONS

Legislative Implications

Section 497 (2) of the *Local Government Act (LGA)* states that a temporary use permit holder may apply to have the permit renewed, but that the permit may only be renewed once.

The *LGA* does not require that notice be given of the CRD's intent to pass a resolution regarding the renewal of a temporary use permit. CRD Bylaw No. 3885, Juan de Fuca Development Applications Procedures Bylaw, has no requirement for public notification of a temporary use permit renewal.

Land Use Implications

The subject property is designated as Settlement Area 1 under the Otter Point Official Community Plan, 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 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 microbrewery was restricted to 60 m². This allowed the brewery to occupy only part of an existing accessory building. Temporary use permit TP000009 was issued in 2019 to authorize the brewery to occupy the entire 96.7 m² accessory building, as well as 82 m² of additional outdoor covered storage space. The permit also allowed that up to 30 members of the public and a total of up to 10 vehicles, could be present at the facility at one time.

The owner then obtained a manufacturer's brewing licence with picnic endorsement from the BC LCRB. The picnic endorsement allows the operator to designate an area to host up to 30 members of the public where liquor may be consumed provided that is served or sold from the on-site store and is registered under the manufacturer's licence.

The CRD Board approved TP000011 on July 13, 2022, and the Permit was issued on August 25, 2022. 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. Given the scale of the use and the lack of complaints from the neighbouring property owners regarding the operation, staff recommend that temporary use permit TP000011 be renewed for a period of three years.

CONCLUSION

The CRD Board passed a resolution to approve the issuance of temporary use permit TP000011 on July 13, 2022. The Permit was issued by the CRD Corporate Officer on August 25, 2022, for a period of three years. The owner has now applied to renew the Permit for an additional three years. If the brewery is to continue to operate at the subject property on a permanent basis, the owner will be required to rezone the property prior to expiration of the temporary use permit.

RECOMMENDATION

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

That a three-year renewal for Temporary Use Permit TP000011, to allow the operation of a microbrewery with outdoor patio and food service in the Rural Residential 2 (RR-2) zone, on Lot 4, Section 47, Otter District, Plan VIP52344, be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Housing, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

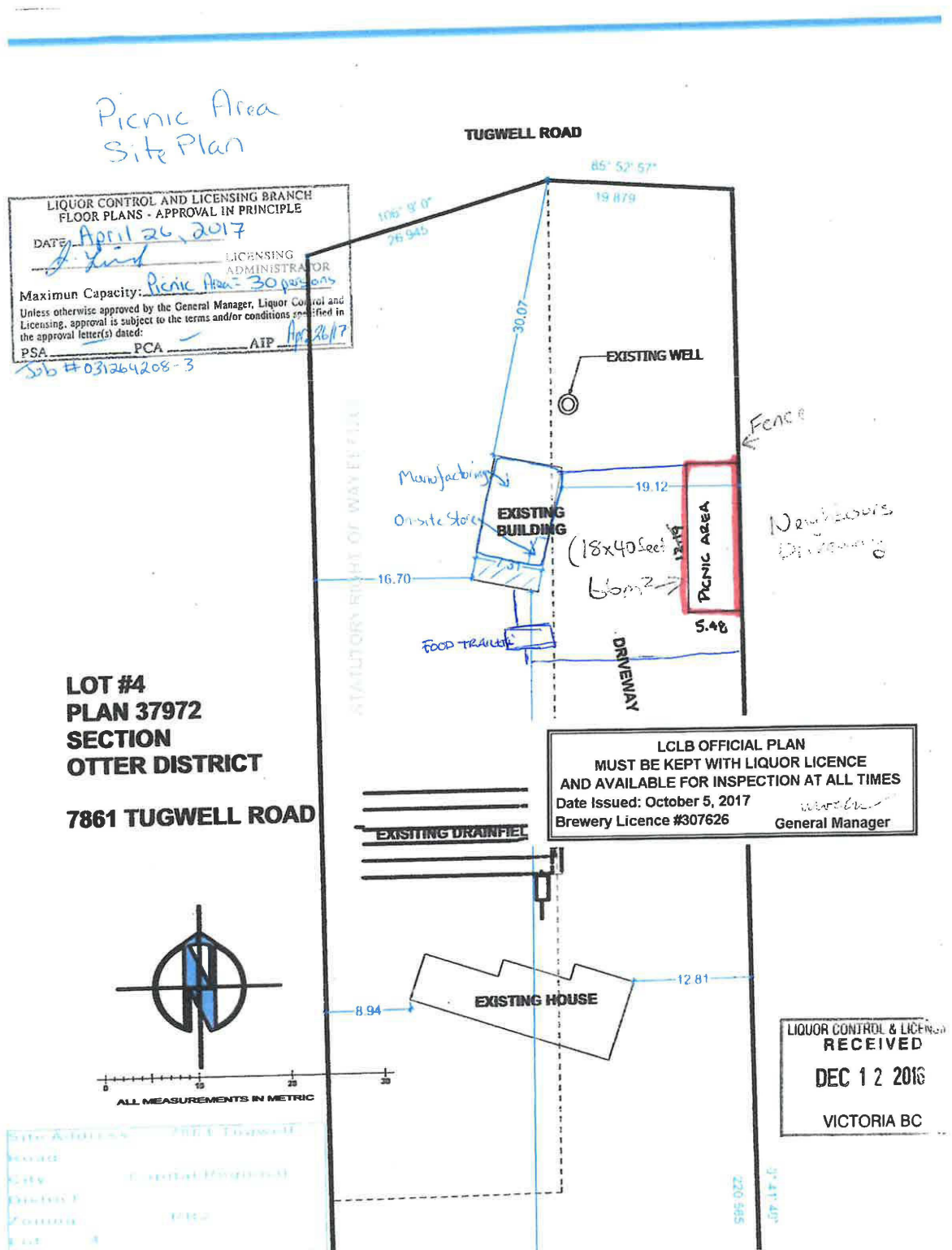
ATTACHMENTS

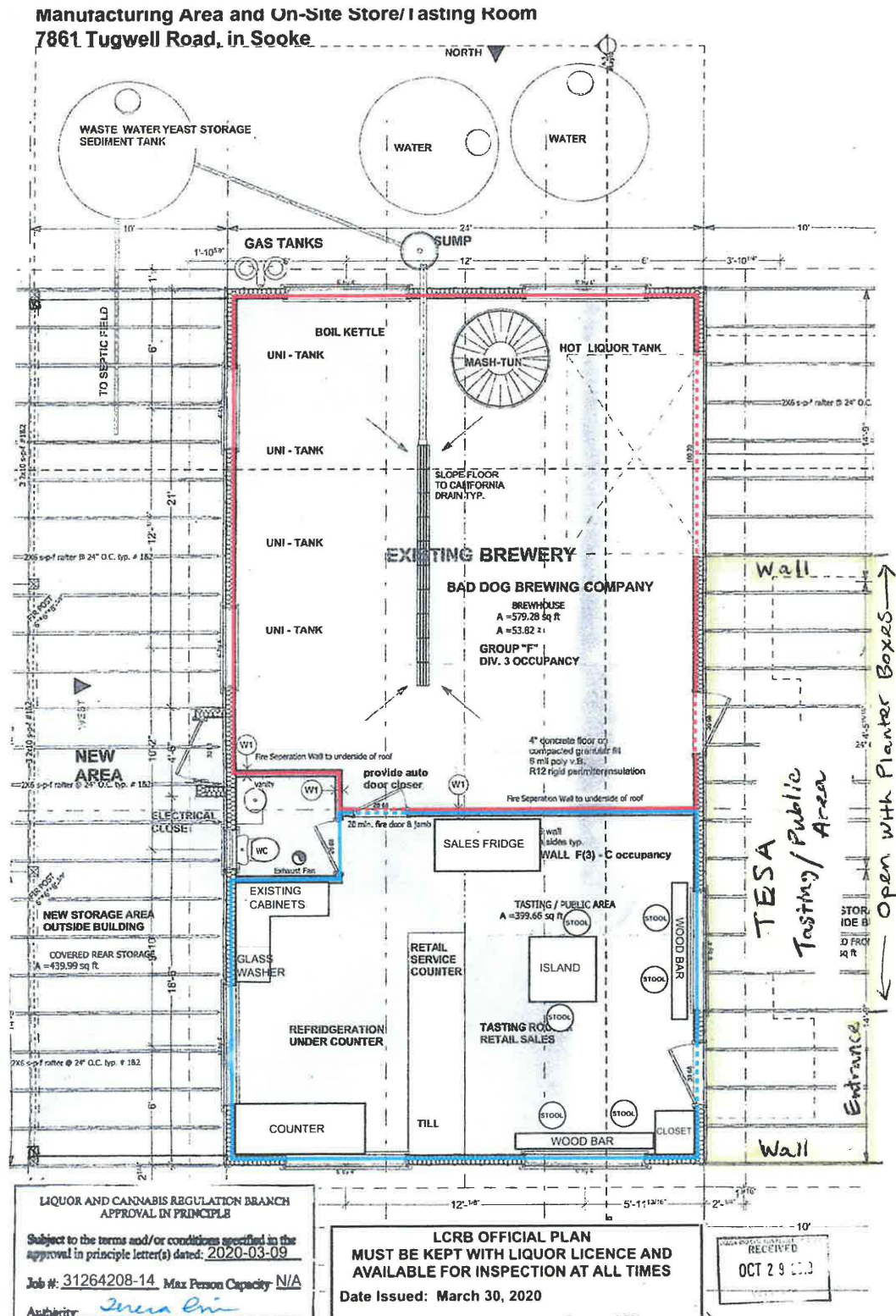
Appendix A: Subject Property Map

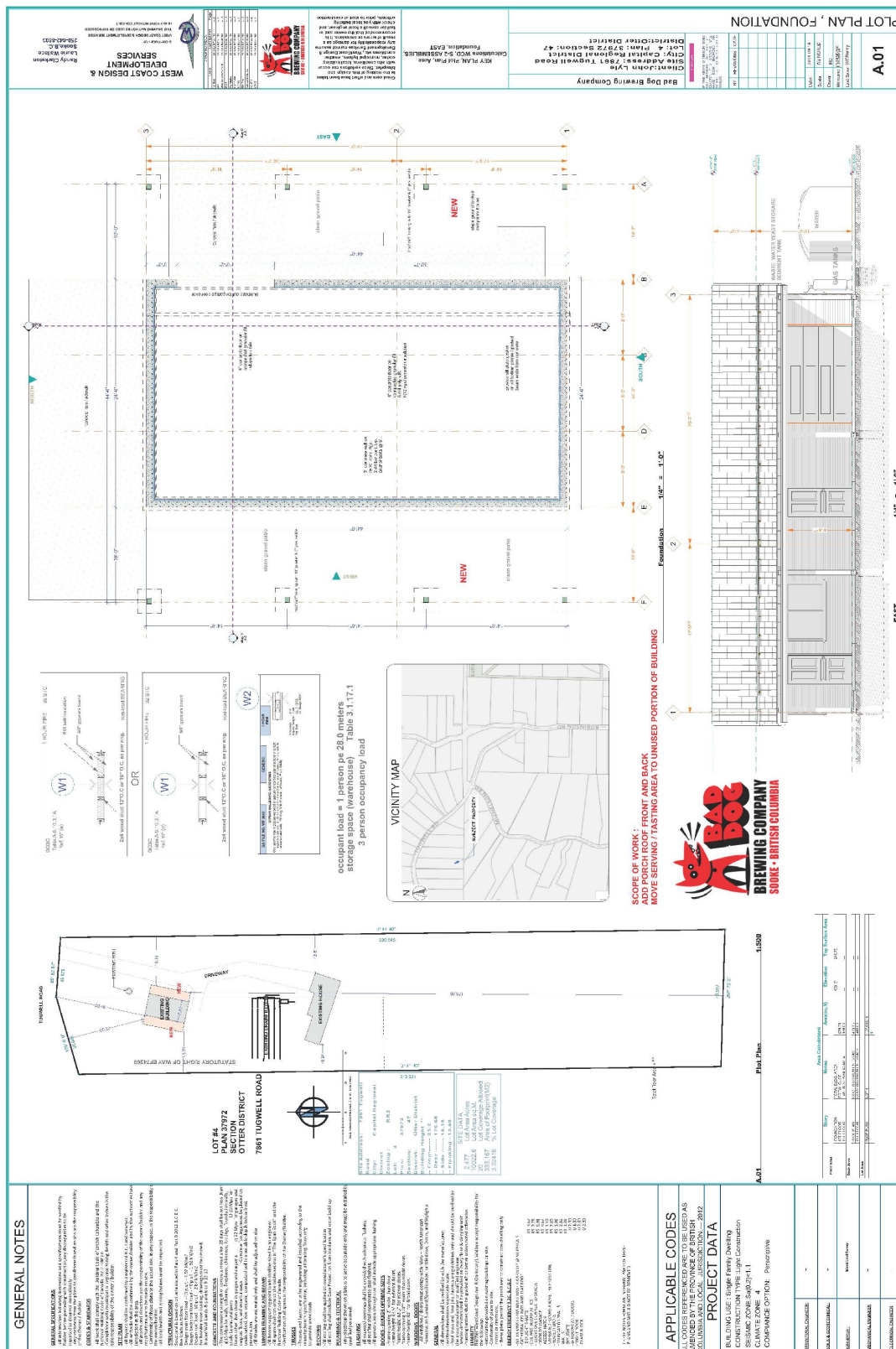
Appendix B: Site and Building Plans

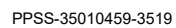
Appendix C: Temporary Use Permit TP000011 - Renewal

Appendix B: Site and Building Plans









Appendix C: TP000011 – Renewal



CAPITAL REGIONAL DISTRICT

TEMPORARY USE PERMIT NO. TP000011 – RENEWAL

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) A minimum of thirteen (13) parking spaces shall be provided on the Land.
 - f) 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 - Renewal

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 _____, 2025

ISSUED this ____ day of _____, 2025

Corporate Officer

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Appendix 1: Site and Building Plans

