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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