

Appendix E: Referral Comments

From: [Mark Groulx](#)
To: [Wendy Miller](#)
Cc: [Shawn Carby](#); [Coral L. Henderson](#)
Subject: RE: Temporary Use Permit Application TP000011 - Referral (7861 Tugwell Road)
Date: Wednesday, April 20, 2022 3:30:42 PM

Good day Wendy,

We don't have any comments to add!

Regards,

Mark Groulx | Chief Bylaw Officer
Bylaw and Animal Care Services | Capital Regional District
212-2780 Veterans Memorial Parkway, Victoria BC V9B 3S6
T: 250.474.3351 | F : 250.391.9727
mgroulx@crd.bc.ca

From: [John McCrea](#)
To: [Wendy Miller](#)
Cc: [Jonathan Reimer](#); chief@otterpointfire.bc.ca; [Chris Vrabel](#)
Subject: Re: Temporary Use Permit Application TP000011 - Referral (7861 Tugwell Road)
Date: Thursday, April 21, 2022 9:09:12 AM

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Good Morning Wendy

I have reviewed the Report To The JDF Land Use Committee regarding the Temporary Use Permit for Lot 4, Otter District, Plan VIP52344-7861 Tugwell Road.

Thank you for the opportunity to comment on this report.

The Otter Point Fire Department has no concerns with the issuance of this permit as long as Tugwell Road does not become blocked by vehicles parking to access this facility.

Regards

John

John McCrea; Fire Chief
Otter Point Fire Department and Training Centre
3727 Otter Point Road
Sooke, BC. V9Z 0K1
P: 250 642-6211
C: 250 213-7745

From: [Forestry and Environment](#)
To: [Wendy Miller](#)
Cc: [Lands Manager](#); [Administrator](#); [Guardian1](#); [Guardian2](#)
Subject: temporary use permit application crd referral 7861 tugwell road
Date: Wednesday, May 11, 2022 9:41:18 AM

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Good morning, Wendy

Larry Underwood from Sooke Nation met me and our guardian took a drive up to 7861 Tugwell Road and talked to the owner.

She showed us around and we have no concerns with the addition and the food truck.

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6. Temporary Use Permit Application

a) TP000011 - Lot 4, Section 47, Otter District, Plan VIP52344 (7861 Tugwell Road)

Iain Lawrence spoke to the staff report 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).

Iain reported that the Juan de Fuca Land Use Committee (LUC) considered the application at its meeting of April 19, 2022, and directed referral of the proposal to agencies and to the APC. At that same meeting, the LUC considered a concurrent application for liquor lounge endorsement and outdoor patio (LP000031) for the expanded service and recommended support in-principle subject to issuance of Temporary Use Permit TP000011.

Iain Lawrence highlighted the subject property and site plan of the brewery, showing the licensed brewery and picnic area as permitted by current temporary use permit TP000009, as issued in 2018, and the proposed outdoor patio location.

Iain Lawrence reported that:

- the Liquor and Cannabis Regulation Branch (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
- to continue operation of the expanded service area, the establishment has applied to the LCRB for a lounge endorsement and outdoor patio
- the lounge endorsement would also permit the patio
- food must be available to patrons in the lounge
- proposed Temporary Use Permit TP000011 has been prepared to maintain the conditions established by TP000009, including a maximum of 30 persons on site at any one time, as well as a maximum of 10 vehicles at any one time
- the proposed permit conditions are in keeping with the Home Industry regulations prescribed by the Juan de Fuca Land Use Bylaw, Bylaw No. 2040

Iain Lawrence directed attention to the supplementary agenda which includes one submission that states concern regarding adequate parking.

Iain Lawrence confirmed that the applicants were present.

Iain Lawrence responded to questions from the APC advising that:

- staff and the LUC supported a new temporary use permit application rather than renewal of the existing temporary use permit to support broader public consultation regarding the expanded service
- renewal would have extended the current temporary use permit for a further three years
- should a new temporary use permit be issued, that permit would be for three years with an option to renew for an additional three years
- the opportunity to apply to renew the permit does not guarantee that the permit will be renewed by the local government
- the LUC may support issuance of a temporary use permit as a way to gauge the community's support for the proposed use
- the applicants are not restricted from applying to rezone

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The applicants responded to questions from the APC stating that:

- the site does not normally approach the 30 person maximum
- parking is not an issue during the week
- the establishment will direct patrons off the road-side
- an adjacent property has offered overflow parking, if required
- vehicle turnaround is available on site
- the brewery is a family business
- there are no affordable alternative sites at this time
- additional/directional signage for parking would assist in outlining parking areas

Iain Lawrence confirmed that a Licence of Occupation from the Ministry of Transportation and Infrastructure would be required for the purpose of establishing a parking area in the road right-of-way and that a new site plan will be requested from the applicants to show designated parking areas.

APC comments included:

- concern that the temporary use could be extended beyond the intentions of the temporary use permit legislation through slight adjustments to the use
- supports the applicants establishing designated parking areas and parking signage
- supports the applicants working with the Ministry of Transportation and Infrastructure, as required, to improve parking

MOVED by Bud Gibbons, **SECONDED** by Al Wickheim that the Otter Point Advisory Planning Commission (APC) recommends to the Juan de Fuca Land Use Committee (LUC) that it supports the application and that it recommends that the applicant manage parking by designating parking areas through improved signage and that the APC state to the LUC its concern regarding the use of temporary use permits for ongoing uses.

CARRIED

At this time, staff confirmed that the proposal has been referred to the Otter Point Volunteer Fire Department through CRD Protective Services.

7. Adjournment

The meeting adjourned at 7:50 pm.

Chair