

Appendix 2: Referral Comments

Wendy Miller

From: Wilf Marquis
Sent: Thursday, January 17, 2019 9:39 AM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000255 (Lots 13, 26 and 27 - Sooke Business Park)

CRD Bylaw Enforcement Services has reviewed the staff report for amended rezoning application RZ000255 (Bylaw No. 4234) and does not anticipate any significant bylaw enforcement implications as a result of this proposal.

Wilf MARQUIS
Senior Bylaw Officer

Bylaw and Animal Care Services
212-2780 Veterans Memorial Parkway, Victoria, BC, Canada V9B 3S6
Ph: 250.474.3351 ext. 22 \ Fax: 250.391.9727 \ TF: 800.665.7899
email: wmarquis@crd.bc.ca

Wendy Miller

From: Nicholas Deibler <ndeibler@sooke.ca>
Sent: Wednesday, January 23, 2019 9:23 AM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000255 (Lots 13, 26 and 27 - Sooke Business Park) - CRD Referral

Good Morning Wendy,

Thank you for sharing Bylaw No. 4234, the proposed amendment to Bylaw No. 2040 with the District of Sooke (received December 27, 2018).

The District of Sooke has no objections to the amendment to the definition of *General Industrial Use* to include licensed cannabis processing, however, the following clarification is sought: Why are the applicants proceeding with a rezoning to the Sooke Business Park Industrial (M-SBP) zone, if the existing General Industrial (M2) zone now permits the desired use of cannabis processing?

Regards,

Nicholas Deibler
Planner 1
District of Sooke
2205 Otter Point Rd
Sooke BC, V9Z 1J2
250-642-1627



☒ Interest Affected by Proposal for Reasons Outlined Below
☐ Interest Unaffected by Proposal

See comments attached.

Signed _____ Title Environmental Health Officer

Date May 23, 2018 Agency VIHA

Response Summary Rezoning Application RZ000255

Comments:

1. This rezoning is to allow for a Health Canada licensed medical marijuana production facility. As a licensed facility it will be subject to federally established practice standards. However, particular attention should be given to odour control containment measures for this operation. Studies have shown that exposure to environmental odours can lead to physiological stresses that may cause headaches, nausea, loss of appetite, and emotional disturbances. Exposure to odours may also exacerbate underlying medical conditions. Good odour control practices at the facility level will help reduce/eliminate these risks. If odour problems prevail, in addition to the physiological stress it can cause, there is the added risk of people remaining in the indoor environments as there may be reduced enjoyment in the outdoor environment. This in turn can have negative impacts on physical activity as well as engagement with nature. Both physical activity and engagement with nature has been shown to reduce stress and risk of chronic diseases for an overall improvement in health outcomes.
2. Locating a medical marijuana facility within an industrial zone area will help provide separation to area residents. Consider the use of buffer zones from residential and industrial zones to provide further assurance that the facility operations will have limited impact on residents and community.
3. Ensure compliance with the *Drinking Water Protection Act/Regulation* and Sewerage System Regulation.

RESPONSE SUMMARY – REZONING APPLICATION RZ000255

- ☒ Interest Affected by Proposal for Reasons Outlined Below
☐ Interest Unaffected by Proposal

Comments:

◦ Same comments from my original response to this referral on May 23, 2018 apply.

◦ Although this rezoning is site specific, this office's comments to Proposed Bylaw No. 4278 referral applies here as well.

Signed



Title

EHO

Date

Jan 24, 2019

Agency

VIHA

To:

Emma Taylor
Juan de Fuca Planning Services
Juan de Fuca Local Services Building
#3-7450 Butler Rd.
Sooke, BC
V9Z 1N1

I am writing this letter in regards to the expanding Cannabis Production Facilities within the Sooke Business Park located at 7450 Butler Road, Sooke, BC. Namely Strata lots 13, 26 and 27 RZ000255.

The Juan de Fuca Emergency Program (JdF EP) is mostly neutral when it comes to what kind of business is in the business park. We do however have concerns with the electrical noise produced by the lighting systems required for growing their product. This “electrical noise” interferes with our Emergency Radio Communications interoperability. Presently it is affecting our HF band (3-20 MHz) on our radios. HF is the radio band we would use in a large event. It gives us the ability to send and receive both voice and digital messages to a recipient located outside the disaster zone.

We would request that before any new production facilities are approved that the developer does a radio frequency study covering the 3-20 MHz frequency range and ensure that once the facility is in operation, no additional increase in the noise floor is present. The developer is required to ensure that all lighting and electronic systems installed in the facilities have the lowest amount of RF interference possible. All transformers, ballasts, etc. are to be fully shielded and grounded to reduce interference.

We understand that even with the best equipment that there will still be some RF interference, we request that the developer place \$3,000 in trust with the CRD (JdF EP) for further interference testing and filtering to remove the noise.

To help with the current interference from the existing facilities we request that the developer give JdF EP \$2,000 to purchase a specialised commercial HF antenna that will help to reduce the sensitivity of the interference.

Regards,
Jeri Grant
Juan de Fuca Emergency Program Coordinator

Brain Webb
Juan de Fuca Emergency Radio Coordinator
Deputy Emergency Program Coordinator

From: [Schneider, Nikki TRAN:EX](#)
To: [Joyce Volek](#)
Subject: RE: RZ000255 Butler Road 7450, SL 13, 26 & 27
Date: Thursday, April 26, 2018 12:54:59 PM

Good Afternoon,

Please accept this as official response from the Ministry of Transportation and Infrastructure in regards to the proposed rezoning of strata lots 13, 26 & 27 on Butler Road; Ministry File 2018-02199.

The Ministry has no objections to the rezoning. There are no conditions to be met at this time.

If you have any questions or concerns , please do not hesitate to contact me.

Have a great day,

Nikki Schneider
District Development Technician
Saanich Area Office

Wendy Miller

From: Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>
Sent: Thursday, December 27, 2018 12:07 PM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000255 (Lots 13, 26 and 27 - Sooke Business Park) - CRD Referral

Good Afternoon,

Please accept this as official response from the Ministry of Transportation and Infrastructure for the Rezoning of Lots 13, 26 and 27, Sooke Business Park; Ministry File 2018-06994.

The Ministry has no objections to the proposal and there are no conditions at this time.

Should there be any questions or concerns, please do not hesitate to contact me.

Have a great day,

Nikki Schneider
Senior District Development Technician
Ministry of Transportation and Infrastructure – Vancouver Island District
Ph: 778-974-2633
Fx: 250-952-4508

From: [Jeffrey McArthur](#)
To: [Joyce Volek](#)
Subject: Re: RZ000255 Butler Road 7450, SL 13, 26 & 27
Date: Tuesday, April 24, 2018 12:26:57 PM

Thank you, no issues, no comments.

Jeff

>>> Joyce Volek <jvolek@crd.bc.ca> 2018/04/24 11:56 AM >>>

Good morning, please find attached a referral form and staff report for rezoning application RZ000255.

The Juan de Fuca Land Use Committee directed referral of proposed Bylaw No. 4234 at its April 17, 2018 meeting.

Comment is requested by May 23, 2018.

Thanks

Joyce Volek | Administration
Juan de Fuca Local Area Services
Capital Regional District | 3-7450 Butler Road, Sooke, BC V9Z 1N1
T: 250.642.8100 | F: 250-642-5274 | www.crd.bc.ca



Making a difference...together

Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held June 5, 2018 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,
Otter Point, BC

PRESENT: Al Wickheim (Chair), Bud Gibbons, Anne Miller, Stephen Smith
Staff: Emma Taylor, Planner; Joyce Volek, Recorder
ABSENT: Sid Jorna
PUBLIC: 10

The meeting was called to order at 7:00 p.m.

1. Elections

Staff stated that elections are required for the Advisory Planning Commission as this is the first meeting of the year and the elections process was explained. The call for elections was declared open.

Al Wickheim accepted his nomination by Bud Gibbons for the Chair position of the Commission. As no further nominations were received, Al Wickheim was acclaimed as Chair.

Anne Miller accepted her nomination by Bud Gibbons for the Vice Chair position of the Commission. As no further nominations were received, Anne Miller was acclaimed as Vice Chair.

The Chair welcomed everyone to the meeting and provided a brief overview of the role of the Advisory Planning Commission (APC) noting that the APC is an advisory body to the Juan de Fuca Land Use Committee (LUC). The LUC makes recommendations to the Capital Regional District Board.

2. Approval of the Agenda

MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the agenda be approved.

CARRIED

3. Adoption of the Minutes of September 25, 2017

MOVED by Stephen Smith, **SECONDED** by Anne Miller that the minutes of the meeting of September 25, 2017, be adopted.

CARRIED

4. Planner's Report

Emma Taylor provided an update for the Official Community Plan, East Sooke, Bylaw No. 4000 and the Official Community Plan, Shirley-Jordan River, Bylaw No. 4001. It was stated that consideration of Third Reading will take place at the Regional Board meeting in June. If Third Reading is granted, the bylaws would then be sent to the Ministry of Transportation & Infrastructure for approval.

5. Rezoning Applications

a) RZ000255 - Strata Lots 13, 26 and 27, Section 16, Otter District, Plan VIS7096 (Butler Road – Sooke Business Park)

Emma Taylor provided an overview of the rezoning application for the three lots from General Industrial (M-2) to the Sooke Business Park Industrial (M-SBP) zone. Lot 13 is occupied by a warehouse building, Lot 26 is occupied by an industrial shelter and Lot 27 is vacant. The parcels are designated as Settlement Area One and as an Industrial

PPSS-35010459-1698

**Otter Point Advisory Planning Commission Meeting Minutes
June 5, 2018**

2

Development Permit Area in the Official Community Plan for Otter Point. The permitted uses in the M-SBP zone were outlined and staff explained that the prohibited uses are also listed in a registered covenant on title. Staff are recommending that another covenant be registered requiring remediation of any building used for medical marihuana production prior to commencement of any subsequent use. The Land Use Committee recommended referral to various agencies and to the Otter Point Advisory Planning Commission for comment.

Staff made reference to the M-SBP zone handout and stated that 18 properties in the Sooke Business Park have already been rezoned to permit medical marihuana production, but that it is not clear how many are in operation. A discussion ensued regarding the federal government regulations for medical marijuana production, the pending laws for recreational marihuana production and information regarding the applicants' long-term business plans. Staff explained that the current federal licensing regulations require verification of local government land use zoning. There is not yet information about requirements for recreational marihuana production.

It was noted that one of the applicants, Jeff Green, was present at the meeting. Jeff Green stated he is the owner of Lot 13 and has submitted a rezoning application with the other applicant as a cost effective method. He is relocating his sporting goods business to a larger property and is rezoning Lot 13 to potentially make the sale of Lot 13 more attractive and increase the property value.

A Commission member made reference to a recent news article about the applicant for Lots 26 and 27 which stated they were involved with recreational marihuana production. Members raised concerns about lack of information from the applicant about their intent and about potential recreational marihuana production. The applicant was not present to address the Commission's questions.

Members of the public stated concern regarding water usage, site contamination, drainage and waste disposal for medical marihuana production facilities.

Additional concerns were raised of what the distribution process would be and whether this was for recreational or medical marijuana. Another Commission member advised that these issues would be addressed by the Federal Health Licensing regulations.

A Commissioner stated that existing medical marihuana production facilities in the Sooke Business Park have been known to cause interference with JDF Emergency Services radio communication systems.

Rob Peters, a member of the public, stated that he is aware of a medical marijuana facility which is a "closed" system where the water is recycled. It uses LED lighting and has a high fence with security cameras in place. He stated the federal government is very strict.

A further discussion ensued regarding light pollution, building height, security, drainage and chemical residue. Staff confirmed that the maximum height requirement in the M-SBP zone is 14 m. Staff further described the drainage regime of the properties as flowing into Kemp Lake and DeMamiel Creek watersheds, as well as undersurface drainage patterns established during previous industrial activity.

A public member addressed the Commission stating concern with:

- light pollution resulting in negative impacts to wildlife and to adjacent residential neighbourhood;

PPSS-35010459-1698

**Otter Point Advisory Planning Commission Meeting Minutes
June 5, 2018**

3

- fire protection, increased fire risk and the potential to cause higher insurance rates in the area;
- the possibility of wells being contaminated by pesticides;
- remediation action;
- height and design of buildings.

It was clarified that the proposed covenant addresses the remediation of the building and not the entire site after a medical marihuana production use ceases.

Staff confirmed that the Industrial development permit guidelines in the Otter Point Official Community Plan outline the form and character requirements, including lighting, for industrial buildings and that the General Manager of Planning and Protective Services is delegated approval of development permits. It was further explained that a review of the disposal system capacity and covenants would be conducted as part of the building permit process. It was noted the CRD does not issue business licences.

A Commission member suggested a report be provided by the applicant addressing the proposed uses on the property and how waste disposal and drainage will be addressed.

Richard Ashton, a member of the public, stated that rezoning applications already have this approved zone in the Sooke Business Park and questioned the APC's role.

The Chair responded saying that, although the M-SBP zone has been approved on other properties, it is important to review the merits of each application and to ensure no negative impacts to the community will result.

A Commission member confirmed the APC would like to hear input from Otter Point residents and that the rezoning process allows opportunity for public input. There is no opportunity for public input in the building permit or development permit process.

A public member stated concern with a 45' building and the federal government requirement for lighting 24 hours/day.

Larry Swaykoski, a public member, asked whether the building will look like the concrete structure on the Pat Bay highway.

Staff advised that the development permit outlines the form and character for industrial buildings such as lighting and natural plantings.

Jeff Green stated that there are several other lots with this zoning already and it is unlikely all will be built out for marihuana production use. There are other permitted uses and that recent federal regulations could change and be more restrictive in the future.

Rob Peters, a public member, raised concerns with fire protection and questioned the ability of the Otter Point Fire Department to put out a potential fire.

Richard Ashton stated agreement with all that was said and wanted assurance that these concerns will be looked at by the CRD and that strict guidelines are in place.

The Chair asked the Commission if there were any other concerns with other permitted uses.

**Otter Point Advisory Planning Commission Meeting Minutes
June 5, 2018**

4

A Commission member asked if 'caretaker' had been defined. Staff advised that the term has not been defined in the bylaw.

The Chair asked if there had been any complaints or concerns with current production places. Staff advised no and referred to the most recent development permit with variance application that was supported and approved.

MOVED by Bud Gibbons, **SECONDED** by Stephen Smith that the Otter Point APC accepts this application subject to more information being provided by the applicant on water use, drainage, ground water, light pollution and disclosure of the proposed medical marijuana use, and impact on emergency radio communications, and given assurances from potential developers to reduce impact of these concerns. **CARRIED**

6. Adjournment

MOVED by Bud Gibbons, **SECONDED** by Al Wickheim that the meeting adjourn.

CARRIED

The meeting adjourned at 8:35 p.m.

Chair

Otter Point Advisory Planning Commission Meeting Minutes
January 22, 2019

4

8. Rezoning Applications

a) RZ000255 - Strata Lots 13, 26 and 27, Section 16, Otter District, Plan VIS7096 (7450 Butler Road)

Emma Taylor spoke to the staff report and proposed Bylaw No. 4234. It was advised that the APC first considered Bylaw No. 4234 at its meeting of June 5, 2018. At that time, Bylaw No. 4234 proposed rezoning three properties in the Sooke Business Park from the General Industrial (M-2) zone to the Sooke Business Park Industrial (M-SBP) zone. Bylaw No. 4234 was subsequently amended to reflect the federal legalization of cannabis and comments raised by the APC at its June 5, 2018 meeting. The revised bylaw was considered by the LUC at its meeting of December 17, 2018. At that time, the bylaw clarified that licensed cannabis processing is a general industrial use on properties that are not adjacent to institutional, rural or rural residential zoned land.

Emma Taylor directed attention to the supplementary agenda which included Bylaw No. 4234, as revised, to support the LUC's directive to eliminate the distinction between medical cannabis production and recreational cannabis production.

Further to the concerns raised by the APC at its June 5, 2018 meeting regarding water usage, site contamination, drainage and waste disposal as well as interference with radio-communication systems, Emma Taylor advised that there are regulatory bodies in place to monitor these concerns including CRD Building Inspection, CRD Bylaw Enforcement, Island Health, Technical Safety BC (electrical permits) and Industry Canada (radio communications). It was further advised that a Prohibited Uses covenant is registered on the title of all lots within the Sooke Business Park and that all lots in the Sooke Business Park are also designated an Industrial Development Permit Area which guides the form and character of industrial development including outdoor lighting.

The APC stated support for examining the caretaker dwelling unit permitted by the M-SBP zone. The APC noted that, at present, there is no size limit to the caretaker unit.

MOVED by Sid Jorna, **SECONDED** by Al Wickheim that the Otter Point APC supports rezoning application RZ000255 and proposed Bylaw No. 4234, as revised.

CARRIED