

Appendix 4: Referral Comments

Wendy Miller

From: Wilf Marquis
Sent: Monday, December 24, 2018 9:02 AM
To: Wendy Miller
Subject: RE: Temporary Use Permit Application for Mircobrewery (7861 Tugwell Road)

Temporary Use Permit (TP000009) for 7861 Tugwell Road – Lot 4, Section 47, Otter District, Plan VIP52344

Capital Regional District Bylaw Services has the following comment regarding this application.

It is noted in the report that Juan De Fuca Planning has not received any nuisance complaints from the neighbours to date. The current operation is classified as a Home Based Category 3 (Home Industry) subject to specific Category 3 regulations as well as the general regulations within 4.06 (1) which includes :
"4.06 (1) (h) Home Based Business (Categories 1 and 3) shall not increase vehicular traffic flow and parking by more than one additional vehicle at a time; nor shall they involve the use of commercial vehicles for delivery of materials to or from the premises, except occasional deliveries consistent with the normal residential use of the property."

The business Bad Dog Brewery is currently open to the public from Wed – Sun. 12:00 – 6:00 PM October 9th through to April 18th as being advertised on its website. Bylaw Enforcement believes that by advertising and allowing public access to Mad Dog Brewery that regulation 4.06 (1)(h) is not being adhered to currently, despite no complaints yet lodged.

Bylaw Services would recommend that consideration be given to whether further expansion of this business and continued or perhaps increased access by the public as a result, would have adverse impacts with increased traffic flow to such a level that would result in nuisance complaints.

Respectfully submitted.

Wilf MARQUIS
Senior Bylaw Officer

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From: Wendy Miller
Sent: Monday, November 26, 2018 11:16 AM
To: Wilf Marquis <wmarquis@crd.bc.ca>
Subject: Temporary Use Permit Application for Mircobrewery (7861 Tugwell Road)

Good Morning,

Please find attached a staff report for temporary use application TP000009.

RESPONSE SUMMARY – TEMPORARY USE PERMIT APPLICATION TP000009

☒ Interest Affected by Proposal for Reasons Outlined Below

☐ Interest Unaffected by Proposal

Comments:

Onsite septic system must be able to handle the additional daily flow due to proposed expansion

Home owner must obtain a letter from an Authorized Person (AP) under the Sewerage System Regulation stating the above claim

Signed

Title

TEHO

Date

Agency

Dec 10, 2018

VIHA

Wendy Miller

From: Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>
Sent: Wednesday, November 28, 2018 11:25 AM
To: Wendy Miller
Subject: RE: Temporary Use Permit Application (7861 Tugwell Road) - CRD Referral

Good Morning Wendy,

7681 Tugwell Road falls outside of the controlled area (800m of a controlled access highway) and therefore Ministry response is not required.

That being said, the Ministry offers the following considerations:

- The property should obtain a commercial access permit for the access onto Tugwell Road in order to maintain the integrity of the road in conjunction with the property's use. A permit can be obtained from this office. Feel free to provide my contact information to the applicant to obtain this permit.

If you have any questions or concerns, please let me know.

Have a great day,

Nikki Schneider

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



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From: Wendy Miller <wmiller@crd.bc.ca>
Sent: November 26, 2018 11:10 AM
To: Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>
Subject: Temporary Use Permit Application (7861 Tugwell Road) - CRD Referral

Good Morning,

Please find attached a referral form and staff report for temporary use application TP000009.

The permit would allow the expansion of a home based microbrewery in the Rural Residential 2 (RR-2) zone.

Comment is requested by December 24, 2018.

Thank you,

Wendy Miller

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- e) The APC will be asked to meet next on February 12 to consider an application for a temporary use permit to allow a federally licensed micro-cannabis cultivation facility on the subject property zoned Rural Residential 2 (RR-2).

6. Temporary Use Permit Application

- a) TP000009 - Lot 4, Section 47, Otter District, Plan VIP52344 (7861 Tugwell Road)
Emma Taylor spoke to the staff report and the request for a temporary use permit to allow the expansion of a home based microbrewery on the subject property zoned Rural Residential 2 (RR-2).

Emma Taylor confirmed that the applicants propose to increase the indoor floor area to 96.7 m² (1,040 sq. ft.), and create 82 m² (884 sq. ft.) of covered, outdoor storage and that temporary use permits are supported by the Otter Point Official Community Plan, Bylaw No. 3819. Attention was directed to the draft permit, proposed permit conditions and building plans as included in the staff report and to the supplementary submission received from Lynda and Dr. Neil McKinney, Otter Point, supporting expansion of the local business. It was confirmed that no complaints have been received to date regarding noise, odour or traffic related to the existing use.

Emma Taylor responded to a question from the APC confirming that De Mamiel Creek does not run through the subject property.

Emma Taylor confirmed that the applicants were present.

The applicants advised that:

- expansion is intended to cover outdoor equipment and supplies including a forklift, pallet and kegs and to provide greater separation between the brewery and retail area
- it is anticipated the brewery operation will be running at full capacity this summer
- the brewery operation is roadside
- homes on adjacent properties are located behind the brewery and behind their house
- the brewery operates from 11:00 a.m. to 7:00 p.m. in the summer and from 12:00 p.m. to 6:00 p.m. in the winter
- grain waste is consumed by their neighbour's cows
- the sediment from the brewing process known as trub is composted on site
- waste water is treated prior to entering the septic field

The applicants responded to questions from the APC confirming that:

- the brewery is regulated by the provincial Liquor & Cannabis Regulation Branch and by Island Health
- Island Health requires water samples once a week
- water for the brewery comes from the property's well
- trucked water is used during the summer months up until mid-October
- the majority of clients are local
- during the summer approximately 50% of clients are tourists

Arnie Campbell, Otter Point, stated:

- no objection to the application
- the brewery, at its home based business scale, is an asset
- the applicants are respectful of water resources

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MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the Otter Point APC supports Temporary Use Permit TP000009.

CARRIED

7. Proposed Bylaw

a) Cannabis Bylaw, Bylaw No. 4278, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 141, 2018”

Emma Taylor spoke to the staff report and the proposed amendment to Bylaw No. 2040 to reflect the current legislative framework for cannabis. Emma Taylor outlined the federal licence categories for cannabis growing, production, testing, research and sales.

Emma Taylor directed attention to the supplementary agenda which included Bylaw No. 4278, as revised, to eliminate the distinction between medical cannabis production and recreational cannabis production as supported by the LUC at its December 17, 2018 meeting. The revised bylaw supports this directive by amending the Sooke Business Park Industrial (M-SBP) zone to replace “Intensive Agriculture – Medical Marihuana Production” with “Cannabis Production – Commercial” as a permitted use.

Emma Taylor responded to a question from the APC confirming that the Juan de Fuca Electoral Area has no business license requirement.

The APC stated:

- support for the LUC considering applying the M-SBP zone to the entire Sooke Business Park
- support for Bylaw No. 4278 defining what type of processing is supported by the definition of “Cannabis Production”
- concern regarding reports of odour related to cannabis production in the Sooke Business Park
- concern for water pollution

Ian Laing, Sooke Business Park property owner, stated that processing is defined by Federal licence categories. Ian Laing outlined the differences between cannabis cultivation and cannabis processing and stated that:

- all properties in the Sooke Business Park are privately owned
- the *Cannabis Act and Regulations* include strict regulations for air intake/outtake
- reports of cannabis odour are not coming from licensed facilities
- he is pursuing rezoning of two properties to the M-SBP zone to support commercial cannabis production
- no cultivation or processing are taking place on his properties at this time as both of his properties are awaiting licence approval
- commercial cannabis production facilities are similar to food production facilities
- no herbicides or pesticides will be used

MOVED by Sid Jorna, **SECONDED** by Bud Gibbons that the Otter Point APC supports proposed Bylaw No. 4278, as revised.

CARRIED