

Appendix 3: Referral Comments

Wendy Miller

From: Reidy, Drew <Drew.Reidy@bchydro.com>
Sent: Friday, February 08, 2019 2:30 PM
To: Wendy Miller
Subject: RE: Temporary Use Permit TP000010 (7822 Tugwell Road) - CRD Referral

Hello

BCH would have no objection to the Temporary Use Permit. If the proposed use will require an upgrade or new electrical service the applicant would contact the ESCC in BC Hydro. Thank you

Andrew Reidy, RI, | Property Representative 2
Property Rights Services
BC Hydro
400 Madsen Road,
Nanaimo, BC, V9R 5M3

P 250 755 4704
M 250 713 0875
E drew.reidy@bchydro.com

bchydro.com

Smart about power in all we do.

Wendy Miller

From: Wilf Marquis
Sent: Thursday, February 14, 2019 3:21 PM
To: Wendy Miller
Subject: RE: Temporary Use Permit TP000010 (7822 Tugwell Road)

CRD Bylaw Enforcement Services has reviewed the staff report for Temporary Use Permit TP000010 to allow a federally licensed micro-cannabis cultivation facility in the Rural Residential 2 (RR-2) zone @ 7822 Tugwell Road.

CRD Bylaw Services under Legislative Implications supports amendment to the Capital Regional District Information Authorization Bylaw, 1990, Bylaw No. 1857 as an enforcement tool to address where uses are found to be in contravention of those regulations established by Bylaw No. 4277.

Conditions as set out under the Temporary Use Permit to help mitigate public concerns and in default of compliance with these standards, the permit would lapse.

With these conditions and controls in place CRD Bylaw Services has no significant concerns at this time with the proposal for a Temporary Use Permit at this location.

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 9:49 AM
To: Wendy Miller
Subject: RE: Temporary Use Permit TP000010 (7822 Tugwell Road) - CRD Referral

Good Morning Wendy,

Thank you for sharing Temporary Use Permit application TP000010 with the District of Sooke (received January 18, 2019).

The District of Sooke has no objections to the proposed TUP to allow a federally licensed micro-cannabis cultivation facility in the RR-2 zone. The District is also in the process of determining how it will address micro-cannabis cultivation, and would certainly like to stay informed of any developments related to this matter within the Juan de Fuca Electoral Area.

Regards,

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



RESPONSE SUMMARY – TEMPORARY USE PERMIT APPLICATION TP000010

☒ Interest Affected by Proposal for Reasons Outlined Below

☐ Interest Unaffected by Proposal

Comments:

See comments attached.

Signed

Title

Date

Agency

Referral Response: Temporary Use Permit for 7822 Tugwell Road

Comments:

1. This temporary use permit is to allow for a Health Canada licensed cannabis cultivation 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. Ensure compliance with the *Drinking Water Protection Act/Regulation* and *Sewerage System Regulation*.
3. Refer to the attached letter regarding a public health approach to non-medical cannabis written by our Medical Health Officers (MHO).
4. For further dialogue or inquiries on this subject, feel free to contact Island Health's MHOs, Dr. Richard Stanwick and Dr. Murray Fyfe or the Regional Built Environment Consultant, Jade Yehia.



MEDICAL HEALTH OFFICERS

Office of the Chief Medical Health Officer

September 10, 2018

Dear:

Mayor and Council – Municipal Governments,
Chair and Directors – Regional Districts
Chief and Council – First Nations

Re: A Public Health Approach to Non-Medical Cannabis

COWICHAN AREA
250.331.8591
Shannon Waters
MD MHSc FRCPC
601-222 Cowichan Way
Duncan, BC V9L 6P4

NORTH ISLAND
250.331.8591
Charmaine Enns
MD, MHSc, FRCPC
355-11th Street
Courtenay, BC V9N 1S4

CENTRAL ISLAND
250.739.6304
Paul Hasselback
MD, MSc, FRCPC
3rd Floor 6475 Metral Drive
Nanaimo, BC V9T 2L9

SOUTH ISLAND
250.519.3406
Richard Stanwick, CMHO
MD, MSc, FRCPC, FAAP

Murray Fyfe
MD, MSc, FRCPC

Dee Hoyano
MD, FRCPC

430 – 1900 Richmond Ave.
Victoria, BC V8R 4R2

After Hours On Call
1.800.204.6166

Dried cannabis, cannabis oils and seeds will be legalized in Canada on October 17, 2018. Evidence suggests that the prohibition of cannabis has not achieved the intended objective of reducing use and associated harms. Legalization with regulation has been recommended as likely more effective.¹ In implementing these changes, a balance between the intended benefits and expected harms must be achieved. Island Health Medical Health Officers (MHOs), in addition to other MHOs provincially, support a public health approach to cannabis access and use²³. Such an approach includes legalization with market regulation aimed at protecting and promoting health while allowing access at levels that reduce the negative outcomes associated with illicit distribution.

Multiple sectors of society, and all levels of government, have roles to play in a comprehensive public health approach to cannabis legalization. Local governments, in particular, can adopt regulations aimed at 1) reducing youth exposure to non-medical cannabis, 2) reducing high-risk use in general (e.g., heavy or frequent use, use with other substances), and 3) unwanted exposure to second-hand cannabis smoke and vapour. Local governments can also support increasing public knowledge and awareness, to support risk reduction and de-stigmatization, without normalization or promotion.

Local governments' jurisdiction in zoning, land use, business licensing, building codes, nuisance and clean air by-laws, and enforcement, as well as their ability to advocate to higher levels of government, can all be leveraged to promote a public health approach to cannabis.⁴ Some specific areas of best practice⁵ where local governments can support a public health approach include:

1. Restrict public consumption of cannabis and exposure to environmental cannabis products. By limiting where cannabis can be consumed, local governments can reduce unwanted exposure to second-hand cannabis smoke or vapour, and can reduce the

¹ Haden, M., Emerson, B. (2014). "A vision for cannabis regulation: a public health approach based on lessons learned from the regulation of tobacco and alcohol." Open Medicine 8(2)e73. Available online: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4085088/>

² Canadian Public Health Association's position statement on Legalization, Regulation, and Restriction of Access to Cannabis. Available online: <https://www.cpha.ca/sites/default/files/uploads/policy/positionstatements/cannabis-positionstatement-e.pdf>

³ Canadian Chief Medical Officers and Urban Public Health Network. (2016). Public health perspectives on cannabis policy and regulation. Available online: <http://uphn.ca/wo-content/uploads/2016/10/Chief-MOH-UPHN-Cannabis-Perspectives-Final-5-Sept-26-2016.pdf>

⁴ Federation of Canadian Municipalities. (2018). Municipal Guide to Cannabis Legalization: A Roadmap for Canadian Governments. Ottawa, ON: Federation of Canadian Municipalities.

⁵ Recommendations are derived from Peloquin R, Scarr J. (2017). Cannabis Regulation and Youth: A Jurisdictional Review. Vancouver: Child Health BC, and Tyler, I., Schwandt, M., Padhi, S. (2018). Recommendations to support municipal bylaw development regulating cannabis access and use. Surrey, BC: Fraser Health Authority.

visibility of cannabis consumption for youth, making it less normative, and more likely that youth delay initiation or never start:

- Prohibit public cannabis consumption wherever tobacco or alcohol consumption is already prohibited. This should include areas not covered by provincial legislation including enclosed public spaces, transit shelters, common areas of apartment buildings and community care facilities, and areas frequented by children and youth, such as parks, beaches, pools, playgrounds, and sports fields; and,
 - Prohibit smoking/vaping lounges, including mobile units; and,
 - Facilitate multi-unit dwelling policies that limit unwanted exposure to environmental cannabis emissions
2. Ensure local retail sales of non-medical cannabis should be limited to reduce the unintended exposure by youth and harmful patterns of consumption in the general population:
 - Restrict marketing of cannabis such as sandwich boards, exterior signage, flyers, and sign spinners;
 - Establish a minimum separation of 300 metres between cannabis retail outlets, to limit overall density of cannabis availability in the community;
 - Establish a minimum buffer zone of 300 metres and preferably 600 metres between cannabis retail outlets and schools, recreation centres, and other areas where children and youth frequent;
 - Ensure any site specific siting within 600 metres of schools and on major school transportation routes should actively involve the school community and school districts in ensuring impact on students is negligible, and,
 - Limit hours of sale to at least correspond with alcohol sale policy, while greater restriction would provide additional health and safety benefits.
 3. Include public messaging on safer use and potential risks in local government communications to residents.
 4. Limit personal use growth and small grow operations to reduce nuisance odour concerns in residential settings.
 5. Be cognizant of and prepared to revise local restrictions and limitations on cannabis when and if edible cannabis products for consumption are approved for sale. Exclusion of on-premise edible consumption is likely to be recommended as peak effects will be delayed in most circumstances to after the departure of consumers from the premises. The concurrent consumption of cannabis and alcohol is known to increase risk and zoning and approval decisions should dissuade co-consumption opportunities

Other restrictions are already required under provincial and/or federal law, but local government can reinforce and strengthen these restrictions through setting higher standards, imposing additional penalties, and of course enforcement actions. The Municipal Guide to Cannabis Legalization, published by the Federation of Canadian Municipalities, which provides extensive practical guidance on these matters is a good resource to consult.

Certain specific recommendations may not be feasible in very small communities, e.g. relating to the physical separation of cannabis retail from areas where youth congregate. We still encourage local governments to follow the spirit, if not the letter, of the recommendations, e.g. striving for whatever physical separation is possible.

Island Health Medical Health Officers and colleagues across the province strongly caution against pursuing economic gain from the legalization of non-medical cannabis use. When cannabis production and sales are

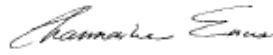
significantly motivated by revenue generation, this creates an incentive to encourage greater cannabis consumption by the public, and a disincentive to establishing appropriate restrictions on cannabis availability. The recommendation to legalize cannabis for non-medical purposes was driven in part by reducing the ongoing violence and negative health impacts caused by the illicit drug trade. Promoting and protecting health should remain the primary concern within a legalized environment.⁶ Revenue generated should be used to fund education, health promotion activities, and/or data collection and analyses that support the overall public health-related goals of cannabis legalization⁷.

Alcohol, tobacco, and opioids continue to cause a greater overall burden of disease and injury than cannabis. Local governments are encouraged to take the opportunity from the upcoming legislative changes to cannabis, to review how the harms associated with other substances, might also be reduced through local government action. For example, restrictions on public consumption should include cannabis, tobacco, e-cigarettes, and other combustible products; and many of the strategies we recommend to reduce harm from cannabis consumption through limits on access and buffer zones, should also apply to alcohol and tobacco retail.

Cannabis legalization represents both an opportunity and a challenge for local governments to foster the development of healthy, vibrant communities across BC. The above public health recommendations can be integral to local cannabis policy development. For more information, or to further discuss your community's approach to non-medical cannabis or other substances, feel welcome to connect with your local Medical Health Officer.



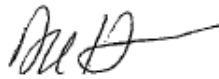
Paul Hasselback, MD, MSc, FRCPC
Medical Health Officer



Charmaine Enns, MD, MHSc, FRCPC
Medical Health Officer



Shannon Waters, MD, MHSc, FRCPC
Medical Health Officer



Dee Hoyano, MD FRCPC
Medical Health Officer



Murray Fyfe, MD, MSc, FRCPC
Medical Health Officer



Richard S. Stanwick, MD, MSc, FRCPC, FAAP
Chief Medical Health Officer

Key Resources:

Canadian Public Health Association: A Public Health Approach to the Legalization, Regulation, and Restriction of Access to Cannabis (available online:

<https://www.cpha.ca/sites/default/files/uploads/policy/positionstatements/cannabis-positionstatement-e.pdf>

⁶ Canadian Chief Medical Officers and Urban Public Health Network. (2016). Public health perspectives on cannabis policy and regulation. Available online: <http://uphn.ca/wp-content/uploads/2016/10/Chief-MOH-UPHN-Cannabis-Perspectives-Final-5-ept-26-2016.pdf>

⁷ Peloquin R, Scarr J. Cannabis Regulation and Youth: A Jurisdictional Review. Vancouver: Child Health BC 2017.

Centre for Addiction and Mental Health: Canada's Lower Risk Cannabis Use Guidelines (available online: https://www.camh.ca/-/media/files/lrcug_professional-pdf.pdf)


Federation of Canadian Municipalities: Municipal Guide to Cannabis Legalization (available online: <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>)

RESPONSE SUMMARY – TEMPORARY USE PERMIT APPLICATION TP000010

☐ Interest Affected by Proposal for Reasons Outlined Below

☒ Interest Unaffected by Proposal

Comments: Thank you for your referral regarding Application TP000010, a Temporary Use Permit for 7822 Tugwell Road, PID 001679503, LOT 4, SECTION 47, OTTER DISTRICT, PLAN 23769. According to Provincial records there are no known archaeological sites recorded on the subject property. There is always a possibility for unknown archaeological sites to exist on the property. Archaeological sites (both recorded and unrecorded) are protected under the Heritage Conservation Act and must not be altered or damaged without a permit from the Archaeology Branch. If any land-altering development is planned for the property, owners and operators should be notified that if an archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted at 250-953-3334 for direction.

	Archaeological Site Inventory Information and Data Administrator
Signed	Title
22 January, 2019	Archaeology Branch
Date	Agency

Wendy Miller

From: Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>
Sent: Friday, January 25, 2019 11:27 AM
To: Wendy Miller
Subject: RE: Temporary Use Permit TP000010 (7822 Tugwell Road) - CRD Referral

Good Morning Wendy,

Please accept this as official response from the Ministry of Transportation and Infrastructure in regards to the Temporary Use Permit at 7822 Tugwell Road; Ministry File 2019-00441.

The Ministry has no objections to the TUP. It is recommended that the property owners ensure they obtain a commercial access permit to Tugwell Road to ensure that all activities of their business are provided with safe and adequate access onto Tugwell Road.

There are no other conditions to be met.

Thank you,

Nikki Schneider

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



Proud Member of the EAF
For employees, by employees



Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held March 5, 2019 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,
Otter Point, BC

PRESENT: Al Wickheim (Chair), Bud Gibbons, Sid Jorna, Anne Miller, Stephen Smith
Staff: Emma Taylor, Planner; Wendy Miller, Recorder
PUBLIC: 2

The meeting was called to order at 7:01 p.m.

1. Approval of the Agenda

MOVED by Sid Jorna, **SECONDED** by Anne Miller that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of the Minutes of January 22, 2019

MOVED by Anne Miller, **SECONDED** by Sid Jorna that the minutes of the meeting of January 22, 2019, be adopted.

CARRIED

4. Planner's Report

- a) It is anticipated that the Land Use Committee (LUC) will direct staff at its March 19, 2019 meeting to refer a proposed bylaw to the Advisory Planning Commission (APC) for consideration. At this time, staff is looking ahead to April 9, 2019 to schedule a meeting of the APC.
- b) It was advised that there is opportunity to subscribe on the CRD website to receive notice of when LUC agendas and minutes are added or updated.

5. Temporary Use Permit Application

- a) **TP000010 - Lot 4, Section 47, Otter District, Plan 23769 – 7822 Tugwell Road**
Emma Taylor spoke to the staff report and the request for a temporary use permit to allow a federally licensed micro-cannabis cultivation facility on the subject property zoned Rural Residential 2 (RR-2).

Emma Taylor confirmed that a temporary use permit can be issued for up to three years and that the holder of the permit can apply to have a permit renewed once and that rezoning would be required to permit the use long-term. It was confirmed that no submissions have been received in response to the 500m notice mailed to adjacent property owners advising of the application.

Emma Taylor reported that the Otter Point Official Community Plan (OCP), Bylaw No. 3819, permits temporary use permits to be issued throughout the Plan area. Emma Taylor outlined the OCP's considerations for evaluating requests for temporary use permits and directed attention to the draft permit and permit conditions as included in the staff report.

Otter Point Advisory Planning Commission Meeting Minutes
March 5, 2019

2

Emma Taylor responded to questions from the APC confirming that:

- there is opportunity for the CRD to regulate odour nuisances and amend the Capital Regional District Ticket Information Authorization Bylaw, 1990, Bylaw No. 1857, to enforce the regulations and to set certain fine amounts where there are bylaw contraventions
- Health Canada requires applicants to notify local government, the RCMP and local fire departments of proposed cannabis licences
- the staff report with the proposed temporary use permit was referred to the Manager, CRD Electoral Area Fire and Emergency Programs for comment

Emma Taylor confirmed that the applicant was present.

The applicant stated that:

- he has spoken with neighbours and has the support of neighbours
- the property is well lit, day and night and he has not received complaints from neighbours
- there is no lighting along the fence line
- there is perimeter lighting along buildings
- additional lighting will be limited to servicing the proposed building (internal/security)
- the property is private and fully fenced
- the fence line is treed
- carbon filters will eliminate all odours
- all plants will be grown indoors
- waste water equates to approximately 1-5 gallons a day

Emma Taylor confirmed that the permit stipulates that the micro-cultivation use be screened from the road and adjacent properties and restricts nuisances including odour.

The APC stated:

- that policy statements in the OCP support the use of the best "green" techniques and materials when constructing/developing
- support for downward facing lighting
- support for waste water and growing medium recycling/reuse
- support for treatment of the waste water as to not impact De Mamiel Creek
- that the applicant has proposed purchasing trucked water to supply the operation
- trucking of water is not considered "green"

Emma Taylor confirmed that the capacity of the septic system will be evaluated as part of the building permit process.

The APC questioned if the applicant considered other locations for the operation including the Sooke Business Park.

The applicant responded to the APC stating that:

- he investigated options at the Sooke Business Park but the options were too cost prohibited for the proposed operation
- there is a 3000 gallon cistern on site
- he does not object to rain water collection

The APC stated that it would have liked to have been provided with letters of support from neighbours.

PPSS-35010459-2006

Otter Point Advisory Planning Commission Meeting Minutes
March 5, 2019

3

A Robinson Road resident stated that:

- she has concern regarding waste water runoff as her property is serviced by a surface well
- she supports the applicant adhering to the federal requirements for air filtration, although the operation considered temporary
- she has lost the enjoyment of her property due to cannabis odour in her neighbourhood

The resident responded to a question from the APC confirming that she does not know where the odour is originating from.

The APC noted that a condition of the permit addresses nuisance related to the emission of odours.

Emma Taylor advised that staff are exploring bylaw options to address obnoxious odours.

The applicant responded to questions from the APC confirming that:

- different cannabis cultivators have different odours
- he is already an authorized Health Canada licence holder
- no odours are coming from his operation
- growing medium is separated from vegetation
- stalks and roots are composted

MOVED by Bud Gibbons, **SECONDED** by Sid Jorna that the Otter Point APC supports Temporary Use Permit TP0000010 with additional permit conditions supporting protecting De Mamiel Creek from runoff related to the proposed operation and supporting the use of ground oriented lighting.

The APC stated support for the growth medium and vegetation being composted/reused on site as opposed to be trucked off site. The APC raised concern related to security issues relative to the value of the product on site.

The Chair called the question.

CARRIED

6. Adjournment

The meeting adjourned at 8:57 p.m.

Chair