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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, January 21, 2014 at the Juan de Fuca Local Area Services Building  
3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** Director Mike Hicks (Chair), Ted Dixon, Kara Middleton, Roy McIntyre,  
Heather Phillips, Art Wynans  
**Staff:** June Klassen, Local Area Planning Manager; Wendy Miller, Recorder  
**ABSENT:** Harold Shipton  
**PUBLIC:** 19

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

**1. Election of Vice Chair**

The Chair called for nominations for the position of Vice Chair of the Juan de Fuca Land Use Committee for 2014 and Heather Phillips' name was put forward. The Chair called two times for further nominations and, as there were none, Heather Phillips was declared Vice Chair.

**2. Approval of the Agenda**

**MOVED** by Heather Phillips, **SECONDED** by Ted Dixon that the agenda be approved.

**CARRIED**

**3. Approval of the Supplementary Agenda**

**MOVED** by Art Wynans, **SECONDED** by Kara Middleton that the supplementary agenda be approved.

**CARRIED**

**4. Adoption of Minutes from the Meeting of November 19, 2013**

**MOVED** by Roy McIntyre, **SECONDED** by Heather Phillips that the minutes from the meeting of November 19, 2013 be adopted.

**CARRIED**

**5. Chair's Report**

The Director welcomed everyone to the new Juan de Fuca Local Area Services building. The Director advised that he is looking ahead to Saturday, March 1 for the official opening of the building.

**6. Planner's Report**

June Klassen reported the below meetings:

Shirley/Jordan River Citizens' Committee Meeting  
January 22, 2014 at 7:00 p.m.  
Shirley Community Hall  
2795 Sheringham Point Road, Shirley, BC

East Sooke Open House & Community Mapping Event  
January 25, 2014 from 1:00 – 4:00 p.m.  
Lunch from 12:00 – 1:00  
East Sooke Fire Hall  
1397 Coppermine Road, East Sooke, BC

Shirley/Jordan River Open House & Community Mapping Event  
January 26, 2014 from 1:30 – 4:00 p.m.  
Lunch from 12:30 – 1:30 p.m.  
Shirley Community Hall  
2795 Sheringham Point Road, Shirley, BC

**7. Agricultural Land Commission Application to Subdivide Land within the Agricultural Land Reserve**

**a) ALR-01-13 - That Part of Section 34, Otter District Shown Outlined in Red on Plan Deposited Under DD 17655, Except That Part on Plan 459-R and 39411 (Richardson & Hanslip - 4164 and 4188 Otter Point Road)**

June Klassen spoke to the staff report and application to subdivide the parcel into two 7.2 ha lots. The owners have relayed that two smaller lots will have greater farming potential than the larger single lot as the current lot is too large for a hobby farm, but too small to be commercially farmed. June Klassen directed attention to the supplementary submission from Fred and April Madill stating no issue with the application.

The Chair confirmed that the application agent and two of the owners were present.

LUC member comments included:

- unclear as to if the portion of Otter Point Road adjacent to the subject parcel is gazetted
- subdivision parcel sizes may be smaller than reported if road needs to be gazetted

Randy Clarkston, application agent, stated that road requirements will be determined by the provincial Approving Officer. Parcel size may be impacted.

**MOVED** by Heather Phillips, **SECONDED** by Roy McIntyre that the Juan de Fuca Land Use Committee support the staff report and recommendation and recommend to the CRD Board:

1. That staff be directed to refer the application for subdivision of land within the ALR for That Part of Section 34, Otter District, Shown Outlined in Red on Plan Deposited Under DD 17655, Except That Part on Plan 459-R and 39411 to the Agricultural Advisory Commission for comment.

**CARRIED**

**8. Proposed Bylaw Amendments**

**a) Marihuana for Medical Purposes Regulations**

June Klassen spoke to the staff report. It was confirmed that the Agricultural Land Commission considers medical marihuana production facilities a 'farm use' on land within the Agricultural Land Reserve (ALR) and that, under the new *Marihuana for Medical Purposes Regulations*, local governments are in a position to regulate medical marihuana production facilities through zoning. As directed by the Land Use Committee

at its November 19, 2013 meeting, four amendment bylaws have been prepared to define and regulate medical marihuana production facilities as intensive agriculture on lands within the ALR. It was further confirmed that for applicants on land outside the ALR, a rezoning application will be required.

LUC member comments included:

- Sooke setbacks for intensive agriculture are 30 m (front yard) and 30 m (side yard)
- Metchosin setbacks for intensive agriculture are 60 m (front yard) and 30 m (side yard)
- proposed amending bylaws support a setback of 90 m (front yard) – may be considered too restrictive
- Rural A zone supports a setback of 30 m (front yard) and 30 m (side yard) for intensive agricultural
- once bylaw setbacks are determined, applications to vary a setback can be considered

Lindon Collard, Otter Point

- lands adjacent to ALR parcels are subject to a 15 m Protection of Farmland buffer
- buildings/structures constructed prior to implementation of the buffer are exempt
- existing farm buildings/structures should not be subject to the proposed amendment bylaws
- small medical marihuana operations should not fall under intensive agriculture
- ALR parcels will not be able to conform to the proposed setbacks
- number of onsite employees should also be considered

Zac Doeding, East Sooke

- medical marihuana production is not an intensive farm use
- proposed amendments should be considered by the local Advisory Planning Commissions (APCs)
- consideration at a public information meeting is not the same as taking amendments to the APCs for vote

**MOVED** by Kara Middleton, **SECONDED** by Ted Dixon that the Juan de Fuca Land Use Committee support the staff report and recommendation and recommend to the CRD Board:

1. That proposed Bylaw Nos. 3922, 3926, 3927, 3928 and 3929, as included in Appendices 1-5, be referred to a public information meeting and to the following relevant and appropriate agencies for comment:

Agricultural Advisory Planning  
Commission  
Agricultural Land Commission  
BC Hydro  
City of Langford  
Cowichan Valley Regional  
District  
District of Central Saanich

District of Highlands  
District of Metchosin  
District of Sooke  
Island Health  
JdF EA Fire Departments  
Ministry of Agriculture  
Ministry of Transportation and Infrastructure  
RCMP

School District #62 - Sooke  
School District #63 - Saanich  
School District #79 – Cowichan  
(Malahat)

Pacheedaht First Nation  
Scia'new First Nation  
T'Sou-ke First Nation

**CARRIED**

**9. Rezoning Applications**

**a) Z-02-12 - Lot B, District Lot 17, Renfrew District, Plan VIP88597 and that part of District Lot 17, Renfrew District shown outlined in red on Plan 347R (Three Point Properties (2006) Ltd. & 0932694 BC Ltd. – Baird Road)**

June Klassen spoke to the staff report and request to rezone lands from Tourist Commercial 1 (TC-1) and Community Residential 1 (CR-1) to a new Community Residential 2 (CR-2) zone in order to permit multiple dwelling units and a provision for vacation rentals.

The Chair confirmed that the application representative, Jack Julseth, was present.

June Klassen confirmed that the application proposes a total of 10 dwelling units. Jack Julseth advised that a second rezoning application for the larger adjacent parcel is pending.

The Chair noted that the staff report recommends referral of the application to a public information meeting in Port Renfrew and that the staff report for the pending application will make the same recommendation. It was suggested that the application be tabled to allow the community of Port Renfrew to consider both applications at the same meeting.

Jack Julseth supported the suggestion.

**MOVED** by Roy McIntyre, **SECONDED** by Art Wynans that the Juan de Fuca Land Use Committee table the application.

**CARRIED**

**b) Z-02-13 - Strata Lot 14, Section 16, Otter District, Plan VIS7096 (Specialty Medijuana Products Ltd. – 6-7450 Butler Road)**

June Klassen spoke to the staff report and request to rezone the subject property to permit a licensed medical marihuana production facility pursuant to Health Canada's *Marihuana for Medical Purposes Regulation*.

The Chair confirmed that the application representative, Ian Laing, was present.

In response to a comment forwarded by a LUC member regarding fencing regulations for commercial and industrial zoned properties outlined in Bylaw No. 2040, June Klassen requested that proposed Bylaw No. 3923 be amended to include a statement on fencing (27A.10) to read, "Notwithstanding Section 4.17, fencing for Medical Marihuana uses shall be as required by Health Canada".

At the request of the Chair, Ian Laing spoke to Health Canada's regulations for license-holders including requirements for security and overall processing and distribution. Ian Laing stated support for siting such facilities on industrial parcels.

LUC member comments included:

- there may be interest in amending proposed Bylaw No. 3923 to expand the type of intensive agriculture permitted on industrial zoned parcels
- there will be opportunity for the community to provide comment on use at the Advisory Planning Commission meeting

Sandy Sinclair, Otter Point

- intensive regulations outlined by Health Canada may drive up the price of the product sold by medical marihuana license-holders
- this potential price increase may increase the production and sale of marihuana on the black market
- Health Canada's intensive regulations may increase interest in legalizing general production, distribution and use of marihuana

Ian Laing stated that the regulations are intended to eliminate supply abuse, allowing valid patients to receive a quality, licensed product.

Zac Doeding

- front yard setback for this application is 7.5 m

June Klassen clarified that, should the applicant no longer wish to operate a medical marihuana facility, uses allowed under the General Industrial Zone will still be permitted. June Klassen forwarded support for a future rezoning to consider intensive agriculture uses beyond medical marihuana.

**MOVED** by Heather Phillips, **SECONDED** by Ted Dixon that the Juan de Fuca Land Use Committee support the staff report and recommendation and recommend to the CRD Board:

1. That the January 21, 2014 staff report and proposed Bylaw No. 3923 for Strata Lot 14, Section 16, Otter District, Plan VIS7096, be referred to the Otter Point Advisory Planning Commission and the following agencies for comment:

BC Hydro	RCMP
District of Sooke	Sooke School District #62
Island Health	T'Sou-ke First Nation
Otter Point Fire Department	Ministry of Transportation and Infrastructure

**CARRIED**

**c) Z-03-13 - Lot 3, Section 16, Otter District, Plan 1959 (Purdy & Vowles – 3384 Otter Point Road)**

June Klassen spoke to the staff report and request to rezone the property from Rural A to Rural Residential 2 (RR-2) in order to permit a 2-lot, fee simple subdivision.

The Chair confirmed that the applicants, Mark Purdy and Melody Vowles, were present.

**MOVED** by Heather Phillips, **SECONDED** by Art Wynans that the Juan de Fuca Land Use Committee support the staff report and recommendation and recommend to the CRD Board:

1. That staff be directed to refer the January 21, 2014 staff report and proposed Bylaw No. 3934 for Lot 3, Section 16, Otter District, Plan 1959, to the appropriate CRD departments and the following agencies for comment:

BC Hydro  
District of Sooke  
Island Health  
Ministry of Environment  
Ministry of Transportation and  
Infrastructure

Otter Point Advisory Planning Commission  
Otter Point Fire Department  
Sooke School District #62  
T'Sou-ke First Nation

**CARRIED**

## **10. Adjournment**

**MOVED** by Ted Dixon, **SECONDED** by Art Wynans that the meeting adjourn.

The meeting adjourned at 8:17 p.m.

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Chair