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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, April 15, 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), Roy McIntyre, Kara Middleton, Heather Phillips, Harold Shipton, Art Wynans  
**Staff:** June Klassen, Local Area Planning Manager; Wendy Miller, Recorder  
**ABSENT:** Ted Dixon  
**PUBLIC:** 9

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

**1. Approval of the Agenda**

**MOVED** by Harold Shipton, **SECONDED** by Heather Phillips that the agenda be approved as amended to consider application Z-01-14 first. **CARRIED**

**2. Approval of the Supplementary Agenda**

**MOVED** by Harold Shipton, **SECONDED** by Heather Phillips that the supplementary agenda be approved. **CARRIED**

**3. Adoption of Minutes from the Meeting of February 18, 2014**

**MOVED** by Roy McIntyre, **SECONDED** by Kara Middleton that the minutes from the meeting of February 18, 2014 be adopted. **CARRIED**

**4. Receipt of Public Information Meeting Notes of March 10, 2014**

**MOVED** by Art Wynans, **SECONDED** by Harold Shipton that the notes from the public information meeting of March 10, 2014 be received. **CARRIED**

**5. Receipt of Agricultural Advisory Planning Commission Meeting Minutes of March 12, 2014 and Draft Minutes of March 27, 2014**

**6. Receipt of East Sooke Advisory Planning Commission Draft Meeting Minutes of March 31, 2014**

**7. Receipt of Shirley/Jordan River Advisory Planning Commission Draft Meeting Minutes of April 2, 2014**

**8. Receipt of Otter Point Advisory Planning Commission Meeting Minutes of March 12, 2014 and Draft Minutes of April 7, 2014**

**MOVED** by Art Wynans, **SECONDED** by Roy McIntyre that the minutes from the above Advisory Planning Commission meetings be received. **CARRIED**

**9. Chair's Report**

No report.

## 10. Planner's Report

June Klassen reported that proposed Bylaw No. 3819, "Otter Point Official Community Plan Bylaw No. 1, 2014" will be presented to the CRD Board on April 16, 2014 for determination of consistency with the Regional Growth Strategy. It was further reported that the proposed bylaw addressing regulations for medical marihuana production facilities in the Rural Resources Lands, proposed Bylaw No. 3926, will be considered by the Planning, Transportation & Protective Services Committee on April 23, 2014.

## 11. Rezoning Application

### a) Z-01-14 - Lot 2, District Lot 17, Renfrew District, Plan 32241 (Lum - 6649 Godman)

Director Hicks reported that Planning has asked for dialogue with Island Health prior to the application being considered by the Land Use Committee.

**MOVED** by Director Hicks, **SECONDED** by Harold Shipton that rezoning application Z-01-14 be tabled to the May meeting.

**CARRIED**

## 12. 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. June Klassen reported that the application was considered by the Agricultural Advisory Planning Commission (AAPC) on March 27, 2014. It was advised that the AAPC supported the application, provided there are no concerns identified by the *Riparian Areas Regulation* Assessment Report, as the subdivision will provide a more affordable opportunity for farming and does not decrease the farming potential as the land will remain in the Agricultural Land Reserve. Six letters of support were received at the AAPC meeting; one supplementary letter of support was presented this evening.

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

June Klassen responded to a question from the LUC advising that there is a reduced riparian setback for farm uses on lands within the Agricultural Land Reserve (ALR). This reduced setback does not apply to non-farm uses such as a residences.

**MOVED** by Heather Phillips, **SECONDED** by Kara Middleton that the Juan de Fuca Land Use Committee recommend that the CRD Board authorize the application for Subdivision of Land Within the ALR (ALR-01-13) 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, and that it forward the authorizing resolution to the Agricultural Land Commission.

**CARRIED**

### 13. Rezoning Applications

a) **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 from General Industrial (M-2) to General Industrial Medical Marihuana (M-2MM) to permit a licensed medical marihuana production facility pursuant to Health Canada's *Marihuana for Medical Purposes Regulation*. June Klassen directed attention to the referral agency comments included in the staff report including the resolution from the Otter Point Advisory Planning Commission (APC) supporting the application. One letter of support was considered at the APC meeting.

June Klassen noted that the APC discussed the potential eligibility for the facility to receive farm class, which would significantly reduce the current industrial taxes on the parcel. It was confirmed that the CRD does not have the jurisdiction to enforce a covenant prohibiting the owners from applying for farm class but that the LUC could request an amenity as a condition of the rezoning to compensate for potential impacts to the community.

LUC member comments included:

- consideration of an amenity may encourage the owners to apply for farm class
- the owners have indicated that they will not be applying for farm class status
- consideration should not be given to requesting an amenity

**MOVED** by Roy McIntyre, **SECONDED** by Art Wynans that the Juan de Fuca Land Use Committee recommend to the CRD Board:

1. That proposed Bylaw No. 3923 for Strata Lot 14, Section 16, Otter District, Plan VIS7096, as included in Appendix 3, be introduced and read a first time and read a second time;
2. That in accordance with the provisions of Section 890 and 891 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or the Alternate Director, be delegated authority to hold a public hearing with respect to Bylaw No. 3923.

**CARRIED**

At this time, Director Hicks responded to a member of the public advising that he cannot provide information on the application recently declined by Health Canada for a proposed facility located on lands within the ALR.

b) **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 subject property from Rural A to Rural Residential 2 (RR-2) in order to permit a 2-lot, fee-simple subdivision. June Klassen directed attention to the referral agency comments included in the staff report including the resolution from the Otter Point APC supporting the application. One letter of support and one letter raising concern regarding impact of the development was considered at the APC meeting.

June Klassen clarified that the RR-2 zone permits one single-family dwelling or one two-

family dwelling. The RR-2 zone permits one detached accessory suite or one secondary suite. Suites are not permitted on lots with a two-family dwelling. It was advised that, based on the proposed plan of subdivision, in order for Lot A to comply with the regulations specified by the RR-2 zone, the owners will need to designate one of the dwelling units as a detached accessory suite prior to adoption of the amending bylaw. June Klassen responded to a question from the LUC advising that a two-family dwelling is a duplex.

A LUC member forwarded comment recommending that the owners read Develop With Care, 2012 as referenced in the referral submission received from the Ministry of Environment.

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

1. That Bylaw No. 3934, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 120, 2014" be introduced and read a first time, read a second time; and
2. That in accordance with the provisions of Section 890 and 891 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a public hearing with respect to Bylaw No. 3934, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 120, 2014".

**CARRIED**

#### 14. Proposed Bylaw Amendments

##### a) **Marihuana for Medical Purposes Regulations (Bylaw Nos. 3922, 3927, 3928 and 3929)**

June Klassen spoke to the staff report and proposed amendment bylaws to define and regulate medical marihuana production facilities as intensive agriculture on lands within the ALR. June Klassen directed attention to the referral agency comments included in the staff report including the resolution from the AAPC supporting limiting medical marihuana facilities to the Agricultural (AG) zones and that setbacks for Intensive Agriculture – Medical Marihuana be 30 m from front, side and rear parcel boundaries with the ability for variances to be considered. It was advised that the proposed amendments were also considered at a public information meeting. Comments were received at this meeting including comments that the 90 m front yard setback proposed was too restrictive. In consideration of the comments received, June Klassen advised that the bylaws have been revised to reflect setbacks of 30 m (front), 30 m (side) and 30 m (rear) and that "use" has been struck from bylaw sections referring to setbacks to allow for consideration of variance applications. One supplementary letter was presented this evening.

June Klassen stated support for having the amendments proceed to the CRD Board for first and second reading. Should Bylaw No. 3926 be deemed consistent with the Regional Growth Strategy and the LUC supports the bylaw proceeding to first and second reading and onto public hearing, public hearings for all five bylaws can be held on the same evening.

June Klassen responded to questions from the LUC advising that:

- there is one ALR parcel in Willis Point
- the Willis Point Comprehensive Community Plan, Bylaw No. 3027, outlines that uses permitted by the *Agricultural Land Commission Act* are permitted uses under Bylaw No. 3027
- there are no ALR parcels in Malahat
- the Malahat Land Use Bylaw, Bylaw No. 980, defines Intensive Agriculture
- a definition for Intensive Agriculture – Medical Marihuana is proposed for Bylaw No. 980 to support spot rezoning should an application be received
- no change to the setbacks for Intensive Agriculture is proposed at this time
- setback changes for Intensive Agriculture can be considered in future

**MOVED** by Art Wynans, **SECONDED** by Roy McIntyre that the Juan de Fuca Land Use Committee recommend to the CRD Board:

1. That proposed Bylaw Nos. 3922, 3927, 3928 and 3929, as included in Appendices 2-5, be introduced and read a first time and read a second time;
2. That in accordance with the provisions of Section 890 and 891 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or the Alternate Director, be delegated authority to hold a public hearing with respect to Bylaw Nos. 3922, 3927, 3928 and 3929.

**CARRIED**

## **15. Adjournment**

**MOVED** by Harold Shipton, **SECONDED** by Art Wynans that the meeting adjourn.

The meeting adjourned at 7:30 p.m.

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Chair