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**Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held March 12, 2014 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,
Otter Point, BC**

- PRESENT:** Sandy Sinclair (Vice Chair), Bud Gibbons, Anne Miller
Staff: June Klassen, Local Area Planning Manager; Emma Taylor, Planner;
Iain Lawrence, Planner
- ABSENT:** Sid Jorna (Chair), Al Wickheim
- PUBLIC:** Approximatley 8

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

1. Elections

June Klassen called for nominations for the position of Chair and Sid Jorna's name was put forward. June Klassen advised that Sid Jorna relayed that he would stand for the position. June Klassen called for nominations a second and third time and hearing none Sid Jorna was declared Chair.

June Klassen called for nominations for the position of Vice Chair and Sandy Sinclair's name was put forward. June Klassen called for nominations a second and third time and hearing none Sandy Sinclair was declared Vice Chair.

2. Approval of the Agenda

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

CARRIED

3. Approval of the Supplementary Agenda

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

CARRIED

4. Adoption of the Minutes of March 11, 2013

It was indicated that under item 6 a), a member of the public was referring to CRD Bylaw No. 1465, not Bylaw No. 1645.

MOVED by Anne Miller, **SECONDED** by Bud Gibbons that the minutes of the meeting of March 11, 2013 be adopted as amended.

CARRIED

5. Planner's Report

June Klassen outlined the process for the APC to review applications. The Chair requests a report from the planner, asks if the applicant is in attendance to speak to the proposal, and requests comments from public. The Commission then discusses the item and provides a motion with their advice.

6. Rezoning Application

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

Emma Taylor drew the Commission's attention to supplementary agenda item 1 a) which is a letter in support of the application from a neighbour. Emma Taylor outlined Health Canada's new Marihuana for Medical Purposes Regulations and the impacts for local government land use regulations. Staff outlined BC Assessment Authority's position that medical marihuana is considered a medicinal plant product eligible for farm class and there are potential tax implications for land zoned industrial.

A Commissioner asked whether any additional taxes would be applied to medical marihuana. Staff did not know of any additional taxes being applied to this product.

Emma Taylor spoke to bylaw amendments currently under consideration by the Land Use Committee to establish definitions and regulations for Intensive Agriculture – Medical Marihuana and that the Planning Office has received 5 notices of applications to Health Canada so far.

Emma Taylor outlined the proposal under consideration to rezone 6-7450 Butler Road from General Industrial (M-2) to General Industrial Medical Marihuana (M-2MM). A Commissioner asked whether the change in zoning would run with the facility if they moved their business to another location. Staff confirmed that the zoning is tied to the particular property under consideration.

A Commissioner asked if Health Canada requires any specific setbacks. Staff confirmed that Health Canada had no setback requirements but does require applicants to comply with local government bylaws.

The agent, Ian Laing, explained the business partners include a pharmacist, doctor and landowner who have past experience doing business together. The agent spoke to the security requirements and explained that an industrial park is an appropriate place for these types of facilities as opposed to agricultural land. He explained that the product will be shipped by courier, that detailed records will be kept and there will be controlled access for personnel only.

A Commissioner asked about the finished product. The applicant confirmed Health Canada only permits the sale of dried marihuana, but they would have different strains for different ailments; the labelling requirements include chemical analysis of the compounds in the product.

A Commissioner questioned the intention of the applicant to apply for farm status. The applicant explained they had not been aware of BC Assessment's position on medical marihuana, and had been concentrating more on the application itself to get the facility up and running. The Commissioner expressed concern that if the property received farm status the local residents will have to compensate for the increased cost to fund local services. June Klassen confirmed that local government does not have authority to enforce a covenant that restricts the owner from applying for farm status.

A Commissioner asked about the type of growing medium for the plants. The applicant confirmed that they do not grow hydroponically, but that they try to use organic methods. The Commissioner expressed concern about waste materials. The applicant explained that the building collects rainwater into storage tanks and that Health Canada has strict waste disposal requirements; the applicant will shred the waste plant material and store it in bins before removing it off site. The applicant explained that the plants store most of the water; however, there is some water consumed for cleaning the building, but each building in the industrial park has a capture system for drainage before it gets pumped to the septic field.

Anthony Daniels, public attendee, asked if potable water is required on each lot and if rainwater capture permitted.

June Klassen confirmed that potable water is a requirement but asked how the question related to the application.

Heather Phillips, Otter Point, commented that she recalled the LUC considered a variance for water at the time of subdivision of the industrial park and that a special dispensation was made.

June Klassen confirmed the CRD permitted the rainwater capture or trucked water using a cistern system for this subdivision.

A Commissioner commented that very few comments have come forward from the neighbours on the application.

A Commissioner asked whether the bylaw amendments to permit Intensive Agriculture – Medical Marihuana will be approved in time for Health Canada's implementation of the Regulations on April 1, 2014. Staff confirmed the bylaw amendments have to follow a legislative process which could take several months.

MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the OP APC supports the rezoning of Strata Lot 14, Section 16, Otter District, Plan VIS7096 from General Industrial to a new General Industrial Medical Marihuana (M-2MM) zone that includes intensive agriculture – medical marihuana as a permitted use.

CARRIED

b) Z-03-13 - Lot 3, Section 16, Otter District, Plan 1959 (Purdy/Vowles - 3384 Otter Point Road)

Iain Lawrence drew the Commission's attention to the supplementary agenda item 1 b), which included one letter of support and one letter outlining a number of environmental concerns with land clearing/development. Iain Lawrence presented a report on the proposal to rezone the subject property from Rural A to Rural Residential 2 (RR-2) in order to permit a 2-lot subdivision. It was highlighted that this application will allow the applicant to construct one single-family dwelling or one two-family dwelling on each lot. In addition, the owner could build either a secondary suite or detached accessory suite on each parcel. It was noted that proposed Lot A currently has two single-family dwellings and that one of them will need to be designated as a detached accessory suite. The proposal to create smaller parcels is

not inconsistent with the Settlement Containment Area policies of the Otter Point OCP. It was noted that a RAR Assessment and proof of potable water for both lots would be required at the time of subdivision.

The owner was asked if he had anything to add, but felt that the proposal had been adequately outlined.

A Commission member asked how much the total application would cost, noting that a RAR Assessment is approximately \$2,000. Iain Lawrence confirmed that the total application fee would be \$2,700, including advertising costs. The Commission member reflected that if the applicant was willing to spend the money to rezone, he was in support. June Klassen confirmed that only a RAR Assessment would be required at the time of subdivision, not a Development Permit.

Heather Phillips, Otter Point, asked if a separate well would be required for a detached accessory suite, or if the well for the principal dwelling must have capacity for both the dwelling and the suite. June Klassen confirmed that the well for the dwelling could be used to provide water for the suite.

A Commission member asked if the house conformed to the suite provisions of the Land Use Bylaw. Iain Lawrence confirmed that based on the dimensions provided on the site plan, the dwelling should be less than the 90 m² allowed by the bylaw.

A Commission member asked for clarification of the volume of water required for subdivision. June Klassen confirmed that if the well was to be used to provide water for both the principal dwelling and for the suite, it would need to have a minimum capacity of 2,800 L/day; however, only 1,400 L/day is required for subdivision.

A Commission member asked if the Planners' recommendation was for or against this application. June Klassen replied that Planning comments are withheld until all referral comments have been received.

Arnie Campbell, Otter Point, identified himself as a neighbour and commented that the proposal was consistent with the OCP. Mr. Campbell asked where the riparian area goes after leaving the property. Ian Laing, owner/developer of the adjacent strata (Sooke Business Park), explained that the water flows into a holding pond located at the south-west corner of the strata.

A Commission member asked what the function was of the holding pond. Ian Laing explained that the holding pond is used to filter all run-off water from the strata development.

June Klassen read the letters received from neighbouring property owners. One letter supported the application, while the other cited a number of environmental concerns, including effects on ground water, increased noise and the potential loss of wildlife habitat.

Heather Phillips, Otter Point, commented that the Rural A zone would allow the applicant to clear the property.

MOVED by Anne Miller, **SECONDED** by Bud Gibbons that the OP APC support the rezoning of Lot 3, Section 16, Otter District, Plan 1959 from Rural (A) to Rural Residential 2 (RR-2). **CARRIED**

7. Adjournment

MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the meeting adjourn.

CARRIED

The meeting adjourned at 7:55 p.m.

Chair