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**Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held June 5, 2018 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,
Otter Point, BC**

PRESENT: Al Wickheim (Chair), Bud Gibbons, Anne Miller, Stephen Smith
Staff: Emma Taylor, Planner; Joyce Volek, Recorder
ABSENT: Sid Jorna
PUBLIC: 10

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

1. Elections

Staff stated that elections are required for the Advisory Planning Commission as this is the first meeting of the year and the elections process was explained. The call for elections was declared open.

Al Wickheim accepted his nomination by Bud Gibbons for the Chair position of the Commission. As no further nominations were received, Al Wickheim was acclaimed as Chair.

Anne Miller accepted her nomination by Bud Gibbons for the Vice Chair position of the Commission. As no further nominations were received, Anne Miller was acclaimed as Vice Chair.

The Chair welcomed everyone to the meeting and provided a brief overview of the role of the Advisory Planning Commission (APC) noting that the APC is an advisory body to the Juan de Fuca Land Use Committee (LUC). The LUC makes recommendations to the Capital Regional District Board.

2. Approval of the Agenda

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

CARRIED

3. Adoption of the Minutes of September 25, 2017

MOVED by Stephen Smith, **SECONDED** by Anne Miller that the minutes of the meeting of September 25, 2017, be adopted.

CARRIED

4. Planner's Report

Emma Taylor provided an update for the Official Community Plan, East Sooke, Bylaw No. 4000 and the Official Community Plan, Shirley-Jordan River, Bylaw No. 4001. It was stated that consideration of Third Reading will take place at the Regional Board meeting in June. If Third Reading is granted, the bylaws would then be sent to the Ministry of Transportation & Infrastructure for approval.

5. Rezoning Applications

a) RZ000255 - Strata Lots 13, 26 and 27, Section 16, Otter District, Plan VIS7096 (Butler Road – Sooke Business Park)

Emma Taylor provided an overview of the rezoning application for the three lots from General Industrial (M-2) to the Sooke Business Park Industrial (M-SBP) zone. Lot 13 is occupied by a warehouse building, Lot 26 is occupied by an industrial shelter and Lot 27 is vacant. The parcels are designated as Settlement Area One and as an Industrial

Development Permit Area in the Official Community Plan for Otter Point. The permitted uses in the M-SBP zone were outlined and staff explained that the prohibited uses are also listed in a registered covenant on title. Staff are recommending that another covenant be registered requiring remediation of any building used for medical marihuana production prior to commencement of any subsequent use. The Land Use Committee recommended referral to various agencies and to the Otter Point Advisory Planning Commission for comment.

Staff made reference to the M-SBP zone handout and stated that 18 properties in the Sooke Business Park have already been rezoned to permit medical marihuana production, but that it is not clear how many are in operation. A discussion ensued regarding the federal government regulations for medical marijuana production, the pending laws for recreational marihuana production and information regarding the applicants' long-term business plans. Staff explained that the current federal licensing regulations require verification of local government land use zoning. There is not yet information about requirements for recreational marihuana production.

It was noted that one of the applicants, Jeff Green, was present at the meeting. Jeff Green stated he is the owner of Lot 13 and has submitted a rezoning application with the other applicant as a cost effective method. He is relocating his sporting goods business to a larger property and is rezoning Lot 13 to potentially make the sale of Lot 13 more attractive and increase the property value.

A Commission member made reference to a recent news article about the applicant for Lots 26 and 27 which stated they were involved with recreational marihuana production. Members raised concerns about lack of information from the applicant about their intent and about potential recreational marihuana production. The applicant was not present to address the Commission's questions.

Members of the public stated concern regarding water usage, site contamination, drainage and waste disposal for medical marihuana production facilities.

Additional concerns were raised of what the distribution process would be and whether this was for recreational or medical marijuana. Another Commission member advised that these issues would be addressed by the Federal Health Licensing regulations.

A Commissioner stated that existing medical marihuana production facilities in the Sooke Business Park have been known to cause interference with JDF Emergency Services radio communication systems.

Rob Peters, a member of the public, stated that he is aware of a medical marijuana facility which is a "closed" system where the water is recycled. It uses LED lighting and has a high fence with security cameras in place. He stated the federal government is very strict.

A further discussion ensued regarding light pollution, building height, security, drainage and chemical residue. Staff confirmed that the maximum height requirement in the M-SBP zone is 14 m. Staff further described the drainage regime of the properties as flowing into Kemp Lake and DeMamiel Creek watersheds, as well as undersurface drainage patterns established during previous industrial activity.

A public member addressed the Commission stating concern with:

- light pollution resulting in negative impacts to wildlife and to adjacent residential neighbourhood;

- fire protection, increased fire risk and the potential to cause higher insurance rates in the area;
- the possibility of wells being contaminated by pesticides;
- remediation action;
- height and design of buildings.

It was clarified that the proposed covenant addresses the remediation of the building and not the entire site after a medical marijuana production use ceases.

Staff confirmed that the Industrial development permit guidelines in the Otter Point Official Community Plan outline the form and character requirements, including lighting, for industrial buildings and that the General Manager of Planning and Protective Services is delegated approval of development permits. It was further explained that a review of the disposal system capacity and covenants would be conducted as part of the building permit process. It was noted the CRD does not issue business licences.

A Commission member suggested a report be provided by the applicant addressing the proposed uses on the property and how waste disposal and drainage will be addressed.

Richard Ashton, a member of the public, stated that rezoning applications already have this approved zone in the Sooke Business Park and questioned the APC's role.

The Chair responded saying that, although the M-SBP zone has been approved on other properties, it is important to review the merits of each application and to ensure no negative impacts to the community will result.

A Commission member confirmed the APC would like to hear input from Otter Point residents and that the rezoning process allows opportunity for public input. There is no opportunity for public input in the building permit or development permit process.

A public member stated concern with a 45' building and the federal government requirement for lighting 24 hours/day.

Larry Swaykoski, a public member, asked whether the building will look like the concrete structure on the Pat Bay highway.

Staff advised that the development permit outlines the form and character for industrial buildings such as lighting and natural plantings.

Jeff Green stated that there are several other lots with this zoning already and it is unlikely all will be built out for marijuana production use. There are other permitted uses and that recent federal regulations could change and be more restrictive in the future.

Rob Peters, a public member, raised concerns with fire protection and questioned the ability of the Otter Point Fire Department to put out a potential fire.

Richard Ashton stated agreement with all that was said and wanted assurance that these concerns will be looked at by the CRD and that strict guidelines are in place.

The Chair asked the Commission if there were any other concerns with other permitted uses.

A Commission member asked if 'caretaker' had been defined. Staff advised that the term has not been defined in the bylaw.

The Chair asked if there had been any complaints or concerns with current production places. Staff advised no and referred to the most recent development permit with variance application that was supported and approved.

MOVED by Bud Gibbons, **SECONDED** by Stephen Smith that the Otter Point APC accepts this application subject to more information being provided by the applicant on water use, drainage, ground water, light pollution and disclosure of the proposed medical marijuana use, and impact on emergency radio communications, and given assurances from potential developers to reduce impact of these concerns. **CARRIED**

6. Adjournment

MOVED by Bud Gibbons, **SECONDED** by Al Wickheim that the meeting adjourn. **CARRIED**

The meeting adjourned at 8:35 p.m.

Chair