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**Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held January 22, 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: 5

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

1. Elections

Emma Taylor called for nominations for the position of Chair of the Otter Point Advisory Planning Commission (APC) for 2019 and Al Wickheim's name was put forward. Emma Taylor called two times for further nominations and, as there were none, Al Wickheim was acclaimed Chair.

The Chair called for nominations for the position of Vice Chair of the Otter Point APC for 2019 and Anne Miller's name was put forward. The Chair called two times for further nominations and, as there were none, Anne Miller was acclaimed Vice Chair.

2. Approval of the Agenda

MOVED by Bud Gibbons, **SECONDED** by Sid Jorna that the agenda be approved.

CARRIED

3. Approval of the Supplementary Agenda

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

CARRIED

4. Adoption of the Minutes of June 5, 2018

MOVED by Anne Miller, **SECONDED** by Stephen Smith that the minutes of the meeting of June 5, 2018, be adopted.

CARRIED

5. Planner's Report

a) It was reported that 2019 marks the beginning of the next four year term for the APC membership.

b) A brief overview of the role of the APC was provided. It was noted that the APCs were established to make recommendations to the Land Use Committee (LUC) on land use planning matters referred to them relating to Part 14 of the *Local Government Act (LGA)*. The APC's recommendations are to reflect the input received from the community.

c) CRD Legislative Services will be scheduling an orientation to review Committee/Commission roles and conduct relative to CRD procedures/bylaws and the provincial *Freedom of Information and Protection of Privacy Act (FIPPA)*.

d) CRD website resources available to the APC and the public were reviewed.

- e) The APC will be asked to meet next on February 12 to consider an application for a temporary use permit to allow a federally licensed micro-cannabis cultivation facility on the subject property zoned Rural Residential 2 (RR-2).

6. Temporary Use Permit Application

a) TP000009 - Lot 4, Section 47, Otter District, Plan VIP52344 (7861 Tugwell Road)

Emma Taylor spoke to the staff report and the request for a temporary use permit to allow the expansion of a home based microbrewery on the subject property zoned Rural Residential 2 (RR-2).

Emma Taylor confirmed that the applicants propose to increase the indoor floor area to 96.7 m² (1,040 sq. ft.), and create 82 m² (884 sq. ft.) of covered, outdoor storage and that temporary use permits are supported by the Otter Point Official Community Plan, Bylaw No. 3819. Attention was directed to the draft permit, proposed permit conditions and building plans as included in the staff report and to the supplementary submission received from Lynda and Dr. Neil McKinney, Otter Point, supporting expansion of the local business. It was confirmed that no complaints have been received to date regarding noise, odour or traffic related to the existing use.

Emma Taylor responded to a question from the APC confirming that De Mamiel Creek does not run through the subject property.

Emma Taylor confirmed that the applicants were present.

The applicants advised that:

- expansion is intended to cover outdoor equipment and supplies including a forklift, pallet and kegs and to provide greater separation between the brewery and retail area
- it is anticipated the brewery operation will be running at full capacity this summer
- the brewery operation is roadside
- homes on adjacent properties are located behind the brewery and behind their house
- the brewery operates from 11:00 a.m. to 7:00 p.m. in the summer and from 12:00 p.m. to 6:00 p.m. in the winter
- grain waste is consumed by their neighbour's cows
- the sediment from the brewing process known as trub is composted on site
- waste water is treated prior to entering the septic field

The applicants responded to questions from the APC confirming that:

- the brewery is regulated by the provincial Liquor & Cannabis Regulation Branch and by Island Health
- Island Health requires water samples once a week
- water for the brewery comes from the property's well
- trucked water is used during the summer months up until mid-October
- the majority of clients are local
- during the summer approximately 50% of clients are tourists

Arnie Campbell, Otter Point, stated:

- no objection to the application
- the brewery, at its home based business scale, is an asset
- the applicants are respectful of water resources

MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the Otter Point APC supports Temporary Use Permit TP000009.

CARRIED

7. Proposed Bylaw

a) Cannabis Bylaw, Bylaw No. 4278, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 141, 2018”

Emma Taylor spoke to the staff report and the proposed amendment to Bylaw No. 2040 to reflect the current legislative framework for cannabis. Emma Taylor outlined the federal licence categories for cannabis growing, production, testing, research and sales.

Emma Taylor directed attention to the supplementary agenda which included Bylaw No. 4278, as revised, to eliminate the distinction between medical cannabis production and recreational cannabis production as supported by the LUC at its December 17, 2018 meeting. The revised bylaw supports this directive by amending the Sooke Business Park Industrial (M-SBP) zone to replace “Intensive Agriculture – Medical Marihuana Production” with “Cannabis Production – Commercial” as a permitted use.

Emma Taylor responded to a question from the APC confirming that the Juan de Fuca Electoral Area has no business license requirement.

The APC stated:

- support for the LUC considering applying the M-SBP zone to the entire Sooke Business Park
- support for Bylaw No. 4278 defining what type of processing is supported by the definition of “Cannabis Production”
- concern regarding reports of odour related to cannabis production in the Sooke Business Park
- concern for water pollution

Ian Laing, Sooke Business Park property owner, stated that processing is defined by Federal licence categories. Ian Laing outlined the differences between cannabis cultivation and cannabis processing and stated that:

- all properties in the Sooke Business Park are privately owned
- the *Cannabis Act and Regulations* include strict regulations for air intake/outtake
- reports of cannabis odour are not coming from licensed facilities
- he is pursuing rezoning of two properties to the M-SBP zone to support commercial cannabis production
- no cultivation or processing are taking place on his properties at this time as both of his properties are awaiting licence approval
- commercial cannabis production facilities are similar to food production facilities
- no herbicides or pesticides will be used

MOVED by Sid Jorna, **SECONDED** by Bud Gibbons that the Otter Point APC supports proposed Bylaw No. 4278, as revised.

CARRIED

8. Rezoning Applications

a) RZ000255 - Strata Lots 13, 26 and 27, Section 16, Otter District, Plan VIS7096 (7450 Butler Road)

Emma Taylor spoke to the staff report and proposed Bylaw No. 4234. It was advised that the APC first considered Bylaw No. 4234 at its meeting of June 5, 2018. At that time, Bylaw No. 4234 proposed rezoning three properties in the Sooke Business Park from the General Industrial (M-2) zone to the Sooke Business Park Industrial (M-SBP) zone. Bylaw No. 4234 was subsequently amended to reflect the federal legalization of cannabis and comments raised by the APC at its June 5, 2018 meeting. The revised bylaw was considered by the LUC at its meeting of December 17, 2018. At that time, the bylaw clarified that licensed cannabis processing is a general industrial use on properties that are not adjacent to institutional, rural or rural residential zoned land.

Emma Taylor directed attention to the supplementary agenda which included Bylaw No. 4234, as revised, to support the LUC's directive to eliminate the distinction between medical cannabis production and recreational cannabis production.

Further to the concerns raised by the APC at its June 5, 2018 meeting regarding water usage, site contamination, drainage and waste disposal as well as interference with radio-communication systems, Emma Taylor advised that there are regulatory bodies in place to monitor these concerns including CRD Building Inspection, CRD Bylaw Enforcement, Island Health, Technical Safety BC (electrical permits) and Industry Canada (radio communications). It was further advised that a Prohibited Uses covenant is registered on the title of all lots within the Sooke Business Park and that all lots in the Sooke Business Park are also designated an Industrial Development Permit Area which guides the form and character of industrial development including outdoor lighting.

The APC stated support for examining the caretaker dwelling unit permitted by the M-SBP zone. The APC noted that, at present, there is no size limit to the caretaker unit.

MOVED by Sid Jorna, **SECONDED** by Al Wickheim that the Otter Point APC supports rezoning application RZ0000255 and proposed Bylaw No. 4234, as revised.

CARRIED

b) RZ000257 - Strata Lot 10, Section 16, Otter District, Plan VIS7096 (7450 Butler Road)

Emma Taylor spoke to the staff report and proposed Bylaw No. 4276. It was advised that when the LUC considered the rezoning request at its December 17, 2018 meeting, the applicant was requesting to rezone from the General Industrial (M-2) zone to the General Industrial – Medical Marijuana (M-2MM) zone in order to permit a licensed medical cannabis cultivation facility. At that meeting, staff requested that the bylaw be revised prior to First Reading to apply Sooke Business Park Industrial (M-SBP) zone.

Emma Taylor directed attention to the supplementary agenda which included Bylaw No. 4276, as revised, to support staff's request and the LUC's directive to eliminate the distinction between medical cannabis production and recreational cannabis production.

MOVED by Bud Gibbons, **SECONDED** by Al Wickheim that the Otter Point APC supports rezoning application RZ000257 and proposed Bylaw No. 4276, as revised.

CARRIED

9. Adjournment

MOVED by Anne Miller, **SECONDED** by Sid Jorna that the meeting adjourn.

CARRIED

The meeting adjourned at 8:56 p.m.

Chair