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

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**PRESENT:** Mary Alice Johnson (Chair), Dominique Bernardet, Teresa Willman  
**Staff:** June Klassen, Local Area Planning Manager; Emma Taylor, Planner;  
Iain Lawrence, Planner

**PUBLIC:** 2

The meeting was called to order at 5:00 p.m.

**1. Elections**

June Klassen called for nominations for the position of Chair of the Juan de Fuca Agricultural Advisory Planning Commission for 2014 and Mary Alice Johnson's name was put forward. June Klassen called two times for further nominations and, as there was none, Mary Alice Johnson was declared Chair.

June Klassen called for nominations for the position of Vice Chair of the Juan de Fuca Agricultural Advisory Planning Commission for 2014 and Teresa Willman's name was put forward. June Klassen called two times for further nominations and, as there was none, Teresa Willman was declared Vice Chair.

**2. Approval of the Agenda**

June Klassen explained that the courtesy notice sent to adjacent land owners and occupiers of ALR-01-13 included an error in the meeting time. Item was removed from the agenda and will be considered at a subsequent meeting.

**MOVED** by Dominique Bernardet, **SECONDED** by Teresa Willman that the agenda be approved as amended. **CARRIED**

**3. Approval of the Supplementary Agenda**

No supplementary items.

**4. Adoption of Minutes from the Meeting of November 19, 2012**

**MOVED** by Dominique Bernardet, **SECONDED** by Teresa Willman that the minutes from the meeting of November 19, 2012 be adopted. **CARRIED**

**5. Planners Report**

June Klassen updated the Commission on the new Otter Point Official Community Plan and explained that it will be considered at a future Planning, Transportation & Protective Services Committee for a recommendation to the CRD Board on determination of consistency with the Regional Growth Strategy.

June Klassen explained that another meeting will be held within the next few weeks to consider ALR-01-13.

An overview of the new Local Area Services Building was provided, including an outline of all the services housed in the office and details of the official opening on March 1, 2014.

June Klassen outlined the process for the AAPC to review applications. A Commission member supported the formal table arrangement which provides separation from the audience.

A Commission member requested that the meeting process and rules be explained at each meeting and that hard copies circulated to each member.

## 6. Proposed Bylaw Amendments

### a) **Marihuana for Medical Purposes Regulation**

Emma Taylor outlined the new Health Canada *Marihuana for Medical Purposes Regulation* requirements for licenses medical marihuana production facilities that will be implemented April 1, 2014. It was explained that the regulations address security, odor, processing, packaging, labelling requirements and that local government bylaws will apply. Medical Marihuana production facilities are considered a farm use on land within the Agricultural Land Reserve (ALR), but local government can regulate them on ALR. An overview of BC Assessment Authority's position that medical marihuana production could be eligible for farm class assessments as it is a medicinal crop. Emma Taylor drew attention to the proposed bylaw amendments that add a definition of Intensive Agriculture – Medical Marihuana and add it as a permitted use in the Agricultural (AG) zones on land within the ALR. It was clarified that, for lands outside ALR not included in these bylaw amendments, rezoning applications could be considered to permit Intensive Agriculture - Medical Marihuana as a permitted use. The merits of each rezoning application would be considered on an individual basis.

Staff clarified that the Land Use Committee requested advice from the AAPC on the bylaw amendments due to the potential impacts on ALR land and agricultural uses.

Staff explained that the current intensive agriculture setbacks in the Agricultural (AG) zone are 90 m from the front and 30 m from side and rear. It was pointed out that the Rural (A) zone establishes 30 m setbacks from front, side and rear for intensive agriculture. This discrepancy was noted. Staff explained that by establishing a setback for the building only, and not the use, then proponents could apply for a development variance permit to relax setbacks in order to use existing buildings that may be less than 30 m. The statutory notification requirements for development variance permits were outlined.

June Klassen explained the setbacks for general industrial buildings. She also read the definitions of intensive agriculture and agriculture in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040 and outlined the applicable setbacks.

Emma Taylor asked the Commission, if the use should be limited to ALR land, if 90 m front setback and 30 m side and rear setbacks are appropriate, and should the bylaw be written to allow for consideration of a development variance permit.

Heather Phillips, Otter Point, questioned the setbacks on an industrial zone where a parcel is adjacent to a rural or rural residential zone. June Klassen read the yard requirements of the M-2 zone. Heather Phillips requested comment from the Commission regarding the discrepancy between the intensive agriculture setbacks in the AG and A zones compared to the proposed setbacks for intensive agriculture – medical marihuana. The Commission agreed that the existing intensive agriculture setbacks should be reviewed at a later date, but that the proposed intensive agriculture – medical

marihuana setbacks should be reduced to 30 m from the front, side and rear parcel boundaries.

Discussion ensued about permitting intensive agriculture – medical marihuana on lands outside the ALR. Comment from the Commission indicated that until more licenses are issued, the community will not have a good sense of how many facilities will locate in the area and the potential impacts. By limiting the use to AG zone on ALR land now and by considering all other proposals through rezoning applications, the neighbours and community can consider each proposed facility on a case-by-case basis.

The Commissioners stated support for the use on ALR lands now but requested that the issue be revisited in two years in order to consider permitting the use in other zones.

Heather Phillips clarified that intensive agriculture – medical marihuana is a separate use from intensive agriculture. She gave the example of a manure pile of an intensive agriculture operation not currently being permitted within the setback requirement.

The proposed 90 m front yard setback was discussed and the Commissioners agreed that 30 m front, side and rear yard setbacks would be appropriate for intensive agriculture – medical marihuana as the use is enclosed in a building and there should be minimal impacts to adjacent properties.

The Commission requested that the discrepancy between the intensive agriculture yard requirements in the AG and A zones be revisited at a later date.

**MOVED** by Mary Alice Johnson, **SECONDED** by Teresa Willman that the Agricultural Advisory Planning Commission advises that Medical Marihuana production facilities be limited to the Agricultural (AG) zone and that the setbacks for intensive agriculture – medical marihuana be 30 m from front, side and rear parcel boundaries with the ability for variances to be considered. **CARRIED**

## 7. Adjournment

**MOVED** by Teresa Willman, **SECONDED** by Dominique Bernardet that the meeting adjourn.

The meeting adjourned at 6:05 p.m.

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Chair