



**Summary Report / Minutes of the Advisory Planning Commission Meeting
(Held on August 29, 2013
in the Committee Room at City Hall at 12:00 p.m.)**

Advisory Planning Commission

Chris Colclough (Chair)
Linda Kelsall (Vice-Chair)
Seva Dhaliwal
Wes Hewitt
Jim Tatoosh (Hupacasath First Nation)
Deb Foxcroft (Tseshah First Nation)
Chris Jancowski (Alternate - P.A.F.D.)
Councillor Hira Chopra - (Council Liaison)
S. Sgt. Mike Coady - (R.C.M.P. Liaison)

Staff

Scott Smith, City Planner
Cara Foden, Planning Technician

Guests

Dion Hopkins – Applicant
Public - 0

Regrets

Vern Barnett
Shelley Chrest
Larry Ransom (S.D.70 Liaison)
Randy Thoen (P.A.F.D. Liaison)

Alternates (not in attendance)

John Bennie (Alternate S.D.70)
Councillor Rob Cole (Alternate – Council)
Sgt. Dave Paddock (Alternate - RCMP)



1. Adoption of June 20, 2013 Minutes

- The Minutes of the June 20, 2013 meeting of the Advisory Planning Commission were adopted.
(Hewitt / Kelsall) CARRIED

2. DEVELOPMENT APPLICATION - Proposed Zoning Bylaw Amendment

4921 Bute Street – (PID: 001-118-129)
(Lot A, District Lot 1, Alberni District, Plan VIP31847)
Applicant: Dion Hopkins dba PK Investments Ltd.

- The City Planner summarized his report to the APC dated August 22, 2013.
- The APC discussed the application with respect to the following:
 - o Site specific nature of the Zoning Bylaw amendment:
An amendment that would permit the proposed use on all sites currently in the M1 District is not recommended for Port Alberni due to the distribution, and proximity to residential areas, of many M1 zoned parcels. The recommended site specific approach will ensure that a public process is followed, for applications of this nature, and will allow for input from owners and occupiers of adjacent residential properties. All text amendments are subject to the same public process as map amendments.

- o Building ownership:
The applicant does not currently own the building. Negotiations with the building owner may result in sale of the building to the applicant. The City Planner indicated that the recommendations included receipt of written confirmation, from Health Canada, that the location has been approved for the licensed production of Medical Marihuana.
- o Regulation:
The applicant advised the APC that the product is regulated by the *Food and Drug Act* and that the regulations for commercial lab testing required that specific standards and procedures be followed and met. The product will be distributed through Canada Post, direct to recipients, using discreet packaging and an MMPR number.
- o Environmental contamination:
Concern was expressed that chemicals would be discharged through wastewater and the applicant was asked if provisions had been made for treating contaminated water. The applicant responded that marihuana plants would be grown hydroponically and that no ground water from the plants would be entering city systems.
- o Odour:
Air quality and emissions were of concern to APC members. It was noted that odour would affect nearby businesses and residential properties if not rigorously controlled. The applicant responded to the concerns outlining the proposed methods of control. through an air filtration and fan system, that would be installed and operated to simulate a sealed building. He will investigate the possibility of installing a warning system that could detect emissions if the equipment malfunctions.
- o Staffing:
Experienced growers licensed under the old regulations will be hired to work in the new facility. Approximately five employees will be required.
- o Security:
Health Canada regulations require that the facility operator be licensed and that the building be approved. The building must be secure and alarmed. Operations and security levels will be monitored on a regular basis. It is not known at this time how often the facility will be checked by Health Canada. Operational processes will also be in place to control access to the facility and the product. Health Canada requires a security check on applicants prior to approving a license. The applicant advised the APC that the product is regulated by the *Food and Drug Act* and that commercial lab testing procedures and regulations would be followed.
- o Enforcement:
When asked "Should an equipment malfunction result in odour for the neighbourhood,

how would the city ensure that the issue is rectified in a timely manner?” the City Planner indicated that the avenues available to the city, to encourage compliance, included urging the applicant to voluntarily comply, revoking a Business License and, if necessary, following a process through the courts. It would also be possible to contact Health Canada to report an ongoing issues if necessary. Health Canada could revoke a license if non-compliance was an issue.

The applicant expressed that he did not want the facility to create tension with the public and would be working hard to mitigate any issues before they became problematic.

O Tax Class:

BC Assessment will determine the tax category for the type of use and the City Planner will obtain this information prior to a Public Hearing.

O Land Use:

The Agricultural Land Commission has ruled that Marihuana is an agricultural product and that no approval process is necessary to grow medical marihuana in the ALR. When asked why the applicant preferred to locate the facility in a building within the city it was noted that the Agricultural Land Commission may not allow packaging and testing of the product in the ALR. It was also noted that the security requirements, and the necessity of building a secure building in the ALR for growing purposes, made the costs prohibitive for most including the applicant. It has not yet been determined by Health Canada if the laboratory testing of the product must be done at a separate civic address from the production/growing of the product. The proposed business plan is primarily focused on packaging and distribution with a relatively small percentage of growing.

MOTIONS:

1. That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with text amendments to the Zoning Bylaw as follows:

- a) Adding the following text to Section 6.29.2 the list of Permitted Uses in the M1 – Light Industry District: “Notwithstanding any provisions of this Bylaw, Medical Marihuana Facility is a permitted use on Lot A, District Lot 1, Alberni District, Plan VIP31847, PID: 001-118-129 (4921 Bute Street)”;** and
- b) Adding the following text to Section 2 Definitions: “Medical Marihuana Facility – means a building or structure, approved and licensed by Health Canada, for the production and/or packaging and/or laboratory testing of marihuana, but specifically excludes storefront or retail outlet distribution of medical marihuana”;** and
- c) Adding the following text to Section 7.7 the Required Amount of Parking table: “Medical Marihuana Facility” under Use and “1 per employee or 1 per 190 m² (2045 ft²) of gross floor area, whichever is greater.”**

2. *That the Advisory Planning Commission recommend to City Council that as part of the development process the applicant be required to complete the following before the final adoption of the bylaw.*

a) *Provide written confirmation, from Health Canada, that the subject location has been approved for the licensed production of Medical Marihuana.*

b) *That security be provided to ensure that the exterior of the building is painted.*

(Kelsall / Chopra) CARRIED

3. Status Update – Current Projects - City Planner

- Official Community Plan Amendment No. T3 (Temporary Use Permits), Bylaw No. 4818 was adopted by Council on June 24.
- Zoning Bylaw Review Project –The APC and City Council met jointly with the consultant on Monday, August 26 to review the outcomes of phase 2 of the community consultation and provide direction for the draft bylaw.
- "Zoning Amendment No. 101 (2511 9th Avenue - Engstrom), Bylaw No. 4822" was given final adoption by Council on August 12.
- Demolition of the burned structure at 4356 Gertrude St. will proceed on September 3.

4. Other Business

5. **Adjournment** – The meeting adjourned at 1:15 p.m. The next regularly scheduled meeting will be **September 19, 2013** at 12:00 pm in the Committee Room at City Hall.

(/) CARRIED



City Clerk

Chair