



**Summary Report / Minutes of the Advisory Planning Commission Meeting
(Held on October 31, 2019
in the Committee Room at City Hall, at 12:00 p.m.)**

Advisory Planning Commission Present

Ken McRae (Chair)
John Douglas (Vice-Chair)
Jeannette Nichols
Chris Washington, S.D.70 Liaison
Amy Anaka
Sandy McRuer
Rob Gaudreault, Parks Liaison
Rick Newberry, P.A.F.D. Liaison
Councillor Deb Haggard, Council Liaison

Staff

Katelyn McDougall, Manager of Planning
Cara Foden, Planning Technician
Pat Deakin, Manager of Economic Development

Guests

Applicants: R. Jaenicker
Members of the Public:0

Regrets

Jim Tatoosh, Hupačasath F.N.
Sgt. Clive Seabrook, R.C.M.P. Liaison
Cynthia Dick, Tseshaht (č išaaʔath) F.N.
Don Ferster

Alternates (not in attendance)

Councillor Helen Poon (Alternate–Council)
Peter Dione (Alternate–R.C.M.P.)
Larry Ransom (Alternate S.D.70)
Darren Mead-Miller (Alternate – Tseshaht F.N.)



1. MINUTES - Adoption of August 22, 2019 Minutes

- The Chair acknowledged that this meeting is taking place within the un-ceded traditional territories of the Hupačasath and the Tseshaht (č išaaʔath) First Nations. The applicant present was welcomed by the Chair.

Motion:

1. *That the City of Port Alberni Advisory Planning Commission adopt the minutes of the August 22, 2019 regular meeting.*

(McRae / Douglas) CARRIED

2. DEVELOPMENT APPLICATION: Development Variance Permit

4279 Ravenhill Avenue

Lot 5, District Lot 1, Alberni District, Plan 11303 Except that part in Plan 25083 (PID:004-990-421)

Applicant: R. Jaenicke and L. Ranger

- The Manager of Planning summarized her report to the APC dated October 9, 2019.
- The APC discussed the application as follows:
 - A member of the APC asked staff to confirm that the application to vary floor area would be permitted under the Local Government Act regulations, as there was some concern that floor area was the same as density which would be required to be altered through a rezoning process. The Manager of Planning explained that floor area was not the same as density, but the member asked for further clarification. The Manager of Planning agreed to follow up with the committee with more information.

- The applicant was asked about the intentional use of the buildings and indicated that they would not be used as dwellings but would become a studio and gym.
- The Manager of Planning was asked to clarify the requirement in the OCP for a Neighbourhood Plan for “any development” in the FD Future Development zone. The Manager of Planning explained that the location of this particular property at the end of a short stretch of no-thru road made the necessity of a Neighbourhood Plan less critical. Future subdivision of the property would be restricted by the topography and location of the site and proximity to Ship Creek.
- Concern was expressed about how the trees on the property had been removed when the land had been cleared. The applicant advised the APC that the trees had been cleared from the land by the prior owner and that some new large trees had recently been planted to mitigate the deforestation. It was noted that the deforestation was outside the Ship Creek riparian zone. A member of the APC noted that the City should develop a tree management bylaw that could help reduce the occurrences of logging on private land without obtaining clearances from the City and from the Department of Fisheries and Oceans.
- Trail connectivity was discussed and the applicant indicated that there was no plan at this time to prevent use of the informal trails adjacent to Ship Creek.
- Fencing regulations for the property were clarified.

Motions:

1. *That the City of Port Alberni Advisory Planning Commission recommends that City staff clarify the requirements of the Local Government Act with respect to varying density and that prior to proceeding with the application staff confirm that the application complies with the Act.*
2. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that if the application complies with the Local Government Act the City proceeds with the necessary Development Variance Permit to vary Zoning Bylaw #4832 as follows:*
 - a. *Vary Section 6.10.6 Accessory Buildings (in A zones) regulations for the total floor area of all accessory buildings, from 85 m² (915 ft²) to 97.8 m² (1052.7 ft²) a variance of 12.8 m² (137.8 ft²), for the property located at **4279 Ravenhill Avenue** and legally described as Lot 5, District Lot 1, Alberni District, Plan 11303 Except that part in Plan 25083 (PID:004-990-421).*
3. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that if the application complies with the Local Government Act City Council give notice of intent to consider the issuance of a Development Variance Permit for the property located at **4279 Ravenhill Avenue** and legally described as Lot 5, District Lot 1, Alberni District, Plan 11303 Except that part in Plan 25083 (PID:004-990-421).*

(Anaka / Nichols) CARRIED

3. REPORT: Cannabis Cultivation and Processing

- The Manager of Planning summarized her report to the APC dated October 15, 2019.
- The Chair introduced guest Pat Deakin, Manager of Economic Development.
- The APC discussed the report as follows:

- APC members expressed concern about the potential for odour and particulates emanating from production and processing facilities. There are problems with odour from some older facilities that were not subject to current air quality/odour restriction standards.
- Some frustration was expressed that the federal regulations are vague, and that municipalities have been left alone without additional resources to regulate the industry at a local level.
- Small scale versus large scale operations / facilities were discussed.
- It was suggested and recommended by APC that approaches to regulation for properties in the Agricultural Land Reserve (ALR) should be clearly noted and separate from regulations that are recommended outside the ALR.
- With regards to large cement based facilities on ALR land it was noted that some older medical cannabis facilities that were constructed (or have been under construction) prior to July 13, 2018 would be 'grandfathered' and allowed on ALR land.
- There was discussion about the city not allowing cannabis production/cultivation on A1 Agricultural lands that are within the city but not within the ALR. APC was advised they could make that recommendation, but no motion was made.
- The chair invited Pat Deakin, the City's Manager of Economic Development to speak to and take questions from the APC members regarding his experience with proponents.
 - Mr. Deakin discussed his recent trip to the Delta 9 facility in Winnipeg. He was impressed with the advancements that have been made to control odour.
 - There are large commercial spaces vacant in the city (former Fairway, former Teleglobe site, Adelaide Mall, Alberni Mall etc) that might be suitable for cannabis cultivation and processing. He asked the APC if they felt that these buildings would be suitable. APC members did not support the idea of zoning that would allow the conversion of buildings in central commercial locations, primarily due to the lack of compatibility warehouse style facilities would have with their commercial counterparts. APC members expressed concern that these buildings would be ugly, warehouse fronts that would negatively impact the consumer- friendly atmosphere that is being pro-actively encouraged on 3rd Ave through revitalization plans. They also noted that the Alberni Mall site would not be appropriate for warehouse style operations. With an abundance of vacant commercial floor space available there is a need to ensure that the City regulates Shipping Containers appropriately.
 - Mr. Deakin asked the APC to consider the possibilities with regards to rezoning sites like the former Teleglobe property or former Gill School. The Manager of Planning explained any property (not pre-zoned for cannabis cultivation) owner could apply for their property to be rezoned or for a site specific amendment, and their application would be considered on a case by case basis.
 - Mr. Deakin asked the APC whether cannabis cultivation and processing (production of edibles) was suitable at Harbour Quay in the W1 Waterfront Commercial zone. The APC discussed the idea, but did not support the proposed use in that area. APC thought that it was not the right approach for revitalizing the area, and agreed with the Manager of Planning when she explained that it would not be compatible with the spirit of the W1 Zone which is focused on very specific uses related to tourism and ocean-based industries.
 - Mr. Deakin noted that the City may wish to consider social procurement programs (citing Cumberland as an example) as a condition of Permitting for cannabis cultivation and processing.
 - Mr. Deakin asked about the public engagement process that had been done and specifically what engagement efforts had been undertaken with industry experts and

- stakeholders. He expressed a desire to see additional public engagement targeted towards those stakeholders.
- The following amendments to these minutes were approved at the November 21, 2019 meeting of the APC:
 - *“The APC applauded the work of the consulting team from Vancouver Island University.”*
 - *“Only a small portion of the City’s total population provided input during the public engagement process.”*
 - *“The report does not include a comparison of regulations with other similar sized municipalities and has relied heavily on Regional Districts regulations for comparisons.”*
 - *“The public engagement process did not appear to include specific consultation with industry experts and stakeholders.”*

Motions:

1. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City support the recommended approach to zoning for cannabis cultivation and direct staff to prepare a bylaw reflecting those changes as follows:*

A. Regarding indoor facilities (greenhouse or warehouse):

- i. That Standard Cultivation Facilities (anything more than 200m² in size) be allowed in the Light Industry (M1), Medium Industry (M2), and Heavy Industry (M3) zones.*
- ii. That Micro-Cultivation Facilities (anything up to 200m² in size) be allowed in the Light Industry (M1), Medium Industry (M2), Heavy Industry (M3), Service Commercial (C3), and High Commercial (C4) zones.*
- iii. That Cannabis Nursery Facilities (limited to 50m² in size, and only the production of seeds, seedlings, and clones – no dried flower) be allowed in the Light Industry (M1), Medium Industry (M2), Heavy Industry (M3), Service Commercial (C3), Highway Commercial (C4), and Agriculture (A1) zones.*

B. Regarding outdoor facilities (farmed):

- i. That outdoor micro-cultivation facilities be allowed in the Light Industry (M1), Medium Industry (M2), Heavy Industry (M3), and Agriculture (A1) zones.*
- ii. That outdoor Cannabis Nursery Facilities be allowed in Light Industry (M1), Medium Industry (M2), Heavy Industry (M3), and Agriculture (A1) zones.*

C. Those regarding other zoning bylaw regulations:

- i. That staff propose definitions for the types of Cannabis Facilities that are consistent with Health Canada’s definitions.*
- ii. That staff include recommendations for building setbacks, buffer zones, and regulations to help mitigate noise and odor concerns.*

- iii. *That any Cannabis Production Facility be required to obtain a Development Permit (regarding building form and character) to ensure a high-quality development and mitigate impacts to the visual landscape.*

(Anaka / Washington) CARRIED

4. UPDATE:

The Manager of Planning gave a status update on current projects.

- **Planning Intern** – Seamus McConville – Short Term Rentals project.
- **Public hearing** was held on October 15 for OCP and Zoning amendments for multi-family development on Swallow Dr.
- **New street name** – Nuupts' ikapis Way (into Catalyst site off Stamp Ave.)
- **Development Permit** – Application received for new commercial buildings on Alberni Mall site.
- Future agenda items will include:
 - 4450 Maitland St. – Alberni Low Energy Housing project.
 - 3351 3rd Ave. – Zoning text amendment
 - 6151 Russell Pl. – Rainbow Gardens, Development Variance
 - Sunlight Protection and Privacy amendment

5. OTHER BUSINESS

- None

- 6. ADJOURNMENT** – The meeting adjourned at 1:00 p.m. The next regular meeting is rescheduled for **Thursday, November 21, 2019.**

(McRae / Nichols) CARRIED



Davina Hartwell - City Clerk

Ken McRae – Chair