

**Wednesday, September 30, 2020**

**Minutes of the Public Hearing held on September 30, 2020 in the Civic Room of the Comox Valley Regional District offices located at 770 Harmston Avenue, Courtenay, BC commencing at 6:30 pm.**

## **MINUTES**

### **Present:**

<b>Chair:</b>	A. Hamir	Lazo North (Area 'B')
<b>Directors:</b>	D. Arbour	Baynes Sound-Denman/Hornby Islands (Area 'A')
	E. Grieve	Puntledge/Black Creek (Area 'C')
<b>Staff:</b>	L. Dennis	Manager of Legislative Services
	T. Trieu	Manager of Planning Services
	A. Baldwin	Legislative Services Assistant
	J. MacLean	Rural Planner

### **ATTENDANCE:**

With the exception of Chair Hamir, all directors participated via electronic means.

J. MacLean, Rural Planner, attended via electronic means.

Two members of the public were in attendance at this public hearing via electronic means.

### **RECOGNITION OF TRADITIONAL TERRITORIES**

The Chair acknowledged that the meeting was being held on the unceded traditional territory of the K'ómoks First Nation.

### **OPENING REMARKS BY THE CHAIR**

Chair Hamir read a prepared statement regarding the public hearing procedures.

### **INTRODUCTION OF THE APPLICATION**

J. MacLean, Rural Planner, provided a brief description of the intent and purpose of Bylaw 604 being "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 5", which if adopted, would update policies relating to cannabis cultivation, processing and sales in the rural areas.

### **WRITTEN SUBMISSIONS RECEIVED**

Written submissions received pertaining to updates to the Official Community Plan to address cultivation, processing and sales of cannabis in response to the adoption of the federal Cannabis Act and its regulations prior to the public hearing.

No further written submission were received during the public hearing.

### **REPRESENTATIONS FROM THE PUBLIC**

Chair Hamir called for speakers regarding Bylaw 604 being "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 5".

Royann Petrell, Kentwood Road, expressed concern that medical marihuana facilities are not being inspected by the federal government and sought clarification on whether Bylaw No. 604 would incorporate inspections to ensure compliance. Ms. Petrell further sought clarification on whether it would be permitted to operate a marihuana facility on a big farm that is situated opposite a residential area.

CVRD staff clarified that aspects that will be regulated will be inspected. For example, staff would inspect whether bylaw regulations pertaining to minimum lot sizes and setbacks are upheld. CVRD staff further clarified that buildings being used for cannabis cultivation would not qualify as a farm building (which would be exempt from building permits) and would therefore be subject to the building permit process.

Ms. Petrell spoke a second time and sought clarification whether the new bylaw would include inspections pertaining to odours and nuisance coming from cannabis facilities.

CVRD staff confirmed that the CVRD would not conduct regular inspections pertaining to odour/nuisance if cannabis cultivation is a permitted use on the property, CVRD staff further clarified that CVRD regulations should be consistent with Agricultural Land Reserve (ALR) regulations, which allow certain types of cannabis cultivation without application, but those operations would be subject to minimum lot sizes and setbacks. Beyond that, the CVRD is able to regulate cultivation within new buildings.

Scott Weber, Cougar Smith Road, enquired what the proposed setbacks and minimum lot sizes would be. Mr. Weber also sought clarification on whether the buildings in which cannabis is grown commercially will be required to have plumbing and if the discharge would have to go into a proper septic system or whether it would be considered agricultural waste.

CVRD staff advised that the minimum lot sizes and setbacks have not yet been set. Feedback from residents obtained throughout the consultation process with the public will be considered in setting minimum lot sizes and setbacks for cannabis cultivation. Cannabis cultivation could be restricted in residential areas through these setbacks to address concerns from residents. CVRD staff have reached out to other jurisdictions and they have commonly set the minimum lot size in the one to two hectare range and the minimum setbacks between 15 to 30 metres.

Mr. Weber spoke for a second time and asked if there will be different regulations for indoor and outdoor facilities in terms of setbacks.

Staff confirmed that there will be no difference in terms of setbacks, but minimum lot sizes could be different and will be considered. However, this will not apply to properties located within the ALR as cannabis cultivation is a protected farm use within the ALR. Staff further confirmed that new buildings will

require a connection into a septic field under the building permit process.

### **QUESTIONS FROM DIRECTORS**

In response to a question from Director Arbour regarding next steps, CVRD staff advised that this bylaw will be presented to the board for adoption. If this bylaw is adopted, amendments to the zoning bylaw will be required to be consistent with the new OCP policies to allow cannabis cultivation in zones that allow agricultural and industrial uses. Amendments to the zoning bylaw will most likely include minimum lot sizes and setbacks. A report to present the proposed amendments to the zoning bylaw will be submitted to the Electoral Services Areas Committee for consideration.

In response to a question from Director Arbour regarding the Ministry of Agriculture's feedback on Bylaw No. 604, CVRD staff advised the ministry's comments pertain to cannabis cultivation on ALR land, which will carry regulations which are consistent with the ALR regulations and may be different from the regulations for residential zones. Further comments from the ministry included circumstances where cannabis cultivation may occur without an application on ALR land as well as requirements for rainwater and wastewater regulations. CVRD staff will consider these items on a case by case basis where cannabis cultivation does not meet the minimum lot size, setbacks or for zones that does not allow cannabis cultivation.

In response to a question from Director Arbour regarding the cumulative impact, CVRD staff pointed out that the cumulative impact emanated from earlier consultation where concerns (predominately odour related) were raised regarding multiple facilities being located in one area and the cumulative impact on the neighbours.

In response to a question from Director Grieve, CVRD staff confirmed that the CVRD does not have jurisdiction over medical marihuana operations.

In response to Chair Hamir's question whether odour related complaints can be dealt with under the CVRD's nuisance bylaw, CVRD staff confirmed that bylaw enforcement staff can follow up on complaints. However it was pointed out that the odours could be emitted from numerous properties that grow cannabis and it is very difficult to pin point where the odours are coming from.

### **CLOSING REMARKS**

Chair Hamir provided closing remarks and made a final call for public input, including verbal and electronic submissions.

Scott Weber, spoke for a third time and remarked that medical marihuana facilities are not inspected and cannabis cultivation quite often occurs outdoors and do smell. These facilities don't necessarily put odour controls in place because they are not inspected. However when you apply for a micro cultivation license, you are required to provide pictures/videos to prove that odour control measures are in place and those commercial operations are subject to ongoing inspections.

### **TERMINATION**

Chair Hamir called for a second, third and final time for any further speakers. Hearing no speakers, the

Chair declared the public hearing for Bylaw No. 604 terminated.

Time: 7:09 pm

Confirmed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Chair Hamir

\_\_\_\_\_  
Director Grieve

\_\_\_\_\_  
Director Arbour

Certified Correct:

\_\_\_\_\_  
Lisa Dennis Manager of Legislative Services

Recorded By:

\_\_\_\_\_  
Antoinette Baldwin Legislative Services Assistant

These minutes were received by the Comox Valley Regional District Board on the \_\_\_\_ day of \_\_\_\_\_ 20.