



DATE OF MEETING: October 24, 2019
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Local Planning Services
SUBJECT: Cannabis Regulations Project – Proposed Bylaw No. 303

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee amend Proposed Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019", by correcting the imperial measurement setback sited in Item 7. from 98.4 feet to 197 feet.
2. That Gabriola Island Local Trust Committee Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019", be read a second time.
3. That the Gabriola Island Local Trust Committee request staff to schedule a community information meeting and public hearing for Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019".

REPORT SUMMARY

The purpose of this report is to recommend one minor amendment to the Proposed Bylaw No. 303 at second reading and recommend the bylaw be advanced to a community information meeting and public hearing.

BACKGROUND

The LTC gave first reading to Bylaw No. 303 (Attachment 1) on July 11, 2019 to amend the Gabriola Island Land Use Bylaw, 1999 (LUB), by adding definitions and regulations related to cannabis and cannabis production. Referrals to First Nations and provincial agencies were sent out following first reading. One referral response and one public response were received at the time of report preparation and are provided as an attachment to this report.

ANALYSIS

Consultation

The LTC was asked to consider consultation with a limited number of agencies, First Nations and other affected persons given the intent of the bylaw is to ensure compliance with current legislation and policies. Islands Trust Bylaw Enforcement commented that if Proposed Bylaw No. 303 is adopted, the Bylaw Enforcement and Notification bylaw will need to be updated concurrently to include the revised regulations in the Gabriola Land Use Bylaw (Attachment 2). One piece of public correspondence was received at the time of report preparation (Attachment 3). The author identified the need for a correction to Item 7. of the bylaw, to correct an imperial measurement pertaining to a setback:

“The minimum setback for buildings, structures used for cannabis production is 60 metres (98.4 feet 197 feet) from any lot line and 150 metres (492.13 feet) from any school, park or institutional zone.”

The author also recommends the LTC consider reducing the setbacks to 10 metres, to allow for micro-cultivation of cannabis, presumably on smaller lots in the Agricultural Land Reserve (ALR). The average parcel size in the ALR on Gabriola Islands is over 7 hectares in size. Staff do not recommend a reduction in either of the two proposed setbacks.

Rationale for Recommendation

The recent introduction of the *Cannabis Act* and *Regulations* and changes to provincial legislation have created a new regulatory framework for cannabis. The LUB should be amended in order to be consistent with new legislation and to ensure continued alignment with OCP policies. The Cannabis Regulations project seeks to address current deficiencies in LTC regulations. Staff recommend the bylaw be corrected at second reading and advanced to a community information meeting and public hearing. The staff recommendation is included on Page 1 of the report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

- 1. Further amend Proposed Bylaw No. 303, at second reading.**
- 2. Receive for information.**

NEXT STEPS

Subject to concurrence with the staff recommendations, the bylaw will be amended and the Gabriola Island LTC website will be updated accordingly. A CIM and public hearing will be advertised and scheduled during a regularly scheduled LTC meeting.

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	October 9, 2019
Concurrence By:	Heather Kauer, AICP Regional Planning Manager	October 10, 2019

ATTACHMENTS

1. Proposed Bylaw No. 303
2. Bylaw Enforcement Referral Response
3. Public Correspondence

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 303

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation:

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019”.

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999,” is amended as shown on Schedule 1, attached to and forming part of this bylaw:

READ A FIRST TIME THIS 11TH DAY OF JULY , 2019

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A SECOND TIME THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

Gabriola Island Local Trust Committee
Bylaw No. 303
Schedule 1

Schedule “A” of Gabriola Island Land Use Bylaw No. 177 cited as “Gabriola Island Land Use Bylaw, 1999 is amended as follows:

1. Part G – DEFINITIONS, G.1 DEFINITIONS is amended by adding the following text to the definition of “agriculture” after the word “farm”:

“but excludes cannabis production”

2. Part G – DEFINITIONS, G.1 DEFINITIONS is amended by deleting the definition of “horticulture” in its entirety and adding the following definition:

“horticulture the cultivation of fruits, vegetables, or ornamental plants for economic gain, but excludes cannabis production;”

3. Part G – DEFINITIONS, G.1 DEFINITIONS is amended by adding the following definitions:

“cannabis production the production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storage, distribution or scientific research of cannabis or cannabis products as permitted by the *Cannabis Act* (Canada), and any subsequent regulations or acts which may be enacted henceforth, but excludes the growing of cannabis by an individual for their personal use and consumption;

cannabis products plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human consumption;”

4. Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.1 Prohibited Uses is amended by adding:

j. cannabis production except as permitted on land within the Agricultural Land Reserve.

5. Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.2.3 Height, Article B.2.3.2, Clause e. is deleted in its entirety and replaced with:

e. 15.0 metres (49 feet) for buildings used exclusively for cannabis production.

6. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.1 Permitted Uses, Clause a. Permitted Principal Uses, Item v is deleted in its entirety and replaced with:

“v Cannabis production;”

7. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item iii last bullet is deleted in its entirety and replaced with:

“ • The minimum setback for buildings, structures used for cannabis production is 60 metres (98.4 feet) from any lot line and 150 metres (492.13 feet) from any school, park or institutional zone.”

8. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause b. Lot Coverage Limitations, Item ii text is amended by adding the following bullet:

“ • The maximum combined lot coverage of buildings and structures used for the purpose of cannabis production is 200 square metres (2152 square feet).”



Islands Trust

BYLAW REFERRAL FORM

700 North Road
Gabriola Island BC V0R 1X3
Ph: (250) 247-2063
Fax: (250) 247-7514
northinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Gabriola Island Bylaw No.: 303 (LUB Amendment) Date: July 24, 2019

You are requested to comment on the attached Bylaw for potential effect on your agency's/organization's interests. We would appreciate your response by **September 11, 2019**. If no response is received by that date, it will be assumed that your agency's/organization's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Gabriola Island Local Trust Committee

PURPOSE OF BYLAW:

Proposed Bylaw No. 303 will, if adopted, amend the current Gabriola Land Use Bylaw No. 177 to allow changes to cannabis regulations and definitions; specifically lot set backs and building size.

GENERAL LOCATION:

Gabriola Island

OTHER INFORMATION:

N/A

Please direct any communications regarding this referral to Becky McErlean, Legislative Clerk, at (250) 247-2206 or by email to bmcerlean@islandstrust.bc.ca

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

Sonja Zupanec

(Signature)

Sonja Zupanec

Name: _____

Island Planner

Title: _____

This referral has been sent to the following agencies:

Federal Agencies

N/A

Regional Agencies

Regional District of Nanaimo

Provincial Agencies

Agricultural Land Commission

Adjacent Local Trust Committees and Municipalities

N/A

Non-Agency Referrals

Islands Trust Bylaw Compliance and Enforcement
Gabriola Island Advisory Planning Commission

First Nations

Snuneymuxw First Nation

88

BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reason(s) Outlined Below
- Approval Recommended Subject to Condition(s) Outlined Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reason(s) Outlined Below

Bylaw Enforcement Notification Bylaw No. 263 will need to be amended and the contravention schedule updated in order to allow bylaw staff to use Bylaw Notices to enforce any infractions created by the adoption of the new regulations. Bylaw No. 303 should be adopted along with any necessary amendments to Bylaw No. 263.

**Gabriola Island Local Trust Area –
Gabriola Island**

(Island)



(Signature)

11 September 2019

(Date)

Bylaw No. 303 (LUB Amendment)

(Bylaw Number)

Bylaw Enforcement & Compliance Manager

(Title)

Islands Trust Bylaw Enforcement &
Compliance

(Agency)

From: Stephen Cooper [REDACTED]
Sent: Friday, August 16, 2019 4:46 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: Cannabis Regulations Project - Draft Bylaw 1st reading - Error

To whom it may concern,

Reading through your draft bylaws for Gabriola Land use no. 303 I noticed an error. In section 7 Part D you said **“The minimum setback for buildings, structures used for cannabis production is 60 meters (98.4 feet) from any lot line...”** 60 meters is 197 feet not 98.4 feet.

Whether it is the 60 meter Micro-cultivation killing regulation or the more reasonable 30 meter (98.4 feet) setback, its just bad regulation. These massive setbacks are meant to kill off anyone wanting have a micro-cultivation operation. The province has made the *suggestion* of 30 meters, not sure where the 60 meters came into your regulation but I seriously hope it’s just a typo and not something that is going to be considered.

I strongly urge the Gabriola Land Trust to roll back the setbacks to a more reasonable 10 meters, this will at least allow some people who wish to start a micro-cultivation operation a fighting chance.

Stephen Cooper