



PUBLIC HEARING
Tuesday, December 10, 2019 @ 5:30 PM
George Fraser Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet

AGENDA

Page

1. CALL TO ORDER
2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY
Council would like to acknowledge the Yuułu?if?ath First Nations on whose traditional territories the District of Ucluelet operates.
3. NOTICE OF VIDEO RECORDING
Council would like to advise District of Ucluelet Staff, audience members and delegates that this Council proceeding is being video recorded and the recording will be live streamed or subsequently published on the District of Ucluelet's YouTube channel.
4. LATE ITEMS
5. EXPLANATION OF PUBLIC HEARING PROCESS
 - 5.1. Rules Governing Public Hearing
 1. As provided for in the Local Government Act, the Council is required to hold a Public Hearing before adopting an Official Community Plan Bylaw, Zoning Bylaw or amendments thereto.
 2. At a Public Hearing all persons who deem their interest in property affected by the proposed bylaws shall be afforded an opportunity to be heard, or to present written submissions, on matters contained in the bylaw.
 3. The Council may give such effect, as it deems fit, to representations made at a Public Hearing, in the bylaws as adopted.
 4. At a Public Hearing the Council is under no obligation to enter into a debate on any issue. The purpose of a hearing is to hear public input, which will later be considered by the Council in their regular meeting.
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[R-2 May 22, 2018 Regular Council Meeting Report: Zoning Amendments to](#)

[Clarify the Definition of Cannabis Sales and Production](#)
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DISTRICT OF UCLUELET

Bylaw No. 1228, 2018

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".

WHEREAS the District of Ucluelet Council proposes to amend the definitions within the District of Ucluelet Zoning Bylaw No. 1160, 2013 to clarify the definition of cannabis sales and production;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

District of Ucluelet Zoning Bylaw No. 1160, 2013 as amended is hereby further amended as follows:

1. By adding the following definition to Section 103.1, immediately following the definition of "Accessory Retail Sales and Administration Office":

"ACMPR" means the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230 under the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, or successor legislation.

2. By adding the following definitions to Section 103.1, immediately following the definition of "Camping Space":

"Cannabis" means any part of the cannabis plant, and includes its preparations and derivatives and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, but does not include: a non-viable seed of a cannabis plant; a mature stalk of a cannabis plant, without any leaf, flower, seed, or branch, and fiber derived from such stalks; and the roots or any part of the root of a cannabis plant.

"Cannabis Sales" means the retail or wholesale sale of *cannabis*, and includes an operation which provides referrals or facilitates access to *cannabis* not physically sold on the premises, but does not include:

- a) sales of *cannabis* by a British Columbia Registered Pharmacist in a British Columbia regulated Pharmacy; or
- b) authorized distribution by a Licenced Producer under Part 1 of the ACMPR by means other than retail sale.

"Cannabis Production" means the use of any land, building or structure for the growing, production, processing, destruction, storage or distribution of Cannabis, including by one or more persons under one or more registrations under Part 2 of the ACMPR, but does not include:

- a) *Cannabis Sales*; or
- b) Non-commercial activities by a registrant or designated person under Part 2 of the ACMPR.

3. By deleting the current Section 303.3(6) and replacing with the following:
“(6) *Cannabis Production* or *Cannabis Sales*, except as expressly permitted elsewhere in this Bylaw.”
4. This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018”.

READ A FIRST TIME this 24th day of **April, 2018**.

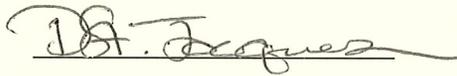
READ A SECOND TIME this 24th day of **April, 2018**.

PUBLIC HEARING held this 22nd day of **May, 2018**.

READ A THIRD TIME this 22nd day of **May, 2018**.

ADOPTED this 12th day of **June, 2018**.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018.”

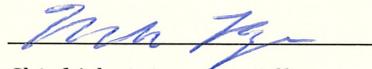


Mayor
Dianne St. Jacques



Chief Administrative Officer
Mark Boysen

THE CORPORATE SEAL of the District of Ucluelet was hereto affixed in the presence of:



Chief Administrative Officer
Mark Boysen



STAFF REPORT TO COUNCIL

Council Meeting: April 24th, 2018
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

REF NO: RZ18-01 **FILE NO:** 3360-20

REPORT NO: 18-35

SUBJECT: ZONING BYLAW AMENDMENTS TO CLARIFY THE DEFINITION OF CANNABIS SALES AND PRODUCTION;

RECOMMENDATION:

1. **THAT** Council, with regard to the proposed zoning amendment to further define cannabis sales and cannabis production, and to clarify that these uses are not currently permitted in any zone within the municipality:
 - a. give first and second reading to District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018;
 - b. advance the bylaw to a public hearing;

2. **and further, THAT** Council indicate to the community and any future applicants that the following can be expected in the future consideration of rezoning applications for cannabis sales:
 - a. any cannabis sales rezoning applications will be brought to Council no earlier than 90 days following the adoption of federal Bill C-45 and provincial legislation for the legal distribution and regulation of cannabis sales in BC, whichever is later;
 - b. Council will consider the merits of any rezoning applications for cannabis sales in the context of federal and provincial regulations, community input at a joint public hearing, and the following preliminary criteria:
 - i. on commercial property located at least 300m from school grounds, public playgrounds, licensed daycare facilities, the Ucluelet Community Centre, Ucluelet Aquarium and Municipal Hall, and at least 150m from Tugwell Sports Fields;
 - ii. low-key storefront design and signage befitting the form and character of the Ucluelet streetscape and surrounding commercial properties;
 - iii. all other aspects normally considered with a commercial rezoning application (access, location and amount of parking, landscaping, etc.);
 - iv. any components of the proposal which may help to mitigate impacts of the new use or provide a degree of public amenity to present a net public benefit to the community; and,
 - c. after hearing public input, Council may deny all applications or approve one or more applications up to a maximum of two cannabis sales retail locations in Ucluelet at this point in time.

PURPOSE:

In anticipation of upcoming new federal and provincial legislation and regulations, this report is intended to give Council information on a zoning amendment to further clarify the zoning regulations for cannabis sales and production. The bylaw amendment would define “cannabis sales” as a distinct use from “retail” and clarify that cannabis sales is not a permitted use in any zone which currently exists in Ucluelet. This report also suggests criteria for Council to consider with any future site-specific rezoning application which may seek to allow cannabis sales as a permitted use on a property, once the federal and provincial legislation has been adopted.

BACKGROUND:

The Government of Canada has introduced legislation to legalize the recreational use of cannabis. Bill C-45, the *Cannabis Act*, which will regulate and restrict the production, distribution, sale, and use of this product, has completed Second Reading in the Senate (March 22nd, 2018) and is expected to pass into law sometime in the fall of 2018. The progress of Bill C-45 can be followed at:

<http://www.parl.ca/LegisInfo/BillDetails.aspx?billId=8886269>

This Federal legislation creates significant responsibilities for all levels of government. Provincial and Territorial governments have begun to make new policy decisions in response to the Federal legislation, and most have done so with some form of public and/or stakeholder consultation. The frameworks implemented by the Provincial and Territorial Governments provide a more detailed context for local governments to make decisions about the infrastructure, local regulations and enforcement needed to support these policy changes. On February 5, 2018 the BC Provincial Government announced decisions on public consumption, retail sales model, and personal cultivation. This has outlined in more detail the context within which BC municipalities will need to operate. More information on the provincial regulatory framework can be found at:

<https://www2.gov.bc.ca/gov/content/safety/public-safety/cannabis>

DISCUSSION:

The District of Ucluelet, like all local governments, must determine what changes are needed to ensure an effective response to the proposed new cannabis legalization. In managing this major legal and social change, municipalities are guided by the specific objectives of Bill C-45, which include:

- preventing youth from accessing cannabis;
- providing for controlled access to cannabis by adults; and
- providing for responsible regulation and oversight.

The District of Ucluelet is seeking to develop a balanced, appropriate, and evidence-based response to cannabis legalization and its many implications. Local governments need to balance public safety concerns associated with cannabis legalization with a recognition that the possession and consumption of cannabis will become legal in Canada with the adoption of Bill C-45.

The first step in preparing for the adoption of Bill C-45 is to further define and improve our legal framework within the Zoning Bylaw for the production and sale of cannabis. The two areas of focus in the proposed bylaw are the definitions of Cannabis Production and Cannabis Sales:

Cannabis Production

Currently the production of cannabis is restricted under the District of Ucluelet Zoning Bylaw 1160, 2013 (the “**Zoning Bylaw**”):

303.3 Without limiting the generality of Subsection 303.1, the following uses are prohibited in all Zones:

(6) medical and other federally licensed marihuana production facilities, including parts thereof licensed under the federal Medical Marihuana for Medical Purposes Regulation;

Staff are proposing to delete S.303.3 (6) and replace it with the following:

“(6) Cannabis Production or Cannabis Sales, except as expressly permitted elsewhere in this Bylaw.”

The proposed modification of this section clarifies that there is a difference between production and sales, and anticipates future applications for legal production under the Access to Cannabis for Medical Purposes Regulations (ACMPR) or retail operations under the Cannabis Act and provincial regulations. Staff are also proposing to add the following definition to the zoning bylaw regarding cannabis production:

“Cannabis Production” means the use of any land, building or structure for the growing, production, processing, destruction, storage or distribution of Cannabis, including by one or more persons under one or more registrations under Part 2 of the ACMPR, but does not include:

- a) Cannabis Sales; or
- b) Non-commercial activities by a registrant or designated person under Part 2 of the ACMPR.

The addition of this definition is a clarification of the Cannabis Production use. Any future application for a cannabis production facility would still need a zoning amendment to allow that use but the use will have been clearly defined.

Cannabis Sales

In preparation of the expected fall 2018 adoption of Bill C-45, Staff in consultation with the municipal solicitors have proposed the following additions to Section 103.1(Definitions) of the zoning bylaw:

Cultivation for personal use:

Note the proposed bylaw amendments would leave the Zoning Bylaw silent on the cultivation of cannabis for personal use. The federal regulations are drafted to allow the cultivation of up to 4 plants in a dwelling (defined to include the property on which a dwelling is located). Once legalized by federal law, growing up to 4 pot plants on your property would, as a land use, be considered a permitted accessory use to a residence (no different than growing carrots or begonias).

Municipalities may have authority to restrict the location of personal cultivation on grounds of mitigating nuisance or health concerns. This area of regulation is expected to have a high degree of public interest and, if enacted, could generate a large volume of bylaw complaints.

Staff recommend that the District await the adoption of federal and provincial legislation and regulations - and then monitor this activity. If complaints or concerns arise from the personal cultivation of cannabis, Council could consider at a future date whether there is a need for municipal regulation, the details of such regulations and a practical enforcement mechanism.

“Cannabis” means any part of the cannabis plant, and includes its preparations and derivatives and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, but does not include: a non-viable seed of a cannabis plant; a mature stalk of a cannabis plant, without any leaf, flower, seed, or branch, and fiber derived from such stalks; and the roots or any part of the root of a cannabis plant.

“Cannabis Sales” means the retail or wholesale sale of cannabis, and includes an operation which provides referrals or facilitates access to cannabis not physically sold on the premises, but does not include:

- a) sales of cannabis by a British Columbia Registered Pharmacist in a British Columbia regulated Pharmacy; or
- b) authorized distribution by a Licenced Producer under Part 1 of the ACMPR by means other than retail sale.

The addition of these definitions clarifies cannabis and cannabis sales and allows Council the opportunity to review future applications with improved clarity in regard to location, regulatory measures and bylaw enforcement.

Smoking Regulations

The Ucluelet Smoking Control Bylaw No. 1187, 2016, already bans the smoking or vaping of tobacco, “weed” or other substances in parks, playgrounds, beaches, trails or other public places, within 8m of a building opening or customer service area, or in restaurants. The bylaw enacts a \$50 fine for non-compliance. Bylaw No. 1187 would still fully apply to the smoking of cannabis in public places after Bill C-45 is enacted, and does not need to be amended at this time.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Setting up the specific policy and regulatory measures will be part of any future rezoning application and be part of the normal duties of the Planning department. Staff anticipate that any future cannabis rezoning applications could generate significant public interest and may warrant one or more public information meetings or town hall-type meetings in addition to a formal public hearing or hearings on the bylaws.

FINANCIAL IMPACTS AND FUTURE WORK:

The District of Ucluelet has accrued minor legal costs in preparing a response to Bill C-45. A portion of the costs of Staff time involved in preparing the policy and regulatory measures needed for future rezonings will be recouped through the respective application fees. The financial impacts to the District of Ucluelet as a result of the approval of a zoning amendment to define cannabis retail or production will also be reviewed through the respective zoning amendment application process.

If and when the District receives a rezoning application for allowing cannabis sales, a concurrent review of the Business Licence Bylaw would be warranted to insert the new business category and licence fees.

POLICY OR LEGISLATIVE IMPACT:

The proposed bylaw is the immediate required response to the possible adoption of Bill C-45. Staff will be able to provide additional direction on specific strategies around Cannabis sales and production after the federal and provincial framework is in place, and within the context of legal rezoning applications.

SUMMARY:

The zoning bylaw amendment proposed in this report is the first step in the District of Ucluelet's response to the possible adoption of Bill C-45 in the fall of 2018. When Bill C-45 is adopted and clear policy framework for the regulating and licensing of non-medical cannabis is available, the District of Ucluelet could then accept rezoning applications for those respective uses. Staff would create the appropriate site-specific zoning amendments and regulatory measures for Council to review at that time.

The draft Bylaw No. 1228 would clarify the definition of cannabis sales and position the community to consider any future applications seeking approval to open a retail cannabis store in Ucluelet. Any such application would need a site-specific zoning amendment. To achieve that a zoning amendment bylaw would need to be adopted by Council; that process would involve a public hearing on the specific proposal or proposals being considered.

The regulatory direction announced (but not yet adopted) by the provincial government indicates that Council will have full control over whether and how many cannabis retail sales licences are issued in the municipality. The rezoning of a property to allow cannabis sales would be a first step for a potential cannabis retailer to seek community support for their application and proposed location.

Staff recommend that Council consider adopting a motion signaling to the community and any future applicants some ground rules and preliminary criteria for what can be expected in the future consideration of rezoning applications for cannabis sales. By indicating this list of criteria and process, Council would clarify community expectations for those business and/or property owners considering applying for a zoning amendment. Staff expect significant community interest in the details of where, what and how many cannabis sales proposals are submitted. By bringing the first wave of applications forward together – after the federal and provincial legal framework is clear – the community could see the details before providing its input and Council would be able to make a fully informed decision on the merits of each application.

Municipalities have discretion over whether to permit any retail cannabis sales within their boundaries, or alternatively to allow any number of such businesses. Staff recommend that if there is support from the community for future rezoning applications Council consider approving up to two sites. Staff would advise against approving a single site (thereby setting up a monopoly in town), and suggest that for a community of this size more than two are probably not warranted.

OPTIONS:

1. **THAT** Council, with regard to the proposed zoning amendment to further define cannabis sales and cannabis production, and to clarify that these uses are not currently permitted in any zone within the municipality:
 - a. give first and second reading to District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018;
 - b. advance the bylaw to a public hearing;

(Recommended)

2. **and further, THAT** Council indicate to the community and any future applicants that the following can be expected in the future consideration of rezoning applications for cannabis sales:
 - a. any cannabis sales rezoning applications will be brought to Council no earlier than 90 days following the adoption of federal Bill C-45 and provincial legislation for the legal distribution and regulation of cannabis sales in BC, whichever is later;
 - b. Council will consider the merits of any rezoning applications for cannabis sales in the context of federal and provincial regulations, community input at a joint public hearing, and the following preliminary criteria:
 - i. on commercial property located at least 300m from school grounds, public playgrounds, licensed daycare facilities, the Ucluelet Community Centre, Ucluelet Aquarium and Municipal Hall, and at least 150m from Tugwell Sports Fields;
 - ii. low-key storefront design and signage befitting the form and character of the Ucluelet streetscape and surrounding commercial properties;
 - iii. all other aspects normally considered with a commercial rezoning application (access, location and amount of parking, landscaping, etc.);
 - iv. any components of the proposal which may help to mitigate impacts of the new use or provide a degree of public amenity to present a net public benefit to the community; and,
 - c. after hearing public input, Council may deny all applications or approve one or more applications up to a maximum of two cannabis sales retail locations in Ucluelet at this point in time.

(Recommended)

3. That Council defer the readings and advancement of Bylaw No. 1228, 2018 to seek further information from Staff.

Respectfully submitted: Bruce Greig, Manager of Planning
John Towgood, Planner
Mark Boysen, Chief Administrative Officer



STAFF REPORT TO COUNCIL

Council Meeting: May 22nd, 2018
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

REF NO: RZ18-01 **FILE NO:** 3360-20

REPORT NO: 18-47

SUBJECT: ZONING BYLAW AMENDMENTS TO CLARIFY THE DEFINITION OF CANNABIS SALES AND PRODUCTION;

ATTACHMENT: APPENDIX A - DISTRICT OF UCLUELET ZONING BYLAW AMENDMENT BYLAW NO. 1228, 2018.

RECOMMENDATION:

1. **THAT** Zoning Bylaw Amendment Bylaw No. 1228, 2018 be given third reading.

PURPOSE:

To give third reading to the Zoning Bylaw Amendment Bylaw No. 1228, 2018.

BACKGROUND:

At the April 24th, 2018 regular council meeting, Council gave first and second reading to Zoning Bylaw Amendment Bylaw No. 1228, 2018 which amends the District of Ucluelet Zoning Bylaw No. 1160, 2013 by adding and clarifying the definitions for cannabis sales and production. A public hearing was held for Bylaw No.1228 prior to the regular council meeting on May 22nd, 2018.

OPTIONS REVIEW:

1. That Zoning Bylaw Amendment Bylaw No. 1228 be given third reading. (**Recommended**)
2. That Council defer the reading of Bylaw No. 1228 to a future date to be identified; or,
3. That Council provide alternative direction to staff.

Respectfully submitted: Bruce Greig, Manager of Planning
John Towgood, Planner
Mark Boysen, Chief Administrative Officer



STAFF REPORT TO COUNCIL

Council Meeting: JUNE 12, 2018
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MARLENE LAGOVA, DEPUTY MUNICIPAL CLERK **FILE NO:** 3360-20 & 3900-25
SUBJECT: ADOPTION OF BYLAW NO. 1228 & BYLAW NO. 1231 **REPORT NO:** 18-57
ATTACHMENT(S): DISTRICT OF UCLUELET ZONING BYLAW AMENDMENT BYLAW NO. 1228, 2018
ELECTION & ASSENT VOTING BYLAW NO. 1231, 2018

RECOMMENDATION(S):

1. **THAT** Council adopt District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018; and
2. **THAT** Council adopt Election and Assent Voting Bylaw No. 1231, 2018.

PURPOSE/DESIRED OUTCOME:

The purpose of this report is to request Council adopt Bylaw No. 1228 and Bylaw No. 1231.

BACKGROUND:

Bylaw No. 1228 - Zoning Bylaw Amendment (Cannabis Sales and Production)

At the April 24, 2018 regular council meeting, Council gave first and second reading to Zoning Bylaw Amendment Bylaw No. 1228, 2018 which amends the District of Ucluelet Zoning Bylaw No. 1160, 2013 by adding and clarifying the definitions for cannabis sales and production.

A public hearing was held for Bylaw No. 1228 on May 22, 2018. Following the public hearing, Council gave third reading to Bylaw No. 1228 at its regular council meeting.

Bylaw No. 1231 – Election and Assent Voting

At the May 22, 2018 regular council meeting, Council gave first, second, and third reading to the Election and Assent Voting Bylaw No. 1231, 2018.

Updating the District's election bylaw is necessary to reflect recent amendments to the *Local Government Act* (LGA). Adoption of Bylaw No. 1231 will result in the following changes to the District's election procedures:

1. In accordance with the LGA, moving the general local election from every 3 years to 4 years, and from the 3rd Saturday of November to the 3rd Saturday of October; and
2. In the event of a tie vote following a judicial recount, the District will conduct a run-off election for the tied candidates only.

Respectfully submitted: Marlene Lagoa, Deputy Municipal Clerk
Bruce Greig, Manager of Community Planning
Mark Boysen, Chief Administration Officer



DISTRICT OF UCLUELET

Excerpts from the April 24, 2018 Regular Council Meeting

13.4 REPORT - Zoning Bylaw Amendments to Clarify the Definition of Cannabis Sales and Production

Bruce Greig, Manager of Community Planning

Bruce Greig, Manager of Community Planning, provided the following responses to Council's questions:

- The 90 days following adoption of federal and provincial legislation is only a recommendation of a reasonable amount of time for applications to be submitted. The timeline can be changed at Council's discretion.
- The 150m buffer from Tugwell Sports Fields was based on the size of the field and local geography. Increasing the buffer to 300m would exclude most commercial and industrial properties in that area of town.
- Limiting to two cannabis sales retail locations was based on it being a good number to begin with for a community of our size. If only one business licence was permitted it might establish a monopoly.

It was moved by Councillor Noel and seconded by Councillor McEwen

THAT Council approve recommendation 1 from report item, "Zoning Bylaw Amendments to Clarify the Definition of Cannabis Sales and Production" which states:

1. *THAT Council, with regard to the proposed zoning amendment to further define cannabis sales and cannabis production, and to clarify that these uses are not currently permitted in any zone within the municipality:*
 - a. *give first and second reading to District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018;*
 - b. *advance the bylaw to a public hearing;*

CARRIED.

It was moved by Councillor Noel and seconded by Councillor McEwen

THAT Council approve recommendation 2 from report item, "Zoning Bylaw Amendments to Clarify the Definition of Cannabis Sales and Production" which states:

2. *THAT Council indicate to the community and any future applicants that the following can be expected in the future consideration of rezoning applications for cannabis sales:*

- a. *any cannabis sales rezoning applications will be brought to Council no earlier than 90 days following the adoption of federal Bill C-45 and provincial legislation for the legal distribution and regulation of cannabis sales in BC, whichever is later;*
- b. *Council will consider the merits of any rezoning applications for cannabis sales in the context of federal and provincial regulations, community input at a joint public hearing, and the following preliminary criteria:*
 - i. *on commercial property located at least 300m from school grounds, public playgrounds, licensed daycare facilities, the Ucluelet Community Centre, Ucluelet Aquarium and Municipal Hall, and at least 150m from Tugwell Sports Fields;*
 - ii. *low-key storefront design and signage befitting the form and character of the Ucluelet streetscape and surrounding commercial properties;*
 - iii. *all other aspects normally considered with a commercial rezoning application (access, location and amount of parking, landscaping, etc.);*
 - iv. *any components of the proposal which may help to mitigate impacts of the new use or provide a degree of public amenity to present a net public benefit to the community; and,*
- 3. *after hearing public input, Council may deny all applications or approve one or more applications up to a maximum of two cannabis sales retail locations in Ucluelet at this point in time.*

CARRIED.

13.5 BYLAW - District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018

It was moved by Councillor McEwen and seconded by Councillor Mole

THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018 be given first reading.

CARRIED.

It was moved by Councillor Mole and seconded by Councillor Oliwa

THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018 be given second reading.

CARRIED.



DISTRICT OF UCLUELET

Excerpts from the May 22, 2018 Public Hearing

4. PUBLIC HEARING - Zoning Amendment Bylaw No. 1228, 2018

4.1 Presentation of Bylaw No. 1228, 2018

- Bruce Greig, Manager of Community Planning, stated that in general terms the purpose of the proposed bylaw is to amend the zoning bylaw by: adding the definition for cannabis, cannabis sales, and cannabis production; and replacing section 303.3(6) with "Cannabis Production and Cannabis Sales, except as expressly permitted elsewhere in the Bylaw".
- Purpose of the bylaw amendment is to differentiate between regular retail sales and cannabis retail.
- Any cannabis sales location would need to rezone to permit that use following the adoption of the federal and provincial legislation.
- Noted staff did have a copy of the Official Community Plan and Zoning Bylaw available for members of the public.

4.2 Reports and Materials for Bylaw No.1228, 2018

4.3 Excerpts from Previous Council Meetings

4.4 Public Representations for Bylaw No. 1228, 2018

- a. There were no written submissions.
- b. Mayor St. Jacques asked a first time if there were any representations from the public.
There were no comments from the public.
- c. Mayor St. Jacques asked a second time if there were any representations from the public.
There were no comments from the public.
- d. Mayor St. Jacques asked a third and final time if there were any representations.
There were no comments from the public.



DISTRICT OF UCLUELET

Excerpts from the May 22, 2018 Regular Council Meeting

13.1 REPORT - Zoning Bylaw Amendments to Clarify the Definition of Cannabis Sales and Production

Bruce Greig, Manager of Community Planning

It was moved by Councillor McEwen and seconded by Councillor Mole

THAT Council approve recommendation 1 of legislation item, "Zoning Bylaw Amendments to Clarify the Definition of Cannabis Sales and Production" which states:

- 1. THAT Zoning Bylaw Amendment Bylaw No. 1228, 2018 be given third reading.*

CARRIED.

13.2 BYLAW - District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018

It was moved by Councillor Oliwa and seconded by Councillor McEwen

THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018 be given Third reading.

CARRIED.



DISTRICT OF UCLUELET

Excerpts from the June 12, 2018 Regular Council Meeting

13.1 REPORT - Adoption of Bylaw No. 1228 & Bylaw No. 1231

Marlene Lagoa, Deputy Municipal Clerk

It was moved by Councillor McEwen and seconded by Councillor Noel

THAT Council approve recommendation 1 & 2 of legislation item, "Adoption of Bylaw No. 1228 & Bylaw No. 1231" which states:

- 1. THAT Council adopt District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018; and*
- 2. THAT Council adopt Election and Assent Voting Bylaw No. 1231, 2018.*

CARRIED.

13.2 BYLAW - District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018

It was moved by Councillor McEwen and seconded by Councillor Oliwa

THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018 be adopted.

CARRIED.

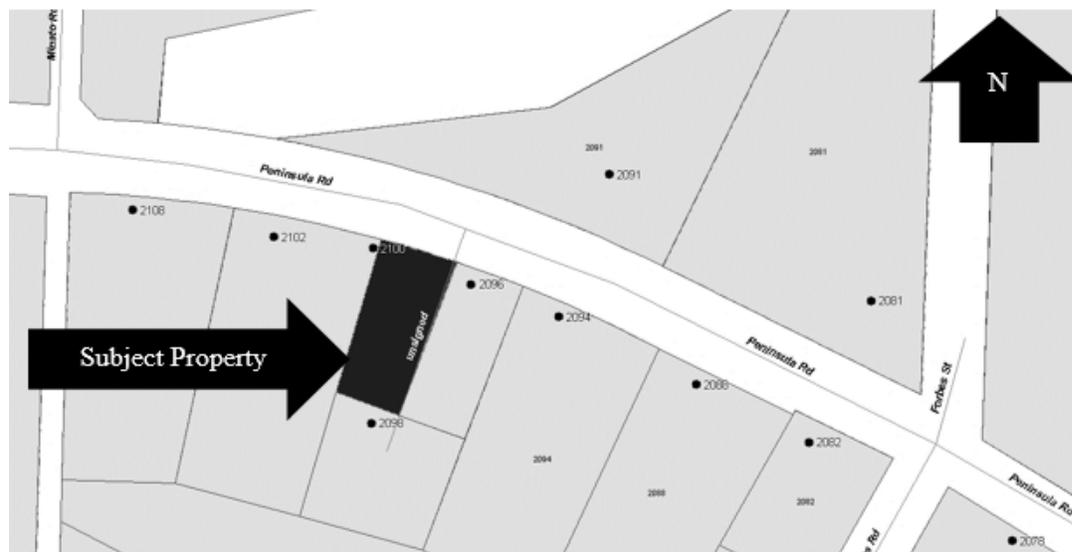


NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at the Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet B.C., on **Tuesday, December 10, 2019**, commencing at **5:30 p.m.** on the following proposed Bylaw pursuant to Sections 464 and 466 of the *Local Government Act*.

District of Ucluelet Zoning Amendment Bylaw No. 1258, 2019

In general terms the purpose of this proposed Bylaw is to amend the District of Ucluelet Zoning Bylaw No. 1160, 2013 (the "Zoning Bylaw") to allow, as an additional principal permitted use, *Cannabis Production* for the property located at 2100 Peninsula Road (Lot B, District Lot 284, Clayoquot Land District, Plan VIP85941 PID 027-730-565). The Zoning Bylaw defines Cannabis Production as the use of any land, building or structure for the growing, production, processing, destruction, storage or distribution of Cannabis, but does not include Cannabis Sales.



Anyone who believes the proposed bylaw will affect their interests will be given an opportunity to be heard at the public hearing. Written submissions may be mailed to the District of Ucluelet, P.O. Box 999, Ucluelet B.C., V0R 3A0, faxed to (250) 726-7335 or emailed to info@ucluelet.ca but must be received before the commencement of the Public Hearing. Submissions received after the Public Hearing can not be accepted. Written submissions must include your name and street address and will be considered part of the public record pursuant to the *Freedom of Information and Protection of Privacy Act*. Questions about the Zoning Bylaw may be directed to the District of Ucluelet's Planning Department by telephone at (250) 726-7744 or by email to jtowgood@ucluelet.ca.

A copy of the proposed bylaws, application materials, staff reports, and other relevant information may be inspected at the District of Ucluelet office at 200 Main Street from the date of this notice until the public hearing, between the hours of 8:30 a.m. to 4:00 p.m. weekdays except statutory holidays.

DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1258, 2019

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection in alphanumerical order to Section CS-2.1 Permitted Uses:

“**CS-2.1.3** For Lot B, District Lot 284, Clayoquot Land District, Plan VIP85941 (property PID 027-730-565 at 2100 Peninsula Road), *Cannabis Production* is also a permitted use.”

2. This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1258, 2019”.

READ A FIRST TIME this 22nd day of October, 2019.

READ A SECOND TIME this 22nd day of October, 2019.

PUBLIC HEARING held this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1258, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Mark Boysen
Corporate Officer

FROM: JOHN TOWGOOD, PLANNER 1

FILE NO: 3360-20-RZ19-04

SUBJECT: ZONING BYLAW AMENDMENT FOR 2100 PENINSULA ROAD

REPORT NO: 19- 138

ATTACHMENT(S): APPENDIX A – APPLICATION
APPENDIX B – ZONING AMENDMENT BYLAW NO. 1258, 2019

RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1258, 2019, be given first and second reading and advanced to a public hearing.

PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No. 1160, 2013, for Lot B, District Lot 284, Clayoquot Land District, Plan VIP85941, (2100 Peninsula Road - the "Subject Property") to allow *Cannabis Production* as a principal permitted use.

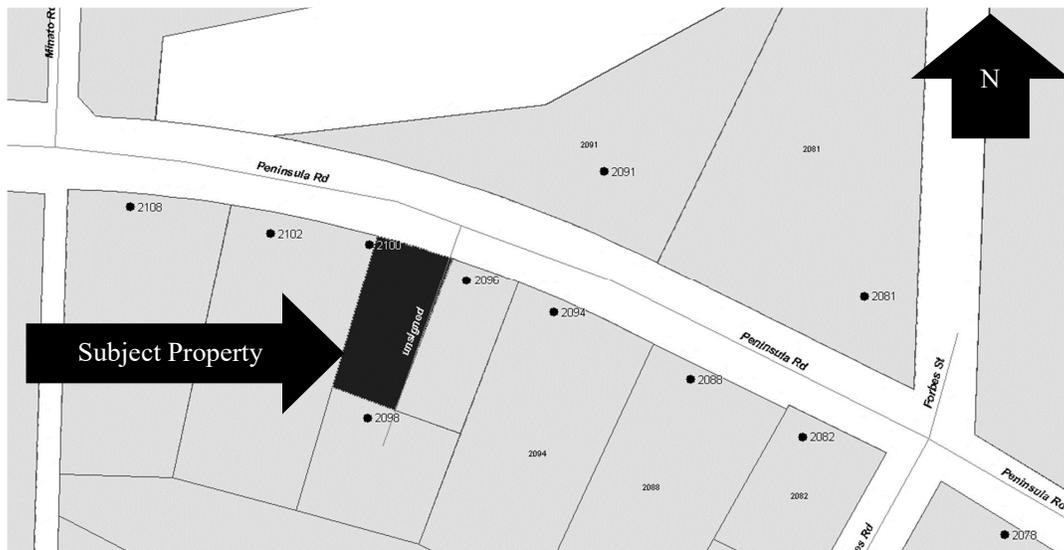


Figure 1 – Subject Property

BACKGROUND:

This application submitted by Nolan Kreuger for the property at 2100 Peninsula Road is for a zoning amendment to allow *Cannabis Production* as a permitted use, to enable development of a proposed micro-cultivation and micro-processing facility.

Federal Legislation

On October 17, 2018, the Government of Canada gave royal accent to the *Cannabis Act*, which provides the framework for legal access to cannabis and regulates its production, distribution and sale (<https://laws-lois.justice.gc.ca/eng/acts/C-24.5/>).

Health Canada is responsible for the licensing and oversight framework for legal production of cannabis. Under this framework, a person is required to obtain a licence from Health Canada to conduct various cannabis related activities. Health Canada has established 8 different license classes (Figure 2).

License Type	Activities Permitted	Size/Amount
Standard Cultivation	Produce dried, fresh plants, seeds	>200m2 Canopy Space
Micro-Cultivation	Produce dried, fresh plants, seeds	<200m2 Canopy Space
Nursery	Produce starting materials (plants and seeds)	<50m2
Standard Processing	Manufacture cannabis products (dried flowers and cannabis oils), sell wholesale to Provincial distributor	>600 kg/year dried cannabis
Micro-Processing	Manufacture cannabis products (dried flowers and cannabis oils), sell wholesale to Provincial distributor	<600 kg/year dried cannabis
Sale for Medical Purposes	Sell cannabis directly to registered clients	N/A
Analytical Testing	Testing	N/A
Research	Conduct research and development	N/A

Figure 2 - Health Canada license classes.

The growing of cannabis (cultivation) is considered a separate activity from the refinement of cannabis into usable products (processing).

Health Canada also distinguishes between the scale of operations. Licenses are available for micro (small-scale) cultivation and processing as well as standard (large-scale) cultivation and processing. For cultivation, the difference in scale is determined through "canopy space", meaning the total area within a facility that is devoted to cultivation of cannabis plants. If plants are stacked on top of each other, vertical height is accounted for as part of the total canopy space. For processing, the difference in scale is measured as a weight equivalent.

It is noteworthy that only those with cannabis processing licenses (micro or standard) are permitted to sell their product to the Provincial distributor, meaning that cultivators must sell their cannabis to a licensed processor or obtain a processing license.

Different licenses are available for growing starter materials (nursery), and for analytical testing and research. Some license types may be combined with other license types at the same site (e.g. micro-cultivation and micro-processing).

Health Canada cannabis production applicants go through the online Cannabis Tracking and Licensing System. This rigorous process takes into account all individuals involved in a cannabis operation, from directors to growers, and requires security screening. As part of this process the applicant must submit a site survey, aerial view, and a site plan showing what activities will be taking place in what parts of the proposed site. Health Canada does not dictate minimum or maximum building sizes for cannabis production facilities but there are differing security requirements for each license type, with requirements generally being more restrictive for larger (standard) facilities.

Health Canada requires that Good Production Practices be followed for cultivation, processing and nursery licenses to ensure that quality products are prepared in a sanitary environment. Applicants are required to provide a Good Production Practices report with their application, which includes a demonstration of proper air filtration and ventilation systems for indoor facilities. The building or part of the buildings where cannabis is produced, packaged, labelled, and sorted must be equipped with a system to prevent odours. Health Canada does not require a specific system (e.g. HEPA) but does require a description and diagram/floorplan of the system in place. Compliance with any of the Good Production Practices, can be verified at any time by Health Canada.

Health Canada may refuse to issue a license in any of the following circumstances:

- If issuing a license is deemed to be a risk to public health or safety.
- If there is false or misleading information in the application.
- If the security clearance was refused or canceled; or,
- If a refusal is deemed to be in the public interest.

As of May 8, 2019, the *Cannabis Act* was amended to require new applicants seeking a license to have a fully built site that meets all requirements of the *Cannabis Regulations* at the time of application.

Provincial Legislation

The Province, through the Liquor and Cannabis Regulation Branch (LCRB), is responsible for licensing and monitoring the private retail sale of non-medical cannabis whereas Health Canada takes on this role for the processing and cultivation of Cannabis.

Recent District of Ucluelet Bylaw on Cannabis

On the June 12, 2018 the District of Ucluelet passed Bylaw No. 1228 which amends Ucluelet Bylaw No 1160, 2013 to define Cannabis Production as a use:

“Cannabis Production” means the use of any land, building or structure for the growing, production, processing, destruction, storage or distribution of Cannabis, including by one or more persons under one or more registrations under Part 2 of the ACMPR, but does not include:

- a) Cannabis Sales; or

The Subject property is surrounded by two vacant properties and a property with a small storage building.

Application

This application was received June 13, 2019. It requests spot zoning for *Cannabis Production* on the subject property. Should the rezoning application be successful, the applicant would also need to apply for and obtain the following:

1. Development Permit (Ucluelet);
2. Building Permit (Ucluelet);
3. License for “Micro-Cultivation (Health Canada);
4. License for “Micro-Processing (Health Canada); and,
5. Business Licence (Ucluelet).

DISCUSSION:

Official Community Plan

The subject property is currently designated for “Service Commercial” land uses by the District of Ucluelet Official Community Plan Bylaw No. 1140, 2011, (OCP). Section 3.6 of the OCP describes “Commercial Development” as follows:

3.6 Commercial Development

Ucluelet provides a range of commercial facilities and services for the convenience of residents and visitors. Commercial uses help to foster a sustainable local economy by strengthening the commercial tax base, providing employment opportunities and accommodating a viable tourist economy. Commercial land uses are also recognized for their contribution to a complete community through the provision of services and shopping close to home.

With “Service Commercial” being specifically described as follows:

3.6 (i) Service Commercial

Lands designated for Service Commercial uses are generally located along both sides of Peninsula Road between Forbes Road and Bay Street.

As part of the new Draft OCP, Staff have been reviewing the designation of commercial land uses and associated guidelines. Along the Peninsula Road corridor from Main Street to Seaplane Base Road (the central commercial area of town - as indicated in red below), Staff consider it important for all new development to have a direct connection to the street, with parking at the rear. The next part of Peninsula Road, between Seaplane Base Road and Forbes Road (as indicated in orange below), is a transition area where it is preferred that buildings have a direct connection to the street but it is also understood that businesses such as gas stations and lumber yards are or will be set back with parking in front of the building.

To retain a strong presence and “gateway” experience at the entrance to town, the remaining Peninsula Road corridor, from Forbes Road to the District of Ucluelet boundary, should remain in as natural a state as possible (area indicated in green below). For a resident or visitor entering Ucluelet from the north, the forest will gradually peel back as more intensive land uses and building density concentrate toward the Village Square. The area north of Forbes Road would best fit businesses which do not require pedestrian customer traffic and peak out of the forest rather than face the road with a more urban storefront.

The above context provides a backdrop to the question of whether it is appropriate to develop a land use with little commercial presence fronting Peninsula Road. The cannabis cultivation and processing use would not have an active public commercial interface fronting Peninsula Road. There would be no pedestrian traffic or need for the operator to have a street presence. Normally a gap in commercial activity is not desirable because commercial density or activity is an important part of creating a vibrant streetscape. However in this location retaining the character of street-side forests or dominant natural landscaping is more important for the community character than commercial density.



Figure 4 – appropriate commercial land use within the Peninsula Road corridor

Staff consider that *Cannabis Production* is a Light Industrial land use. Staff originally encouraged the applicant to look for a property within the industrial area of Forbes Road. The applicant was seeking a smaller lot as the micro-cultivation area is limited to 200m² (2153ft²); a suitably sized lot was not available on Forbes Road. Also, proximity to Tugwell Fields may cause issues with the federal licensing requirements.

Bordering the Forbes Road industrial area, the subject lot is in an appropriate area to consider extending light industrial uses. The area indicated below in bold (see **Figure 5**) is an area where it would be supportable to allow light industrial uses provided the Peninsula Road corridor retains its forested corridor feel.



Figure 5 – area appropriate for extending Light Industrial uses

There is no direct mention of a Light Industrial land use within the Service Commercial land use designation in the 2011 OCP. That being said, Council can consider the entire OCP document when making land use decisions. The Commercial Development land use section supports uses that help foster a sustainable local economy as follows:

“Commercial uses help to foster a sustainable local economy by strengthening the commercial tax base, providing employment opportunities and accommodating a viable tourist economy.”

Section 1.5 Economic Development discusses the importance of a diversified economy:

“There is a need to explore economic development opportunities in value-added industries, sport fishing, adventure and eco-tourism facilities and services and alternative energy resources while at the same time maintaining and promoting the existing industries. It is important that Ucluelet maintains a diversified economy, so that it does not concentrate solely on tourism, while retaining its ‘traditional’ small town character.”

The proposed *Cannabis Production* facility could provide six to eight full-time skilled jobs in an industry that is not related to fishing or tourism and would contribute to the diversification of Ucluelet’s local economy. Considering the support for a sustainable and diverse economy, and the community benefit of fostering a green entry to town through this commercial strip, Staff consider this application is not inconsistent with the 2011 OCP.

Development Permit

The applicant is not currently applying for a Development Permit (DP). The building drawings are included to give Council an idea of the scale and impact of the proposed use. A DP application could be expected to quickly follow adoption of the requested rezoning bylaw, or the applicant could apply prior to a public hearing if they wished the applications to be considered concurrently.

Zoning

The Property is currently zoned CS-2 Service Commercial and has the following permitted uses:

CS-2.1 Permitted Uses:

CS-2.1.1 The following uses are permitted, but secondary permitted uses are only permitted in conjunction with a principal permitted use:

(1) Principal:

- (a) Hotel*
- (b) Motel*
- (c) Mixed Commercial/Residential*
- (d) Mixed Commercial/Resort Condo*
- (e) Office*
- (f) Tourist Information Booth*
- (g) Retail, including supermarket*
- (h) Convenience Store*
- (i) Restaurant*
- (j) Bistro/Café*
- (k) Take Out Food Services*
- (l) Personal Services*
- (m) Commercial Recreation*
- (n) Studio*
- (o) Community Use*

(2) Secondary:

- (a) Accessory Residential Dwelling Unit*

Staff consider the best approach to amending the zoning for the requested use would be to spot zone the subject property as follows:

CS-2.1.3 *For Lot B, District Lot 284, Clayoquot Land District, Plan VIP85941, (PID 027-730-565 at 2100 Peninsula Road), Cannabis Production is also a permitted use.*

PERCEIVED CONCERNS AROUND CANNABIS PRODUCTION:

Odours

As indicated in the applicant's letter, licensed producers are required by Health Canada to prevent the escape of odours. Health Canada would be responsible for enforcing these federal regulations.

Sound Pollution

A Cannabis Production facility will require robust ventilation similar to hood vent fans used by restaurants or exterior refrigerant fans.

Security

Security and security screening are the responsibility of Health Canada and their requirements are covered in the previous Background section of this report. It is noteworthy that the proposed production and processing would be entirely enclosed within the building.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Should the application proceed, staff time will be required to process this Zoning Bylaw Amendment, including giving notice of a Public Hearing.

FINANCIAL IMPACTS:

There are no direct financial implications to the District by advancing the proposed Bylaw to public hearing. The new development would result in increased business licence revenues and property taxes. It would also contribute incrementally to the demand for municipal services, as with any other new business in town.

POLICY OR LEGISLATIVE IMPACTS:

Ucluelet is presently in the process of updating its OCP. The draft Bylaw No. 1236, “The District of Ucluelet Official Community Plan”, is currently at first reading. Updates to the draft plan, which are underway, will reflect the land use considerations discussed within this report.

OPTIONS:

The proposed *Cannabis Production* facility could provide six to eight full-time jobs and diversify Ucluelet’s local economy. The OCP supports a sustainable and diverse economy. A non-commercial natural landscaped frontage, as shown, would be appropriate for the area. Staff therefore recommend that Council consider giving first and second reading to the attached Zoning Amendment Bylaw No. 1958, 2019, and advance the bylaw to a public hearing to gather community input. Alternatively, Council could consider the following:

2. **THAT** Council provide alternative direction to Staff and/or the applicant; **or**,
3. **THAT** Council reject the application.

Respectfully submitted: John Towgood, Planner 1
Bruce Greig, Manager of Planning
Mark Boysen, Chief Administrative Officer

September 18, 2019

Appendix A

District of Ucluelet
200 Main Street
Ucluelet, British Columbia
V0R 3A0

Attention: Mr. Bruce Greig, Manager of Community Planning
Mr. John Towgood, Planner

Rezoning Application for "LT B PL VIP 85941 DL 284 LD 09"

Dear Sirs,

We would like to formally submit this application for a change to the zoning of the above-mentioned property. Our proposed development of the property, should we be granted to changes in zoning which we are asking for, and the reasons we would require such a rezoning are detailed within.

Thank you for your time and consideration.

Regards,


Nolan Krueger


Michael Krueger

We would like to apply for an amendment to the zoning of the property.

We would like to develop the lot into a facility for the small scale production of non-medicinal cannabis. While the exact scale of required labour is currently variable, if the facility is established we expect to be able to provide around six to eight full time jobs .

We intend to apply to Health Canada for both a micro-cultivation and a micro-processing licence. As the licences are site specific, to begin the application process with Health Canada, we are required to have an appropriately zoned location and - as of the changes made on May 8th - it is further required that we have our facility already "built out".

As such, with regard to the zoning of the lot:

- It is our intent to have the zoning of the lot amended to allow for a light industrial use case.
- It is our intent to have the zoning of the lot amended to allow specifically for the operation of a facility intended for the micro-cultivation and micro-processing of non-medicinal cannabis.

Given the strict safety and security requirements that licenced producers are held to, the total lack of sales to the public, and the fairly isolated location of our proposed site we do not see this proposed development as creating a risk to the community.

- All cannabis related activities at this proposed facility would be conducted indoors. The location we have selected is rather isolated from any areas that have, primarily, residential or community use cases. Due to the proximity of Tugwell Fields to the "Industrial Park", we did not feel that the location was suitable for a facility of this type.
- The licenses that we would be applying for **do not** allow for the sales of cannabis (nor its derivatives) to the public and we, further, do not intend to apply for such licences that would allow for medicinal sales.
- To successfully complete the licence application our facility will have to meet Health Canada's requirements for Good Production Practices. We would, for example, be required to have (as per s.85 of the Cannabis Regulations) an air filtering and ventilation system to prevent the escape of odours.

The Property - 2100 Peninsula Road - LT B PL VIP 85941 DL 284 LD 09

The property is located on Peninsula Road, towards the outer limit of current developments in the town. The property is currently zoned CS-2 Service Commercial, though in submitting this application we intend to have the zoning amended for our purpose. The property does have an (approximate) 22 metre frontage that would be briefly visible to those entering Ucluelet; we intend to heavily plant this frontage to minimize the profile of our building. The property has a fairly even slope to it - being approximately 6.7 metres higher in the rear .



The Building and Business

It is our intent that the building fit the general look and theme of Ucluelet; we envision a fairly nondescript "commercial fishing village" style of building, almost reminiscent of a "net loft". Further, we do not want this facility to have a negative impact on the community; we will be ensuring that we are not a source of unwanted odours and sounds.



Given the changes which occurred to the application process requiring new applicants to have a "built out" site *prior to* applying, we would be designing this facility to also account for the possibility of not getting licenced.

In the event that we did not get licenced, the building could still be used for a mix of commercial and "light industrial" use cases - due to the size of the building it is conceivable that it could serve multiple uses. As approximately half of the building would be designed for the goal of hydroponic cultivation, we have considered the possibility of instead growing more traditional crops; in this possible scenario the remainder of the building would be used for a mix of storage, packaging, sales, and office space as required.

Community Impact: Potential unwanted odours, sounds, and security concerns.

Unwanted Odours

Licensed Producers are required to “prevent the escape of odours” by the Cannabis Act. Under the former *Access To Cannabis for Medical Purposes Regulations* Health Canada gave the example of a filtration system using an H13 high-efficiency particulate air (HEPA) filter (filtering 99.95% of particles larger than 0.3 micrometers) to achieve this goal.

To ensure that our planned facility does not negatively impact the community and, as such, we would be using a mix of activated charcoal and HEPA filters to prevent the escape of any meaningful amount of odours.

Sound Pollution

While this facility would be required to have a number of fans to facilitate air exchange, we do not anticipate this to produce an abnormally large amount of sound; the site should not be much different, in terms of sound pollution, from many other commercial and light industrial uses (restaurants, breweries, markets ... etc). Further, the licence classes we seek are for small scale production and as such we will not be constantly loading and unloading material at the site.

Security Concerns

The licence classes that we are applying for are held to strict security requirements, both in the facility's design and operation as well as in the choice of employees for key positions. It is in our own best interests to ensure that we maintain a high level of security at all times.





DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1258, 2019

Appendix B

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Text Amendment:

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"CS-2.1.3 For Lot B, District Lot 284, Clayoquot Land District, Plan VIP85941 (property PID 027-730-565 at 2100 Peninsula Road), *Cannabis Production* is also a permitted use."

2. This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1258, 2019".

READ A FIRST TIME this day of , 2019.

READ A SECOND TIME this day of , 2019.

PUBLIC HEARING held this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1258, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Mark Boysen
Corporate Officer



DISTRICT OF UCLUELET

Excerpts from the October 22, 2019 Regular Meeting Minutes

14. LEGISLATION

14.1 Zoning Bylaw Amendment for 2100 Peninsula Road *John Towgood, Planner 1*

Mayor Noël declared a conflict of interest on the grounds of his ownership of two properties which are adjacent to the subject property, and left the meeting at 3:01 PM.

Bruce Greig, Manager of Community Planning, provided this report.
Highlights included:

- The proposed zoning amendment is to allow the subject property to be used for cannabis cultivation.
- The applicants also plan to use the site for cannabis processing.
- The property is at the entrance to town, which may be suitable for light industrial uses like cannabis cultivation.
- All production will occur indoors, and cannabis sales will not be permitted on site.
- The facility may create 6-8 skilled jobs.

Council questions and comments:

- Are the two neighbouring property owners aware of the application? Mr. Greig explained that the neighbours will be notified through the public hearing notices.
- Do the regulations that determine the proximity of cannabis retail spaces to parks also apply to cultivation facilities? Mr. Greig responded that similar regulations apply to production and retail facilities.
- What does escape of “any meaningful odors” mean? Is it defined as detectable odors? Mr. Greig noted smells are regulated by the District of Ucluelet nuisance bylaw. The Applicant noted that the federal regulations are vague, and “meaningful odors” are probably defined in terms of their community impact.
- Asked if light would escape from the facility? The applicant explained that there would be no escape of light.
- Noted that Mayor of Port Alberni has toured a similar facility and recommended that Council tour the facility in Port Alberni.

2019-009

It was moved by Councillor McEwen and seconded by Councillor

Kemps

THAT Council approve recommendation 1 of the report item, "Zoning Bylaw Amendment for 2100 Peninsula Road" which states:

1. THAT District of Ucluelet Zoning Amendment Bylaw No. 1258, 2019, be given first and second reading and advanced to a public hearing.

CARRIED.

Nicole Morin

From: Darcey Bouvier on behalf of Info Ucluelet
Sent: December 6, 2019 8:16 AM
To: Nicole Morin
Cc: Joseph Rotenberg
Subject: Proposed Cannabis Grow-Op at 2100 Peninsula rd

-----Original Message-----

From: [REDACTED]
Sent: December 5, 2019 10:05 PM
To: Info Ucluelet <info@ucluelet.ca>
Subject: Proposed Cannabis Grow-Op at 2100 Peninsula rd

To whom it may concern,

My name is Shane Hilder, I own the property at [REDACTED] Peninsula rd, two doors down from the proposed grow-op facility. I am strongly against the facility at that location and advocate for the council to reject the proposal.

I am currently in the process of building a simple single family dwelling on my property. I am concerned the odours from the facility will be constant, as well as the noise from the air circulation fans. From my experience, grow-op facilities I've driven past through Nanaimo have a consistent pungent odour for miles around that is hard to miss, or mistake its origin, despite the governments regulations on air filtration and circulation. Marijuana has a very powerful and distinct smell that travels far. No realistic amount of filtration can completely remove it from the air.

This facility will be one of the first things locals and visitors alike will see and smell when they come into town. I personally don't believe Ucluelet is the fit for such a facility. Nor am I particularly impressed by its large industrious building stature on our main street or as our neighbour. These facilities adequately suite a more rural setting, not within a commercial/residential mixed environment in town. I don't feel this location suites an industrial zoning change. I strongly believe this location should be maintained for commercial/mixed residential units, as is the surrounding neighbourhood. That would fit the community and keep the growth of Ucluelet on a good trajectory. As this community continues to evolve, we'll see town shift further west with future developments, wyndandsea, campground on Minato rd etc. This will place the grow-op facility within the town centre, on the main road, where truthfully, there is no place for an industrial grow-op.

I appreciate your interest in my concerns as a neighbour, and community member. Thank you for reviewing my thoughts on the matter and I look forward to attending the public hearing.

Be well,

Shane Hilder