

# BYLAW P1380

A bylaw of the Regional District of Alberni-Clayoquot to amend Bylaw No. 15, being the “Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971”.

WHEREAS the Local Government Act authorizes the Regional Board to amend a zoning bylaw after a public hearing and upon the affirmative vote of the directors in accordance with Sections 464, 465, 470 and 479 of the *Local Government Act*;

AND WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts the following amendment to the text of the Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971:

## 1. TITLE

This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw No. P1380.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended as follows:

a. Section 3 is hereby amended by adding the following definition:

“Non-Medical Cannabis Production means the production, growing, processing, storage or distribution of commercial non-medical cannabis as permitted by federal legislation, but specifically excluding storefront or retail outlet distribution of cannabis and excluding the growing of cannabis by an individual for their personal use.”

b. Section 101 Small Holdings (A1) District is hereby amended by adding a new subsection 101.1(11) to read as follows:

“(11) Non-Medical Cannabis Production provided that the use is located on a lot that is 2.43 hectares (6 acres) or greater in area and that any building, structure or open area used for the production of non-medical cannabis is located a minimum of 30.48 metres (100 feet) from all lot lines.”



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c. Section 102 Rural (A2) District is hereby amended by adding a new subsection 102.1(15) to read as follows:

“(15) Non-Medical Cannabis Production provided that the use is located on a lot that is 2.43 hectares (6 acres) or greater in area and that any building, structure or open area used for the production of non-medical cannabis is located a minimum of 30.48 metres (100 feet) from all lot lines.”

d. Section 103 Forest Rural (A3) District is hereby amended by adding a new subsection 103.1(16) to read as follows:

“(16) Non-Medical Cannabis Production provided that the use is located on a lot that is 2.43 hectares (6 acres) or greater in area and that any building, structure or open area used for the production of non-medical cannabis is located a minimum of 30.48 metres (100 feet) from all lot lines.”

e. Section 131 Industrial Park (M1) District is hereby amended by adding a new subsection 131.1(13) to read as follows:

“(13) Non-Medical Cannabis Production provided that the use is located on a lot that is 1.619 hectares (4 acres) or greater in area and that any building, structure or open area used for the production of non-medical cannabis is located a minimum of 30.48 metres (100 feet) from all lot lines.”

3. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this 25th day of July, 2018



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# PRODUCTION

## What is happening?

On October 17, 2018, cannabis will be legal in Canada.

## Who can grow?

### Personal Cultivation

On October 17, 2018, adults who are 19 years of age or older will be legally able to grow, from licenced seed or seedlings, up to four (4) cannabis plants per residence for personal use. Producing cannabis beyond personal cultivation limits will be illegal without a licence from Health Canada.

### Commercial Cultivation

Health Canada will issue licences for cultivation, processing and federal sales (medical and non-medical).

## Where can it grow?

Bylaw P1380 was given first reading on July 25, 2018.

This bylaw will amend the zoning bylaw to address the regulation of the production of non-medical cannabis. The intent is to match the regulations we already have in place for the production of medical cannabis. A new definition for “non-medical cannabis production” will also be introduced.

Non-medical cannabis production would be permitted in the A1, A2 and A3 Districts on lots with a minimum lot size of 6 acres and in the M1 District on lots with a minimum lot size of 4 acres. NMC production would be located a minimum of 100 feet from all lot lines.



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# PRODUCTION

The ACRD cannot prohibit production in the Agricultural Land Reserve (ALR). Staff anticipates further direction and recommendations from the Provincial Government with respect to this. Currently, we are following the same rules that were adopted for medical cannabis.



On July 13th the Province announced that local governments can restrict “cement-based industrial style buildings”, but cannot stop other methods of production.

The Right to Farm Act applies to cannabis production.

**Time is important, we need to have a bylaw in place by October 17.**

Without a bylaw, we will have no way to regulate commercial cannabis.



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# PRODUCTION

The Regional District has the authority to regulate the growing and incidental processing of non-medical cannabis (NMC) through zoning. There are limitations to the Regional District's authority where the production of NMC is located on land within the Agricultural Land Reserve.

**Agricultural Land Reserve:** Since May 2015, the production of medical marijuana has been designated as "farm use" which could not be prohibited by a local government bylaw where located on land within the Agricultural Land Reserve (ALR).

Effective July 13, 2018 the province announced a regulatory change that will provide additional regulations for cement-based, industrial style cannabis production in the ALR. The ACRD is awaiting more information from the Agricultural Land Commission.

Local governments must continue to allow NMC production where the cannabis is grown in a way that preserves the productive capacity of agricultural land. The regulation clarifies

that cannabis production in the ALR cannot be prohibited if grown lawfully in an open field, in a structure with a soil base, in a structure that was under construction prior to July 13, 2018 or in a licenced facility.

## **Public consultation**

The ACRD is hosting information sessions in the Alberni Valley, Long Beach and Bamfield, and providing online information to:

- inform residents on what is going on with Cannabis Production and Retail Sales starting October 17, 2018;
- share research on what other Regional Districts and local governments are doing to manage this issue; and
- gain input from the public on their views on the options available to the ACRD for regulation.



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# PRODUCTION

- The ACRD Board of Directors has introduced a bylaw to regulate the commercial production of non-medical cannabis within the rural areas of the ACRD.
- Bylaw P1380 will specify permitted zones, minimum lot sizes, and required setbacks for the commercial growth of cannabis. Specifically:
  - commercial cannabis production will be permitted in properties of six (6) acres or more in Small Holdings (A1) District, Rural (A2) District and Forest Rural (A3) District.
  - commercial cannabis production will be permitted in properties of four (4) acres or more in the Industrial Park (M1) District.
  - commercial cannabis production must be located a minimum of 30.48 metres (100 ft.) from all lot lines.
- Production in the ALR may be under different regulations mandated by the Province. Staff anticipates further direction and recommendations from the Provincial Government.



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