



Alberni-Clayoquot Regional District

NON-MEDICAL CANNABIS RETAIL STORE (NMC) LICENCE APPLICATION REVIEW POLICY

Policy Issued by: Board of Directors
Date Adopted: July 25, 2018
Date(s) Amended:

1.0 POLICY GUIDELINE

The intent of this policy is to provide guidance to the public and Alberni-Clayoquot Regional District's (ACRD) when considering non-medical cannabis (NMC) retail store referrals from the Liquor and Cannabis Regulation Branch (LCRB).

Applications for NMC stores are made to LCRB. The LCRB then refers proposed NMC store applications to the appropriate Local Government. The Local Government may then pass a resolution supporting or not supporting the proposed NMC store.

2.0 PURPOSE

The purpose of this policy is to provide the public, staff and the ACRD Board guidance when reviewing NMC retail applications.

Should it be determined that a NMC store is inappropriate, incompatible or unviable at a particular location, the Board may pass a resolution not supporting the NMC store.

3.0 POLICY

3.1 Regulation

The ACRD Zoning Bylaw regulates use of property within the ACRD. NMC retail stores will only be considered for properties that are zoned for commercial for retail use and where the retail use is a principal use.

3.2 Public Consultation

If the ACRD Board is considering a LCRB referral for a NMC retail store, the Board will solicit and receive the input from the relevant Advisory Planning Commission (APC), impacted residents and property owners. Input will be gathered as follows:

3.2.1 Public Meeting

- a. The LCRB referral and ACRD staff report will be referred to the relevant APC.
- b. The ACRD Board will hold a public meeting. The public meeting will be advertised in accordance with this policy, on the date identified in the public notice. The public meeting may be held before the entire Board or delegated to an individual Director.
- c. The purpose of the public meeting will be to hear the applicant and members of the public that the Board considers may be impacted by the proposed NMC retail store.

- d. Where an application for a local government resolution is associated with Official Community Plan (OCP) amendment or a rezoning application, the public hearing for that application will be considered the public input for the NMC retail store license application.

3.2.2 Public Meeting Notification:

- a. Notification of the meeting is sent to all owners and occupiers of properties within 300 metres of the subject property.
- b. Notice of public meeting will be posted on the subject property.
- c. The ACRD will place one advertisement in a local news paper not less than 3 days and not more than 10 days before the date of the public meeting.
- d. The meeting is typically chaired by an electoral area Director and is attended by ACRD planning staff along with the applicant. Copies of the technical agency referral responses and any other written correspondence received (related to the proposal) are provided at this meeting.

3.2.3 Public Meeting Procedures

- a. The public meeting may be held before the Board or delegated to an individual Director. If held before the Board, the meeting will be chaired by the Chairperson. If the meeting is delegated, the meeting will be chaired by the Director of the ACRD delegated through a Board resolution.
- b. Written and/or verbal presentations from the applicant and members of the public may be made.
- c. Presentations will have a maximum time limit of 10 minutes. After everyone has had an opportunity to speak for a first time, second time speakers will have a 5 minute time limit to present new information. The chairperson will have the discretion to modify the time limits and/or number of times a presenter may speak.
- d. ACRD staff will take minutes.

3.2.4 Procedures after the Public Meeting

- a. The Board will not invite new information and endeavour to not accept new information after the public meeting is terminated.
- b. If a public meeting is delegated, minutes of the meeting and copies of all written correspondence and presentations will be presented to the ACRD Board.
- c. Following the public meeting, the Board may pass a resolution supporting or not supporting the application for a NMC retail store or request more information and schedule another public meeting.

3.3 Criteria

In evaluating a NMC retail store referral from the LCRB the ACRD Board must consider the location of the proposed NMC retail store and in addition may consider the following:

- a. The proximity of the proposed NMC retail store to existing NMC retail stores and sensitive uses, including schools, playgrounds, community centres, and daycares, which are in operation at the time the application is made. A separation distance of 300 metres should be provided between subject property and properties containing these uses;
- b. The size and character of the proposed NMC retail store and the proposed hours of operation;
- c. The number and market focus or clientele of liquor primary establishments in proximity to the proposed NMC retail store;
- d. Traffic and parking;

- e. OCP policies and zoning that allow “other retail stores” as a principal use;
- f. Population, density and trends in the surrounding area;
- g. Relevant socio-economic information;
- h. Referral responses and comments received through public notification; and
- i. The impact on the area if the application is approved.
- j. Other information that is pertinent to the referral.

4.1 APPLICATION

This policy applies to all properties within the ACRD. Where the issuance of the NMC retail store licence may affect nearby residents, the ACRD must provide to the LCRB comments and recommendations that are:

- i. In writing;
- ii. Include the views of the ACRD on the general impact on the community;
- iii. Include the views of the residents;
- iv. Describe the method used to gather the views of residents;
- v. Indicate whether the application should be approved or rejected; and
- vi. State the reasons for the recommendation.

4.2 RESPONSIBILITY

Planning and Development Services Department.

5.0 POLICY AMENDMENT

This policy may be amended by the Board of Directors as needed.



REQUEST FOR DECISION

To: ACRD Board of Directors

From: Mike Irg Manager of Planning and Development

Meeting Date: June 13, 2018

Subject: Cannabis Regulations

Recommendation:

That the Board of Directors:

1. Direct staff to develop a policy for reviewing non-medical cannabis retail referrals from the Liquor Control and Licensing Branch which would set out criteria the Board would use in assessing cannabis retail referrals, including public input.
2. Direct staff to prepare a zoning bylaw amendment to regulate non-medical cannabis production.

Desired Outcome:

To develop a procedure and policy for regulating cannabis production and retail sales of cannabis.

Time Requirements – Staff & Elected Officials:

Significant staff time is required to review application, prepare policies and/or bylaws and field public inquiries.

Directors' time is required for reviewing referrals, conducting public meetings, and fielding constituent questions.

Financial:

Referrals from the Liquor Control and Licensing Branch are dealt with under Regional Planning budget and voted on by all directors. Zoning amendments fall under the Rural Planning budget and are voted on by Electoral Areas and Tofino (if the zoning applies to Clayoquot Sound).

Policy or Legislation:

There are two separate components to cannabis regulations for each level of government, medical and non-medical. A regime for medical cannabis is established with certain aspects regulated by each level of government. Non-medical cannabis regulations are being prepared.

Federal - Proposed *Cannabis Act* will create a legal framework controlling the production, distribution sale and possession of cannabis.

Medical use of cannabis is regulated by Health Canada. There are three ways to obtain cannabis for medical purposes. Licensed producers, personal and designated production. Licensed production under the Access to Cannabis For Medical Purposes Regulations (ACMPR) requires the Local Government to be notified of the facility as opposed to personal and designated production when there is no notification of Local Governments and the information is confidential and protected by the Freedom of Information and Protection of Privacy legislation.

Provincial – The Province of British Columbia has introduced draft legislation, *Cannabis Distribution Act* (CDA) to establish a wholesale distribution monopoly and public (government run) retail sales, both in store and online. The second related piece of provincial legislation is the *Cannabis Control and Licensing Act* (CCLA) which will set 19 as a minimum age, allow adults to possess up to 30 grams, prohibit smoking where tobacco smoking is prohibited, prohibit

cannabis use on school properties and in vehicles, allow up to four cannabis plants per household, establish a retail licensing regime similar to the current regime for liquor (this will allow for private retail), provide enforcement authority to deal with illegal sales, and where necessary to comply with Charter Rights, allow exemptions to individuals who are federally authorized to purchase, possess and consume medical cannabis.

From the Province of British Columbia's BC Cannabis Private Retail Licensing Guide, "The Province will permit Local Governments to decide whether they wish to have a non-medical cannabis retail store in their community. For the Province to issue a license, applicants must have the support of the local government in the community where the store would be located."

Currently, medical cannabis production is considered a farm use. Based on the ALC's definition of "farm use", if a land owner is lawfully sanctioned to produce cannabis for medical purposes, the farming of the plant within the ALR is permitted. To date neither the Province nor the ALC has confirmed how non-medical production of cannabis will be treated under the *Right to Farm Act*. If non-medical cannabis is considered a "farm use" the Regional District would be limited in its ability to regulate the use provided it is grown in the ALR, located in a zone that permits agriculture and is grown using standard farming practices. Staff recommends that the Board proceed as if non-medical cannabis production will be considered a "farm use".

Local Government – The ACRD currently does not have a specific draft policy or regulations relating to the proposed legalization of non-medical cannabis. Prior to the Province issuing a licence for the retail sale of non-medical cannabis, the Local Government would need to pass a resolution supporting the application and the property would need to comply with the ACRD zoning bylaw. Staff have proposed options for the Board to consider.

On July 09, 2014 the ACRD Board adopted Bylaw P1321 which amended the Zoning Bylaw to introduce land use regulations for Medical Marihuana Facilities in our area. The zoning amendment defines Medical Marihuana Facilities as *"a building or structure, approved and licensed by Health Canada, for the production, growing and incidental processing of medical marihuana, but specifically excluding storefront or retail outlet distribution of medical marihuana."* Facilities are permitted in the A1, A2 and A3 Districts on properties a minimum of 6 acres in size and in buildings located a minimum of 100 feet from all lot lines. Facilities are also permitted in the M1 District on properties 4 acres in size with the same 100 foot setback.

Summary:

There are two types of legal cannabis production and sales that local governments are dealing with. The proposed *Cannabis Act* legalizing recreational cannabis and the existing Federal regulations for Medical Use of Cannabis. Non-medical cannabis and medical cannabis will be regulated separately, with the medical cannabis regulations likely staying in place for the next five years.

Local governments are required to work within the regulations and authority granted by both the Federal and Provincial governments and the staff recommendations are based on the current and proposed legislation. The Board may also wish to lobby both the Provincial and Federal governments through AVICC and UBCM.

Options:

- i. Develop a policy for reviewing cannabis retail referrals from the Liquor Control and Licensing Branch which would set out criteria the Board would use in assessing cannabis retail referrals, including public input (All Directors).
- ii. Direct staff to prepare a zoning bylaw amendment to regulate non-medical cannabis production and amend the zoning bylaw creating a specific cannabis retail zone (EA Directors and Tofino).
- iii. Wait for the Federal and Provincial legislation to be passed and assess cannabis retail referrals on a case by case basis (All Directors).



Submitted by:

Mike Irg, MCIP, RPP, Manager of Planning & Development



Approved by:

Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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REQUEST FOR DECISION

TO: Electoral Area Directors Committee

FROM: Amy Anaka, Planner

MEETING DATE: September 4, 2019

RE: Zoning Bylaw Review Consultation Summary and Next Steps

Recommendation:

THAT the Electoral Area Directors Committee provide direction on updating the draft Zoning Bylaw and Official Community Plans as outlined in the Zoning Bylaw Review report.

Background:

The current Regional District of Alberni-Clayoquot Zoning Bylaw No. 15 was adopted in 1973 and has since been amended over 700 times. The Zoning Bylaw had not received a comprehensive review until 2015, when a draft update was completed and made available to the public for input through open houses in 2016 in all electoral areas (EA's). Due to increased demand with day-to-day inquiries, applications and other projects, the Zoning Bylaw Update project was put on hold.

In December 2017, the Regional Board approved increased temporary Planning staffing which permitted an ACRD Planning staff member to act as the Zoning Bylaw Review project lead. Since then, staff have continued to work on updating the 2016 draft Zoning Bylaw to better align the ACRD's zoning regulations with the policies and goals set out in the EA Official Community Plans (OCP's). By ensuring this alignment, the ACRD expects to create a more certain process and outcome for landowners and developers, improving clarity and addressing current planning issues.

Highlights of the Zoning Bylaw Review

- a new easy to read, more user-friendly format
- additional, updated and easier to understand definitions
- amalgamated and simplified zones
- zone names more consistent with OCP's
- introduction of sub-zones
- revised general regulations, including keeping of animals and private moorage facilities
- regulations in Water zones for private moorage facilities
- updates to zoning maps to reflect new zones and ensure consistency with OCP's
- minor updates to the OCP's, including standardized minimum lot size for accessory dwelling units and term of Temporary Use Permits across all EA's, and new policies for private moorage facilities

Public Input Summary:

Public consultation undertaken between May and August 2019 enabled ACRD staff to hear resident, property owner and other public input on the proposed Zoning Bylaw and OCP updates (refer to Appendix A: Zoning Bylaw Review Open House Summary). The feedback received is summarized into eight categories in Appendix B: Zoning Bylaw Review Public Input Summary. It is important to note that comments received have been summarized into the tables, which may not include some minor edits that will be addressed.

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuulu?ii?ath Government, Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation
Electoral Areas "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek)

Most of the suggested changes to the proposed updated Zoning Bylaw and OCP's can be addressed by ACRD staff, however there are several suggestions for changes that require input and direction from the EA Directors before moving forward. Appendix B includes a summary of suggestions received from the public during the Zoning Bylaw Review public consultation, including staff recommendations and items requiring EA Director input and direction. Items that staff are seeking specific EA Director input and direction on how to move forward include the following:

1. Amending the proposed private moorage facilities (dock) regulation to include: Where required, extend dock size for shallow waters to permit a longer walkway, provided the maximum extent does not exceed 42 m.
2. Discussing implementation of a no wake and/or slow zones on the surface of the water. Staff have concerns on enforcement and monitoring.
3. Implementing a 15 m building setback in the Zoning Bylaw from all lakes (including Sproat Lake) and 30 m DPA in the OCP for Sproat Lake.
4. Creating a new Bamfield Commercial sub-zone (C2-A). This sub-zone would be like the current C2 zone to permit temporary accommodation (hotels, lodges, etc.) and a wide variety of retail and service uses to properties currently zoned C2 in the Bamfield OCP area only, recognizing that Bamfield is an isolated community service centre.
5. Keeping the minimum lot size for ADU's at 0.4 ha, as the size was established in the public consultation process during OCP development. Each area can discuss changes to ADU's through a comprehensive review process.

Next Steps:

The proposed draft Zoning Bylaw will replace the current Regional District of Alberni-Clayoquot Zoning Bylaw No. 15. Minor updates are proposed for the EA OCP's that will be incorporated into the current documents as amendments. Some changes to the current Zoning Bylaw are minor, such as providing clarity, consistency, and reformatting and reorganizing. Other changes are more substantial such as amalgamating zones and introducing new regulation (ie. private moorage facilities, keeping of animals, home industry). As outlined below, there are many additional steps to complete before the updated Zoning Bylaw and OCP amendments are adopted.

As a first step in the review process, the public consultation process undertaken by ACRD staff identified numerous suggestions for changes to the proposed documents. Once EA Director recommendations are received regarding changes to the proposed Zoning Bylaw and OCP's, staff will update the documents and prepare for preliminary agency and First Nation referrals. Staff will also organize Advisory Planning Commission meetings for members to review and provide input on the documents that have been updated since the public open houses.

Additional next steps on the Zoning Bylaw Review include the following:

- Legal review: A legal review was completed for the 2016 draft Zoning Bylaw. Since the document has undergone some significant updates since this initial legal review, staff will be seeking an additional legal review before first reading of the Bylaw.
- Incorporate comments received from agency and First Nations referrals, and APC members.
- Resolve current Land Use Contracts (LUC's): The Provincial government has mandated the termination of all LUC's by June 30, 2024. LUC's are proposed to be included in the updated Zoning Bylaw as sub-zones.
- First reading of the Bylaw.
- Official agency and First Nation referrals.
- Public Hearing: This will provide another opportunity for public input, as any individual or agency can provide comments until termination of the Public Hearing.
- Second and third readings of the Bylaw.
- Adoption of the Bylaw.

Staff will provide additional updates to the EA Directors and Regional Board regarding project updates and next steps until final adoption.

Prepared by: 

Amy Anaka, MCIP, RPP
Planner

Reviewed by: 

for Mike Irg, MCIP, RPP
Manager of Planning and Development

Approved by: 

for Douglas Holmes, BBA, CPA, CA
Chief Administrative Officer

APPENDIX A: ZONING BYLAW REVIEW OPEN HOUSE SUMMARY

Between May and August 2019, the ACRD hosted six public open houses in all Electoral Areas to gain feedback on the draft Zoning Bylaw and OCP amendments. Open houses included display boards with highlights of the draft updated Zoning Bylaw, updates to the zoning maps, and minor updates to the OCP's. Attendees were encouraged to complete a questionnaire and talk with ACRD staff regarding the proposed updates.

All open houses were advertised in the Alberni Valley News (Westerly News for the Long Beach open house) approximately one week prior to the event. Open houses were also advertised on the ACRD website (homepage in two locations: What's New and Highlights and event calendar), as well as on the project webpage (www.acrd.bc.ca/zbreview). Directors and Advisory Planning Commission (APC) members were emailed with details of the open houses, and flyers were posted in various locations including the ACRD office. Open house information was also included in the Sproat Lake and Cherry Creek Newsletters, and sandwich boards advertising for the open houses were put up in each EA the week before. Those unable to attend an open house were encouraged to download and review the open house documents available on the project webpage, as well as submit a completed questionnaire.

As shown in the following summary tables, total of 194 attendees signed in at the six open houses, and this total number doesn't include those who missed signing in or elected not to sign in. There were 61 comment sheets submitted to Planning staff, as well as numerous comments were also received by email, phone or in person at the ACRD office.

2019 ZONING BYLAW REVIEW OPEN HOUSE ATTENDEES

Electoral Area	Date	Location	Attendees signed in
Sproat Lake	May 29	Sproat Lake Community Hall	92
Bamfield	June 6	Bamfield Fire Hall	7
Cherry Creek	June 13	Cherry Creek Community Hall	31
Beaufort	July 23	Beaver Creek Community Hall	17
Beaver Creek	July 31	Beaver Creek Fire Hall	29
Long Beach	August 14	Ucluelet Community Centre	18
Total:			194

2019 ZONING BYLAW REVIEW OPEN HOUSE COMPLETED COMMENT SHEETS

Electoral Area	Completed comment sheets
Sproat Lake	35
Bamfield	4
Cherry Creek	3
Beaufort	11
Beaver Creek	6
Long Beach	4
Total:	63

APPENDIX B: ZONING BYLAW REVIEW PUBLIC INPUT SUMMARY

The following tables present a summary of suggestions received from the public during the Zoning Bylaw Review public consultation from May to August 2019. The second column 'proposed regulation' includes staff suggestions for addressing these comments.

KEEPING OF ANIMALS	
<p>91% of those who submitted a comment sheet and answered the question (53 respondents), indicated that they are in favour of the proposed changes to keeping of animals regulation. For zones where agriculture use or animal care is not a permitted use, keeping of animals is an accessory use and some of the proposed updates include:</p> <ul style="list-style-type: none"> • Updated definitions. • New regulation for poultry (hens, roosters, peacocks, etc.) and beekeeping. • Updated limits to the permitted number of animals/livestock, poultry and/or bees. 	
Suggestions for changes:	Proposed regulation (staff recommendations in bold):
Not allow poultry or bees on lots less than 0.4 ha and 0.8 ha.	<p>Maximum 12 hens or ducks/2 beehives permitted on lots less than 0.4 ha.</p> <p>Maximum 24 hens or ducks/4 beehives on lots less than 0.8 ha.</p> <p>Keep regulation as proposed.</p>
Both reduce and increase the proposed 4.5 m setbacks for animal buildings/structures.	Based on Ministry of Agriculture guidelines and will be reviewed during agency referrals.
Update 'household livestock' and 'livestock' definitions to be more clear.	Definitions will be updated.
Allow roosters on 0.2/0.4 ha lots, and on lots 0.8 ha and larger.	<p>Roosters permitted on lots larger than 1 ha.</p> <p>Keep regulation as proposed.</p>
Limit the maximum number of roosters permitted per lot.	<p>Currently no maximum.</p> <p>Update regulation to permit a maximum of 2 roosters per lot greater than 1 ha.</p>
Increase the required area for household livestock (cows, horses, etc.) to 0.8 ha/animal.	<p>0.2 ha/animal is required per lot for each animal's use.</p> <p>Keep regulation as proposed.</p>

WATER ZONES	
<p>81% of those who submitted a comment sheet and answered the question (47 respondents), indicated that they are supportive of the proposed water zoning regulation for the development of docks. Some of the proposed Zoning Bylaw updates include:</p> <ul style="list-style-type: none"> • Requirements for dock density, size, height and setbacks included in each Water Zone based on the zoning/use of the adjacent upland waterfront lot. • Additional dock requirements in general regulations, including a property owner can build a residential dock without applying to the Provincial government (if it's constructed within their General Permission requirements included in the Zoning Bylaw) but would need to apply for a Development Permit for construction within a DPA. 	
Suggestions for changes:	Proposed regulation (staff recommendations in bold):
Both permit the dock to extend longer than 30 m in shallow water, and have exemptions as 30 m is a long distance.	<p>30 m maximum extent distance into the foreshore from the natural boundary of the upland lot.</p> <p>60 m maximum outermost extent distance from the present natural boundary of a mobile dock located in marine waters that have seasonally fluctuating water levels.</p>

	<p>Based on Provincial General Permission for private moorage requirements: 42 m maximum extent in freshwater and 60 m maximum in marine environment.</p> <p>Seek EA Director input (item #1). Amend proposed regulation to include: Where required, extend dock size for shallow waters to permit a longer walkway, provided the maximum extent does not exceed 42 m.</p>
<p>Increase 3 m maximum width of any other portion of the dock (excluding access ramps or walkways). Increase length of structure (floating vessel, watercraft or boat shelter) to larger than 7.6 m.</p>	<p>1.5 m maximum width of access ramps or walkways. 3 m maximum width of any other portion of the dock. 7.6 m maximum length of any structure including floating vessel, watercraft or boat shelter. Based on Provincial General Permission for private moorage requirements.</p> <p>Seek legal opinion as part of legal review to determine if dock size can be varied, as the Local Government Act states that density can't be varied.</p>
<p>Implement no wake and/or slow zones around Dog Mountain. Add buoys and/or signs for no wake zones.</p>	<p>Currently no regulation.</p> <p>Seek EA Director input (item #2). Discussion required on enforcement and monitoring of implementation of no wake and/or slow zones on the surface of the water.</p>
<p>Include regulation for no docks/wharves permitted in front of road allowances or parks.</p>	<p>Currently no regulation.</p> <p>Seek legal opinion as part of the legal review.</p>
<p>Require a permit for dock design, construction, location, material, etc. and review/inspect to ensure it's built as proposed.</p>	<p>Requirements for dock density, size, height and setbacks included in each Water Zone in the Zoning Bylaw based on the zoning/use of the adjacent upland waterfront lot. Proposed construction and dock materials are included in the DPA requirements and reviewed by staff as part of the application process.</p> <p>Keep regulation as proposed.</p>
<p>Clarify what improvements are permitted on docks (ie. cedar gazebo or metal and fabric).</p>	<p>Shelters for moored vessels, watercrafts or boats are permitted. Only improvements permitted as part of a dock are those necessary for mooring a vessel, watercraft, and a walkway. No beach houses, storage sheds, boathouses, roofs, sun decks, hot tubs or other similar improvements are permitted on a dock. Based on Provincial General Permission for private moorage requirements.</p> <p>Keep regulation as proposed as it is directly from the Provincial General Permission for private moorage requirements.</p>

SPROAT LAKE OCP DEVELOPMENT PERMIT AREA I

71% of those who submitted a comment sheet and answered the question (31 respondents), indicated that they are supportive of the proposed OCP regulation to extend Sproat Lake OCP DPA I for riparian areas from 15 m to 30 m from the natural boundary of major streams (in both upland and foreshore directions), changing Sproat Lake from a minor to a major stream, and adding policies for private moorage facilities.

Suggestions for changes:

Keep DPA I as 15 m, as 30 m is too restrictive.
Unclear of setbacks from the foreshore if environmental assessment report done.
Environmental report is too costly.

Proposed regulation (staff recommendations in bold):

A Development Permit (DP) is required for any construction within 30 m of the natural boundary of a major stream (in both upland and foreshore directions).
DP requirements include a report from a QEP detailing site conditions and measures to protect the riparian and foreshore areas. In the absence of a QEP report, a minimum vegetated buffer of 30 m must be preserved. QEP report may recommend construction is permitted in the DPA, subject to zoning setbacks.

	Seek EA Director input (item #3). Implementing a 15 m building setback in the Zoning Bylaw from all lakes (including Sproat Lake) and 30 m DPA in the OCP for Sproat Lake.
Use horizontal and vertical measurements to determine foreshore area.	30 m DPA measured horizontally in both upland and foreshore directions from the natural boundary of major and minor streams. Keep regulation as proposed.
Educate people about riparian protection.	ACRD staff inform of DPA requirements with any development or construction inquiry. Continue current practice.
Unclear of what foreshore and upland are.	Both are defined in Zoning Bylaw. Add definitions to OCP when comprehensive update completed.

OTHER OCP UPDATES

Very few comments were received regarding proposed amendments to the Bamfield, Cherry Creek, Beaufort, Beaver Creek, and South Long Beach OCP's. Some of the proposed OCP updates include:

- Update maximum size of an accessory dwelling unit from 70/80 m² to 90 m² and permit with a minimum lot size of 0.4 ha.
- Change minimum lot size from 20 ha to 16 ha in areas designated as Resource.
- Update term of Temporary Use Permits to 3 years in South Long Beach OCP.
- Add policies to permit construction of a private moorage facility (dock, boat lift) in Sproat Lake, Bamfield and South Long Beach OCP's.
- Update Sproat Lake DPA I and Bamfield DPA IV to extend from 15 m to 30 m from the natural boundary of major streams and the ocean (in both upland and foreshore directions).
- Update South Long Beach DPA III to extend 30 m, horizontally in both landward and seaward directions, from the natural boundary of the ocean.
- Update Cherry Creek DPA I to add Alberni Inlet as a major stream with 30 m DPA.
- Create new Small Lot Rural land use designation in Beaufort OCP to accommodate existing small lots zoned RU1.
- Update Beaver Creek OCP agricultural policy where existing lots are less than 2 ha, zoning may have a minimum lot size less than 2 ha. Land in the ALR can't be subdivided unless approved by the ALC.

Suggestions for changes:	Proposed regulation (staff recommendations in bold):
Leave Bamfield DPA IV as 15 m, there are adequate provisions taken with construction practices, water run off practices (build on stilts, raised columns, piles).	Proposed 30 m DPA (both upland and foreshore) which would require a report from a QEP prior to any construction in the DPA. QEP report may recommend construction is permitted in the DPA, subject to zoning setbacks (15 m setback from the ocean for all buildings, structures and uses). Keep regulation as proposed.
Reduce minimum lot size in areas designated as Rural in the Beaufort OCP from 2 ha to: 0.4/0.8 or 1 ha.	Keep 2 ha minimum lot size in Beaufort until a comprehensive review of the OCP.

ZONING BYLAW FORMATTING, GENERAL REGULATIONS AND DEFINITIONS

83% of those who submitted a comment sheet and answered the question (48 respondents), indicated that they are supportive of the reformatted Zoning Bylaw.

93% of those who submitted a comment sheet and answered the question (44 respondents), indicated that they are supportive of the updated general regulation and definitions in the Zoning Bylaw. Comments received included minor edits to these sections of the Zoning Bylaw, which ACRD staff will address.

HOME BASED BUSINESSES

85% of those who submitted a comment sheet and answered the question (55 respondents), indicated that they are supportive of updates in the Zoning Bylaw to the home occupation regulations, and introduction of home industry.

Suggestions for changes:	Proposed regulation (staff recommendations in bold):
<p>Concerns of where home industry is permitted on a lot. Add noise and odor regulation and increased setbacks for home industry.</p>	<p>Home industry is permitted on lots with a minimum size of 2 ha in an accessory building or structure (with 15 m setback from all property lines), or outside (with 30 m setback), but not in a dwelling unit. A 10 m fully landscaped, screened and buffered area is required between home industry and adjacent lots. Maximum total area for home industry use on a lot is 200 m². Keep regulation as proposed.</p>
<p>Concerns of increased traffic and/or employee parking.</p>	<p>There are limits to the maximum number of employees for home occupation (3 persons, 1 must reside in dwelling unit) and home industry (4 persons, 2 must reside in the dwelling unit). Parking for employees must be provided on the lot (1 space per non-resident employee), and parking for all vehicles in connection with the home occupation must be located on the lot. Add regulation that parking for home industry employees and vehicles in connection with use must be located on the lot.</p>
<p>0.4 ha lots are too small for home based businesses.</p>	<p>Home occupation is permitted as an accessory use in most Rural and Residential zones, home industry is only permitted as an accessory use on lots 2 ha or greater. Keep regulation as proposed.</p>

COMMERCIAL ZONES

The current Zoning Bylaw has approximately 70 zones, 13 of which are Commercial. To simplify, consolidate and more easily administer the Zoning Bylaw, the updated document proposes to include 4 Commercial zones and 5 Commercial sub-zones (site specific and for former Land Use Contracts).

Suggestions for changes:	Proposed regulation (staff recommendations in bold):
<p>Keep current General Commercial (C2) zone in Bamfield, which permits a wide variety of commercial uses including: accommodation as a hotel or lodge, many general retail services and dwelling units above the first floor of a commercial building. Restricting uses in smaller communities such as Bamfield will lead to a loss of services and deterioration of the local economy, and could affect resale/property values.</p>	<p>Current C1, C2, C2A, C3, C4 zones consolidated into C1 zone to permit a variety of retail and service uses, with hotel/lodge accommodation not permitted. A dwelling unit is permitted as an accessory use in the same building above the commercial use or in a separate building behind the commercial building. Current C6 zone restructured into C2 zone with the permitted principal use as hotels (defined as a commercial building, or group of buildings on the same lot, providing temporary accommodation), and accessory permitted uses include a dwelling unit, restaurants and stores (gift, liquor and cannabis retail). Some properties in Bamfield that were previously zoned C2 to permit both accommodation and a wide variety of commercial uses, have been zoned to C1 to permit current retail uses such as post office, grocery store, etc. Seek EA Director input (item #4). Bamfield is an isolated service centre, focused on temporary accommodation in hotels or lodges, with a variety of accessory uses that do not fit exclusively in either the proposed C1 or C2 zones. It is proposed to create a new Bamfield Commercial sub-zone (C2-A). This sub-zone would be like the current C2 zone to permit temporary accommodation (hotels, lodges, etc.)</p>

	<p>and a wide variety of retail and service uses to properties currently zoned C2.</p> <p>If a current principal use of a property is for accommodation and proposed to be zoned as C1, the zone will be updated to C2, to permit the current use.</p> <p>The Bamfield OCP recognizes that ‘commercial uses are essential to the sustainability of the community’, and includes the policy to ‘rationalize the Zoning Bylaw to ensure that land currently used for commercial or mixed use development are appropriately zoned’.</p>
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ADDITIONAL COMMENTS

Additional comments included below are those regarding major changes to the Zoning Bylaw and/or OCP’s, and exclude minor edits, and comments received regarding bylaw enforcement, short term vacation rentals (STR), and any other topics that have specific ACRD policies. Comments were received regarding the importance of bylaw enforcement, need for increased enforcement, and changing from a reactive to a proactive system. Bylaw enforcement and STRs are items that have specific ACRD policies and are being reviewed separate from the Zoning Bylaw and OCP updates.

Suggestions for changes:	Proposed regulation (staff recommendations in bold):
<p>Lower the minimum lot size of an Accessory Dwelling Unit (ADU) by 10%, to 0.96 ac, to 0.95 ac, or to 0.6 ac.</p> <p>Look at permitting ADU’s based on case-by-case (family relations, new septic systems, etc.).</p>	<p>ADU’s are permitted on lots in an OCP area and that are zoned R1, R2, R3, RU1, RU2, RU3 with a minimum lot size of 0.4 ha (0.988 ac). Changed minimum lot size for an ADU in Long Beach OCP from 1 ha to 0.4 ha. Updated maximum size of an ADU from 70/80 to 90 m² to match BC Building Code regulations.</p> <p>Seek EA Director input (item #5). Keeping the minimum lot size for ADU’s at 0.4 ha, as the size was established in the public consultation process during OCP development. The Local Government Act restricts varying density, therefore a Development Variance Permit can’t be applied for. Each area can discuss changes to ADU’s through a comprehensive review process.</p>
<p>30 m zoning setback from major streams should be the same as the 15 m setback from the ocean. Have setbacks that take into consideration the topography (steep bank or flat land to the foreshore).</p>	<p>Update Zoning Bylaw regulation to change ‘setback from a major stream for all buildings, structures and uses’ from 30 m to 15 m to match the 15 m setback from the ocean.</p>
<p>Remove minimum floor area to allow ‘tiny homes’ in Residential zones.</p>	<p>Minimum floor area of 900 ft² on the main floor for a single family dwelling in Residential zones has been removed to permit ‘tiny homes’ built on a permanent foundation.</p> <p>Keep regulation as proposed.</p>
<p>Support cannabis cultivation on lots smaller than 0.7 ha.</p>	<p>Keep regulation as proposed. Board discussing cannabis regulation separately.</p>



INFORMATION REPORT

To: Electoral Area Directors Committee

From: Heather Zenner, Lands and Resources Coordinator

Meeting Date: September 4, 2019

Subject: Nordstrom Park – Beaver Creek Community Parks

Recommendation:

THAT the Electoral Area Directors Committee receive this report for information.

Report:

Nordstrom Park is a community park that was created when private land was donated by a community member and is a part of Beaver Creek Community Parks. The park is located adjacent to the Beaver Creek Fire Department and the Beaver Creek Water works yard and office. Currently the park is a grassy area surrounded by a few trees on Beaver Creek Road and on Kirkpatrick Road.

There has been public interest since 2015 in having a playground installed at the park and some fundraising has been completed by the public, raising approximately \$5000. Quotes for playgrounds in the \$50,000 range have been requested and staff have engaged the original proponent of the playground to consider playground designs. Staff had previously engaged the Beaver Creek Advisory Planning Commission, the Beaver Creek Fire Department, and the Ministry of Transportation and Infrastructure. The playground was supported by all but requested that adequate parking be provided, to not impact firefighter parking and operations.

To ensure the park is safe and accessible staff recommend that fencing be installed along Beaver Creek Road, joining up with existing fencing at the Beaver Creek Firehall. Improved parking off Kirkpatrick Road is needed as there are only two parking spots available to park users. A hand carved sign for Nordstrom Park requires refurbishing and a new kiosk for the sign will be installed as the existing kiosk was destroyed by a windstorm. Fencing will cost approximately \$6000, and quotes for the sign and parking area have been requested.

Future maintenance costs will include playground inspections and repair.

Staff will be coming back to the ACRD Board of Directors at a future meeting, as per the Area Director's request for Community Works Fund to provide funding for the playground project. Staff suggest that improvements include installing a porta potty at the park from May through September as there are no public washroom facilities available nearby.

Submitted by:



Heather Zenner, RPF, Lands and Resources Coordinator

Reviewed by:



Rob Williams, MSc, General Manager of Environmental Services

Approved by:



on behalf of

Douglas Holmes, BBA, CPA, CA, Chief Administrative Officer



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

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MEMORANDUM

TO: Electoral Area Directors Committee

FROM: Amy Anaka, Planner

MEETING DATE: September 4, 2019

RE: Short Term Vacation Rentals Update

Recommendation:

THAT the Electoral Area Directors Committee receive the Short Term Vacation Rentals Update memorandum.

Background:

The ACRD Board of Directors adopted the Short Term Vacation Rental (STR) Temporary Use Permit (TUP) Policy on January 24, 2018. Since then, ACRD staff have continued to work on STR by implementing the policy through answering inquiries, processing STR TUP applications, researching possible STRs and following up with various methods of enforcement on possible STRs and those with a TUP (in person, letters, emails and phone calls).

The following information is provided to update Electoral Area Directors on STRs in the ACRD since the last update was received by the Regional Board on June 26, 2019.

August 2019 Update:

6 STR TUP applications currently under review: 1 Bamfield, 1 Beaufort, 1 Long Beach, 3 Sproat Lake

- 1 application considered by the Board on August 28, 2019, and proceeding to neighbor notification
- 1 site visit scheduled for August 29, 2019
- 3 applications waiting for applicants to provide sewage confirmation
- 1 application in the Agricultural Land Reserve (ALR), conference call planned for September 6th with the Agricultural Land Commission to discuss options for property owners with STRs in the ALR (most without farm status)
- 1 application needs to apply for a building permit as secondary suite used for STR was finished without a building permit

Current Bylaw Enforcement system for issued STR TUPs: Complaint-driven and proactive enforcement with visits in marked ACRD vehicle to ensure issued TUPs are in compliance (ie. signage posted) and to maintain a visible presence. Planning staff are working on a strategy for a Bylaw Enforcement Notice (BEN) ticketing system.

STR Progress Summary:

- **As of February 27, 2019:** 31 possible STRs on list for further research, 2 STR TUP applications under review, 3 STR TUPs issued.
- **As of June 19, 2019:** 72 possible STRs on list for further research, 7 STR TUP applications under review, 6 STR TUPs issued.
- **As of August 29, 2019:** 68 possible STRs on list for further research, 6 STR TUP applications under review, 7 STR TUPs issued (4 in Sproat Lake, 3 in Long Beach). Applications requiring further research are being reviewed by staff before letters are mailed to STR operators stating they need to apply for a TUP if operating a STR in the ACRD. Some properties are in the ALR, and others may require bylaw enforcement action as they are in seasonal, recreational or vacation rental zones which are not permitted to have an STR (ie. Salmon Beach and Vacation Home Districts).

Staff will continue to process STR TUP applications, actively identify possible STR operators and enforce when necessary, with regular updates to the EA Directors and/or Board on the status of STRs in the ACRD.

Prepared by: 
 Amy Anaka, MCIP, RPP
 Planner

Reviewed by: 
 For: Mike Irg, MCIP, RPP
 Manager of Planning and Development

Approved by: 
 For: Douglas Holmes, BBA, CPA, CA
 Chief Administrative Officer