



**To:** Port Alberni Advisory Planning Commission

Ken McRae (Chair)	Chief Councillor Cynthia Dick (Tseshah First Nation)
John Douglas (Vice-Chair)	Chris Washington - (SD #70)
Amy Anaka	Councillor Deb Haggard (Council Liaison)
Jim Tatoosh (Hupacasath First Nation)	Rick Newberry (P.A.F.D. Liaison)
Don Ferster	Rob Gaudreault (Parks Liaison)
Jeannette Nichols	S. Sgt. Terry Smith (R.C.M.P. Liaison)
Sandy McRuer	

**From:** Katelyn McDougall, Manager of Planning

**Copy:** Councillor Helen Poon - (Alternate - Council Liaison)  
Larry Ransom - (Alternate - School District #70)  
Sgt. Peter Dione – (Alternate – R.C.M.P. Liaison)  
Steven Tatoosh (Alternate – Hupacasath First Nation)  
Darren Mead-Miller (Alternate – Tseshah First Nation)  
Cara Foden – Development Services Technician  
Davina Hartwell - City Clerk  
Tanis Feltrin/Sara Darling - Clerks Department

**Date:** October 21, 2019

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**Re:** Advisory Planning Commission Meeting  
**Thursday, October 31, 2019 at 12:00 pm** in the Committee Room at City Hall

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A meeting of the Advisory Planning Commission has been scheduled for Thursday, October 31, 2019 at 12:00 pm in the Committee Room at City Hall. If you have any questions or are unable to attend please contact Katelyn McDougall at 250-720-2808 (voice mail available).

#### AGENDA

1. Acknowledgements - This APC meeting is being held within the un-ceded traditional territories of the Hupačasath and the Tseshah (č išaaʔath) First Nations
2. Minutes of the August 22, 2019 meeting of the Advisory Planning Commission.
3. **DEVELOPMENT APPLICATION – Development Variance No. 97**  
4279 Ravenhill Avenue  
Lot 5, District Lot 1, Alberni District, Plan 11303 Except that part in Plan 25083  
(PID:004-990-421)  
**Applicant:** Robert Jaenicke and Louise Ranger
4. **REPORT - Cannabis Cultivation and Zoning project**

5. Update – Manager of Planning - Status of current projects.
6. Other business.
7. Adjournment. The next regular meeting is scheduled for November 21, 2019.



**Summary Report / Minutes of the Advisory Planning Commission Meeting  
(Held on August 22, 2019  
in the Committee Room at City Hall, at 12:00 p.m.)**

**Advisory Planning Commission Present**

Ken McRae (Chair)  
John Douglas (Vice-Chair)  
Jeannette Nichols  
Chris Washington, S.D.70 Liaison  
Amy Anaka  
Councillor Deb Haggard, Council Liaison

**Guests**

Applicants: C. Power, D. Beecroft  
Members of the Public:0

**Staff**

Katelyn McDougall, Manager of Planning  
Cara Foden, Planning Technician

**Regrets**

Jim Tatoosh, Hupačasath F.N.  
Sgt. Clive Seabrook, R.C.M.P. Liaison  
Rob Gaudreault, Parks Liaison  
Cynthia Dick, Tseshah (č išaa?ath) F.N.  
Rick Newberry, P.A.F.D. Liaison  
Sandy McRuer  
Don Ferster

**Alternates (not in attendance)**

Councillor Helen Poon (Alternate–Council)  
Peter Dione (Alternate–R.C.M.P.)  
Larry Ransom (Alternate S.D.70)  
Darren Mead-Miller (Alternate – Tseshah F.N.)



**1. ADOPTION OF July 18, 2019 MINUTES**

- The Chair acknowledged that this meeting is taking place within the un-ceded traditional territories of the Hupačasath and the Tseshah (č išaa?ath) First Nations. The applicant present was welcomed by the Chair.
- Minutes of the July 18, 2019 meeting of the Advisory Planning Commission were received and discussed with the following amendments being proposed under Agenda Item No. 2, Development Variance Permit, 3978 8<sup>th</sup> Avenue:
  - Add text *“APC members were in agreement that the property should be used for low-income senior’s housing and should be preserved for that use and that the property should not be used to provide ‘low barrier’ housing.”*
  - Add text *“APC members expressed that it was not desirable for the community to concentrate ‘low barrier’ housing in a particular area and that ‘low barrier’ housing should be distributed throughout the community.”*
- The July 18, 2019 minutes were adopted as amended.

**(Washington / Anaka) CARRIED**

- The Manager of Planning informed the APC that Agenda Item No. 3, a Development Application for OCP and Zoning bylaw amendments for property at 4279 Ravenhill Avenue, would be postponed at the request of the applicant. The report will be brought forward to the APC at a future date if the applicant decides to proceed with the requested amendments. The APC asked that the City require the applicant to engage an Environmental professional to assess the property prior to bringing the report forward. The Manager of Planning agreed.

**2. DEVELOPMENT APPLICATION:** Proposed Official Community Plan Bylaw and Zoning Bylaw Amendments

**5536 & 5546 Swallow Drive,**

*Lot D, District Lot 10, Alberni District, PL EPP11441 (PID:028-647-092); and*

*Lot E, District Lot 10, Alberni District, PL EPP11441 (PID:028-647-106)*

**Applicant:** Clark Power as agent for D. Beecrot

- The Manager of Planning summarized her report to the APC dated August 14, 2019.
- The APC discussed the application as follows:
  - 'Walkability' was discussed and clarified as it relates to the proposal. It was noted that the proposal did not meet the objectives of the Official Community Plan (OCP) with respect to walkability.
  - Public Transit options were discussed and it was noted that bus schedules may not be convenient for persons using public transit to commute to work regularly. The Manager of Planning noted that increased transit options and schedules may improve if residential density increases resulted in increased demand from the public for a higher level of service.
  - The applicant expressed confidence in the project and the desired outcomes which would be supported through the Development Permit process.
  - Chair noted that the subdivision had been a significant improvement in the area.
  - The APC asked the applicant to clarify why it was desirable to develop a triplex rather than the permitted duplex housing. The applicant responded explaining the economics of the housing market and the high cost of building had made it more viable and created more demand for more resource-efficient forms of housing.
  - The applicants are currently working with the Manager of Planning to determine how modifications can be made to the proposed layout and design to mitigate any perceived negative impacts on adjacent neighbours.
  - Parking requirements were discussed and reviewed.

**Motions:**

- A.** *The Advisory Planning Commission recommends to City Council that the City proceed with the following bylaw amendments, with respect to Lot D, District Lot 10, Alberni District, PL EPP11441 (PID:028-647-092) and Lot E, District Lot 10, Alberni District, PL EPP11441 (PID:028-647-106), located at 5536 and 5546 Swallow Drive:*
- a. Amend the Official Community Plan (Schedule A – Land Use Map) to change the designation of the properties from 'Residential' to **'Multi-Family Residential'**; and*
  - b. Amend the Official Community Plan (Schedule B – Development Permit Areas Map) to include the properties in **'Development Permit Area No. 1 Multiple Family Residential'**; and*
  - c. Amend the Zoning Bylaw (Schedule A – Zoning Map) to rezone the properties from 'R2 One and Two Family Residential' to **'RM1 Low Density Multi-Family Residential'** zone.*

**( Douglas / Washington ) CARRIED**

**B.** *That the Advisory Planning Commission recommends to City Council that as part of the development process the applicant be required to complete the following before final adoption of the bylaw:*

- a. Consolidate the properties into one legal parcel prior to final adoption of the proposed bylaw amendments.*

**( Douglas / Washington ) CARRIED**

**3. UPDATE:**

The Manager of Planning gave a status update on current projects.

- **Harbour View Lands** RFP Closed
- **Public hearing** was held on August 12 for rezoning and site specific amendments to 8th Avenue (Woodland Village) for multi-family development
- **Council's Strategic Plan** was released as a public document on August 12
- **Cannabis Cultivation and Processing Public Engagement Process**
  - Online survey available until **Sept 13**
  - Open house - **Aug 28** 5-7 pm at Echo Centre
  - Fall Fair Info Booth - **Sept 5**
  - Open house - **Oct 9** 5-7 pm at City Hall
- Future agenda items will include:
  - 2943 & 2951 10th Ave – Site Specific Zoning amendment (TBD)
  - 4279 Ravenhill – OCP/Zoning amendment (TBD)
  - Cannabis Cultivation and Processing Zoning Bylaw Amendments and Public Engagement Report

**4. OTHER BUSINESS**

- Cancellation of the September 19, 2019 meeting was noted by the Manager of Planning.

**5. ADJOURNMENT** – The meeting adjourned at 1:00 p.m. The next regular meeting is rescheduled for **Thursday, October 17, 2019.**

**(McRae / Douglas) CARRIED**



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Davina Hartwell - City Clerk

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Ken McRae – Chair



# CITY OF PORT ALBERNI

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## PLANNING DEPARTMENT REPORT TO ADVISORY PLANNING COMMISSION

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TO: Advisory Planning Commission

FROM: Katelyn McDougall, Manager of Planning

DATE: October 9, 2019

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**SUBJECT: DEVELOPMENT APPLICATION - Development Variance Permit**  
**4279 Ravenhill Avenue**  
*Lot 5, District Lot 1, Alberni District, Plan 11303 Except that part in Plan 25083*  
*(PID:004-990-421)*  
**Applicant:** R. Jaenicke and L. Ranger

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### **ISSUE**

To consider an application for a Development Variance Permit (No. 97) for 4279 Ravenhill Ave. The applicant wishes to vary section 6.10.6 of the Zoning Bylaw as it relates to the total allowable floor area of accessory buildings in "A Zones" in order to construct two accessory buildings (a vehicle garage and gym/fitness studio).

### **BACKGROUND**

The property owners are seeking relief from section 6.10.6 of the Zoning Bylaw regulations as it relates to the total allowable floor area of accessory buildings in 'A Zones'. The variance would facilitate the construction of two accessory buildings at a certain size. The proposed accessory buildings would include a boat garage (465 ft<sup>2</sup>) and a studio/gym (588 ft<sup>2</sup>). The total combined floor area of the two proposed accessory buildings exceeds the allowable floor area of 807.3 ft<sup>2</sup> by 12.8 m<sup>2</sup> (137.8 ft<sup>2</sup>).

### **DISCUSSION**

#### **Property and Neighbourhood**

The subject property is one large lot that is approximately ± 1.0 ha (2.5 acres) with partially constructed frontage along Ravenhill Avenue that is 59.7 m (195.9 ft).

The property is currently zoned 'FD – Future Development' and designated in the Official Community Plan as a mix of 'Park and Open Space' and 'Future Residential' in the OCP. The Zoning Bylaw groups zones together to simplify the implementation of regulations for similar zones. FD zones are grouped with the A1 zone under a designation of "A zones". The applicant has been in discussion with the Planning Department about rezoning the property to facilitate further subdivision, but has put those plans hold.

The subject property is located at the south end of the city in an area that is primarily single family residential, although a large part of the surrounding area adjacent to the property is undeveloped. Nearby undeveloped land should not be developed without a City approved Neighbourhood Plan in place, as per the OCP policy.

SUMMARY OF SURROUNDING AREA	
<b>NORTH</b>	There are three large tracts of privately owned lands.
<b>SOUTH</b>	A mix of City and Crown Lands, mostly treed, are located to the south of the subject property.
<b>EAST</b>	The neighbourhood is predominately single family residential.
<b>WEST</b>	There are a mix of City and Crown Lands. There is a natural area with Ship Creek passing through it with a number of informal trails used by the public.

### Accessory Buildings

As the property is zoned '*FD - Future Development*' (classified as an 'A Zone') section 6.10.6 of the Zoning Bylaw restricts the total floor area of all accessory buildings to a maximum of 85m<sup>2</sup> (915 ft<sup>2</sup>). The applicant would like to construct two accessory buildings with a total floor area of 1052.7 ft<sup>2</sup>, as follows:

Proposed boat garage:	9.0 m x 4.8 m = 43.2 m <sup>2</sup> (465 ft <sup>2</sup> )
Proposed studio/gym:	9.1 m x 6.0 m = 54.6 m <sup>2</sup> (588 ft <sup>2</sup> )
<b>Total Accessory Buildings:</b>	97.8 m <sup>2</sup> (1052.7 ft <sup>2</sup> )
<b>Total Permissible:</b>	85m <sup>2</sup> (915 ft <sup>2</sup> )
<b>Variance Requested:</b>	12.8 m <sup>2</sup> (137.8 ft <sup>2</sup> )

The total combined floor area of the proposed accessory buildings exceeds the allowable floor area. The requested variance from 85 m<sup>2</sup> (915 ft<sup>2</sup>) to 97.8 m<sup>2</sup> (1052.7 ft<sup>2</sup>), would allow for an additional 12.8 m<sup>2</sup> (137.8 ft<sup>2</sup>) of floor area for the proposed accessory buildings. The property owners are in the process of constructing a single family home of approximately 191 m<sup>2</sup> (2057 ft<sup>2</sup>) in size. The total floor area of all structures would be ~289 m<sup>2</sup> (3110 ft<sup>2</sup>), well within the allowable lot coverage. All proposed structures should be able to be developed within the required building setbacks.

### CONCLUSION

The City of Port Alberni Zoning Bylaw No. 4832 specifies the total floor area requirements for accessory buildings. The requested variance may appear significant however it will not result in a significant increase to the overall footprint of the development. The large size of the property and the semi-rural setting mitigates potential building crowding and minimizes visual impacts that the additional structures may impose. The proposed structures will meet all other requirements of the Zoning Bylaw (building setbacks, lot coverage, maximum height, etc).

The Planning Department supports the issuing of a Development Variance Permit for the property at 4279 Ravenhill Avenue, subject to public notification and input. Prior to a final decision by Council, public notice will be provided to all property owners and residents within a 75 m radius of the subject property inviting comment for Council's consideration.

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## **RECOMMENDATIONS**

The following resolutions are proposed:

1. *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with the necessary Development Variance Permit to vary Zoning Bylaw #4832 as follows:*
  - a. *Vary Section 6.10.6 Accessory Buildings (in A zones) regulations for the total floor area of all accessory buildings, from 85 m<sup>2</sup> (915 ft<sup>2</sup>) to 97.8 m<sup>2</sup> (1052.7 ft<sup>2</sup>) a variance of 12.8 m<sup>2</sup> (137.8 ft<sup>2</sup>), for the property located at **4279 Ravenhill Avenue** and legally described as Lot 5, District Lot 1, Alberni District, Plan 11303 Except that part in Plan 25083 (PID:004-990-421).*
2. *That City Council give notice of intent to consider the issuance of a Development Variance Permit for the property located at **4279 Ravenhill Avenue** and legally described as Lot 5, District Lot 1, Alberni District, Plan 11303 Except that part in Plan 25083 (PID:004-990-421).*

Respectfully submitted,



Katelyn McDougall, M.Urb  
Manager of Planning



2234 2220 2194 2184 2124 2125 2033

3 1303 A 58408 60037 REM. 1303 25083

4216 4236 425 4216 4236 425

C B A

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5 4 3 2 1 16 15 14 13 12 11 10

PL317A

RAVENHILL AVE. (Unconstructed)

RD.

REM 18 REM 17 REM 16 REM 15 REM 14 REM 13 REM 12 REM 11 REM 10 REM 9 REM 8 REM 7 REM 6 REM 5 REM 4 REM 3 REM 2 REM 1

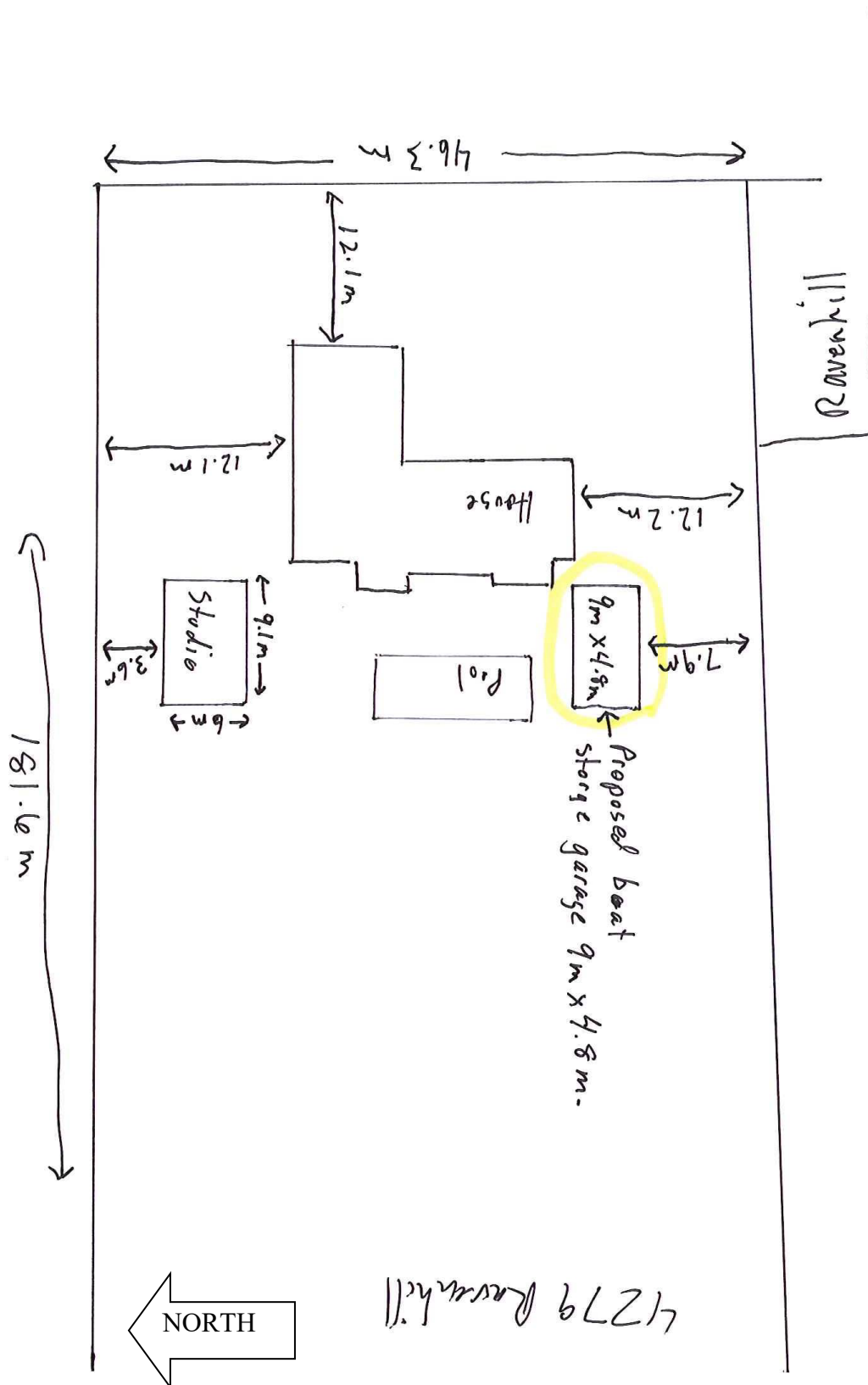
Ship Creek

**SUBJECT PROPERTY**

4279

**NORTH**

BUILDING LOCATION







# CITY OF PORT ALBERNI

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## PLANNING DEPARTMENT REPORT TO THE ADVISORY PLANNING COMMISSION

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TO: Advisory Planning Commission

FROM: Katelyn McDougall, Manager of Planning

DATE: October 20, 2019

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**SUBJECT: Cannabis Cultivation Zoning - Public Engagement Summary and Proposed Recommendations**

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### **ISSUE**

At issue is the consideration of changes to the City's zoning bylaw (*Bylaw 4832*) to introduce cannabis cultivation (both indoor and outdoor facilities based on various scales of production) as a permitted use within city limits. City Staff and students from Vancouver Island University's Master of Community Planning program have developed the suggested recommendations based on a review of best practices, and input gathered through the public engagement process. A summary of that information is provided in the report below.

### **BACKGROUND**

In response to the legalization of cannabis (October 2018) the City of Port Alberni introduced zoning regulations to permit cannabis retail stores, and changes to the Zoning Bylaw were made at the end of 2018. In 2019 staff were directed by Council to identify zoning for the production of cannabis, while engaging the public and First Nations.

The Planning Department and students from Vancouver Island University's Master of Community Planning program (VIU MCP) developed a comprehensive, efficient (August to October) consultation process that included an online survey, two open houses, and an information booth at the Fall Fair. Key stakeholders and First Nations were contacted by letter inviting them to engage in the process or set up a meeting, at their convenience, with staff. The survey was designed to reflect Council's direction to gather input from the public on how to *enable* and *regulate* cannabis cultivation and processing within city limits.

The students from the VIU MCP program researched emerging trends in municipal approaches to regulating cannabis cultivation. This information has been summarized and included in the report, along with the public engagement results. Together this information has informed staff's proposed recommended changes to the Zoning Bylaw.

Attached in the appendix of the report is a copy of the public consultation survey, figures that summarize the public engagement highlights, a map of the zones being proposed for consideration, a summary table of the proposed changes, and a table that describes the different types of Cannabis Production Facilities (CPF).

## **Discussion**

### **Review of Other Municipal Approaches to Cannabis Cultivation**

Other municipalities and regional districts have enabled CPF as a permitted use. There are a variety of different ways that CPF have been regulated, but generally they are permitted in industrial and agricultural zones. It is common within different zones to differentiate for certain types of facilities based on size and type of structure (outdoor, indoor, warehouse, greenhouse, etc.). Specific zoning requirements such as minimums for setbacks, buffer zones (for example, from schools, parks, or institutions), and building character (especially when allowed in commercial zones) have been implemented.

Below is a brief summary of what several other jurisdictions have done to regulate cannabis cultivation:

<b>Comox Valley Regional District:</b>	<p style="text-align: center;"><b>Site Specific Analysis</b></p> <p>For certain Electoral Areas, the CVRD has not added Cannabis Production Facilities as a permitted use to any zone. Instead, a company wishing to operate a CPF must undergo a Rezoning or Temporary Use Permit application, allowing for site-specific analysis and requiring public engagement of some form.</p>
<b>City of Nanaimo:</b>	<p style="text-align: center;"><b>Industrial Zoning Only</b></p> <p>The City of Nanaimo allows for CPF in their I4 (Industrial) zone, and only allows for “micro cannabis production” in the I1 (Highway Industrial) and I2 (Light Industrial) zones. This ensures that large-scale CPF (larger than 200m<sup>2</sup>) are only permitted in heavier industrial areas, further away from more populated areas, and that only smaller scale CPF (smaller than 200m<sup>2</sup>) are permitted in industrial zones that may be closer to residential or commercial areas.</p>
<b>Regional District of Central Kootenay:</b>	<p style="text-align: center;"><b>Mix of Zoning</b></p> <p>The RDCK has added Cannabis Nursery Licenses (allows cannabis to be grown for the production of seeds, seedlings, and clones) and Cannabis Micro Cultivation (space smaller than 200m<sup>2</sup>) in their R3 (Rural Residential), R4 (Remote Residential), AG (Agricultural), and M (Industrial) zones, while only allowing larger CPF in their AG (Agricultural) and M (Industrial) zones.</p>
<b>Alberni-Clayoquot Regional District:</b>	<p style="text-align: center;"><b>Currently Exploring Greater Restrictions</b></p> <p>The ACRD is in the process of reviewing proposed bylaw changes to regulate the construction of new cement-based buildings for the production of medical and non-medical cannabis. The proposed zoning amendment would prohibit the construction of new cement-based structures used for cannabis productions (removing it from A1, A2, A3 and M1 Districts), and where cannabis production is a permitted use (under provincial legislation) the zoning amendment would introduce 60 meter setbacks from residential and institutional zoning districts and a 300 meter setback from existing schools and parks. Similar to the CVRD, new cement-based facilities would be assessed on a case-by-case basis via a rezoning application.</p>

While there are many different ways to regulate CPF at a municipal or regional level, Staff believe that identifying zones for cannabis production (with additional regulations and policies in place) will strengthen the City's ability to regulate the industry, as compared to taking a case-by-case approach.

### BC Agricultural Land Commission

It is important to note that the BC Agricultural Land Commission (ALC) decided that cannabis production is an acceptable farm use on land protected within the ALR as long as it is done in a manner that protects the land's productive capacity. As such, cannabis production within the Agricultural Land Reserve (ALR) cannot be prohibited if grown under any of the following circumstances:

- Outdoors in a field; or
- Inside a structure that has a base consisting entirely of soil; or
- Inside a qualifying concrete-based structure built, or under construction, prior to July 13, 2018.

A city or regional district in BC is unable to prohibit cannabis production in the ALR if it meets the ALC's requirements.

### Public Engagement Summary

Planning Department staff worked, together with students from the VIU MCP program, on a three-month (August to October) consultation process that gathered input and feedback on questions related to enabling cannabis cultivation as a permitted use within city limits.

A number of engagement events were held both online and in-person, including:

- An online survey, online mapping tool, and two quick public opinion polls (available from August 13 – September 13, 2019)
- An open house for gathering information, ideas, and comments from the public (hosted at the Echo Centre on August 28, 2019)
- A tabling event at the Port Alberni Fall Fair for gathering information, ideas, and comments (September 5, 2019)
- An open house for sharing public engagement results and to gather feedback on proposed recommendations for Council to consider (hosted at Port Alberni City Hall on October 9, 2019)

The engagement process resulted in 286 responses to the survey, and ~70 in-person interactions.

### Survey Highlights

The survey was available online and in-person, during the consultation process. In total 286 surveys were submitted, 56 participants completed one of the quick polls and 20 participants responded to the other quick poll. In terms of overall engagement with the survey the amount of participation is higher than compared to other online surveys the that City has conducted. It is important to note that the survey is not intended to gather a representative sample of residents' opinions, but is provided as one method for receiving input during the consultation process.

In response to the survey, 40% of respondents indicated they viewed cannabis cultivation as an agricultural use. Many (36%) thought it could be an industrial use or commercial use. 33% responded saying it could be any of those three types of land use. 14% of responses indicated that the appropriate land use category should be dependent upon the scale of the facility and 17% of responses indicated it should be dependent on actual operations of the facility. For this question

respondents were able to select as many zones as they agreed with, rather than the one they most agreed with. See image in the appendix for a breakdown of the results.

With respect to establishing a minimum parcel size requirement 47% of respondents indicated that no restrictions should be required versus 53% of respondents who indicated that a size minimum should be required. Of the 53% most tended to be in favor of larger parcel sizes: 25% indicated the minimum parcel size should be 5 acres, 12% indicated 1 acre, 9% indicated 2.5 acres, and 7% indicated at least half an acre.

To a question regarding buffer zone requirements (ensuring a minimum distance between CPF and cannabis retail stores) 48% of respondents thought that the City of Port Alberni should establish a 1000 meter separation distance between these uses, whereas 40% of respondents disagreed and 12% were unsure.

A majority (68%) of survey respondents thought that CPF should be required to obtain a Development Permit to ensure that specific criteria regarding built form and other characteristics are met. 22% said that a Development Permit should not be required, and 10% were undecided on the question.

Included in the survey was series of zoning statements that related to cannabis cultivation, and respondents were asked to indicate if they agreed or disagreed with those statements. Overall respondents tended to agree that setbacks and buffer zones should be used to regulate the industry. Most also agreed that the City should closely monitor Cannabis Production Facilities and evaluate zoning changes on an ongoing basis moving forward. The table below provides a breakdown how respondents responded to the statements they were asked about:

	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
The City should develop strict setbacks from adjacent properties to mitigate potential nuisance concerns associated with small scale facilities.	36%	28%	16%	11%	9%
The City should develop strict setbacks from adjacent properties to mitigate potential nuisance concerns associated with large scale facilities.	34%	23%	18%	14%	12%
A 300-meter buffer zone should be put in place to keep Cannabis Production Facilities a minimum distance away from schools.	44%	25%	10%	9%	12%
The City should closely monitor Cannabis Production Facilities and evaluate zoning changes on an ongoing basis moving forward.	39%	35%	15%	6%	5%
Micro Production and Processing would be okay in some commercial areas.	28%	40%	11%	6%	15%
Large scale Cannabis Production Facilities should only be permitted in agricultural or industrial zones.	31%	33%	14%	10%	12%
Cultivation that occurs outdoors should only be considered as an agricultural (farm) use.	21%	32%	17%	13%	17%

A total of 72% of survey respondents agreed with the statement that “*allowing the production and processing of cannabis in Port Alberni will contribute to the economy*”, whereas 17% disagreed and 11% were neutral about the economic impact of the industry.

When asked specifically about “standard cultivation and processing” (facilities greater than 200 m<sup>2</sup>), “micro cultivation and processing” (facilities less than 200 m<sup>2</sup>), and “cannabis nurseries” (facilities under 50 m<sup>2</sup> for seeds only/no dried flower) respondents gave more specific answers about where each type of facility should be permitted. It should be noted that for questions about where the specific facilities should be permitted respondents were able to select as many zones as they agreed with, rather than only selecting one zone that they most agreed with.

In response to a question about where standard cultivation and processing should be permitted, 71% of respondents indicated they thought agricultural zones would be appropriate and 80% said industrial zones would be appropriate. Commercial areas were not as supported for standard cultivation facilities, but of the commercial zones 46% thought highway commercial areas would be appropriate, 36% said general commercial areas would be appropriate, and about 34% said service commercial would be appropriate. All other commercial zones were not supported for standard cultivation in comparison.

In response to a question about where micro cultivation and processing should be permitted, 71% of respondents indicated they thought agricultural zones would be appropriate and 84% said industrial zones would be appropriate. Compared to the other types of CPF ‘micro cultivation’ was most supported in commercial areas, though it was still more preferred in agricultural or industrial zones. Of the commercial zones 55% thought highway commercial areas would be appropriate for the ‘micro cultivation’ of cannabis, 44% said general commercial would be appropriate, 42% said service commercial, and only around 30% said core business and neighborhood commercial areas would be appropriate for this activity.

In response to a question about where cannabis nurseries should be permitted, 77% of respondents indicated agricultural zones would be appropriate and 79% felt industrial zones would be appropriate for this activity. Compared to ‘standard cultivation’ respondents thought that cannabis nurseries were more acceptable in commercial zones, but still less supported overall than micro-cultivation in commercial areas. Of the commercial zones 50% thought highway commercial areas would be appropriate for cannabis nurseries, 38% said general commercial would be appropriate. Only 34% said service commercial areas would be appropriate, about 25% said neighborhood commercial areas and 23% said core business areas would be appropriate.

Most respondents (37%) did not think that micro cultivation should be allowed as an accessory use in residential areas, compared to 18% who supported that idea, and the 21% who supported micro cultivation as an accessory use in rural or semi-rural areas. Similarly, most respondents (40%) did not think that cannabis nurseries should be allowed as an accessory use in residential areas, compared to 19% who supported that idea, and 24% who supported cannabis nurseries as accessory use in rural or semi-rural areas.

### In-Person Engagement Highlights

Three in-person engagement events were hosted by the City as part of the consultation process. The first event was an Open House hosted at the Echo Centre in late August. Nine attendees came to share their opinion. Of those who attended the event the general opinion seemed to be split in terms of support or lack of support for CPF.

In discussion with those who were generally opposed to CPF most felt better about permitting the use only within agricultural or industrial areas if setbacks and buffer zones were also introduced. The most common concerns discussed were odor, noise, air quality and property value. The most common benefits mentioned were increased economic development, increased municipal tax revenue, and increased employment prospects within the city.

A tabling event was held at the Port Alberni Fall Fair on September 5, 2019 which was used for gathering information, ideas, and comments. Staff interacted with participants who did not want to (or were not able to) attend the open house at Echo Centre. At this event fewer people were neither completely for nor against cannabis cultivation. People were mainly curious and wanted to learn about how these facilities operated, and what types of impacts might result from allowing cultivation in certain areas of the city. The majority of individuals engaged at this event wanted to see regulations in place to mitigate odor and noise, and to restrict large facilities to rural or industrial properties.

On October 9, 2019 an open house for sharing public engagement results and to gather feedback on proposed recommendations, for Council to consider, was hosted at City Hall. The individuals who attended reiterated common sentiments expressed throughout the process. Of those who attended no one provided any objections, or proposed any alterations, to the recommendations as they appear below.

## **CONCLUSIONS**

Cannabis production and cultivation are now legal with a license from Health Canada, and industry proponents have been looking to the Alberni Valley for a place to start up new ventures. The legalization of cannabis may create economic opportunities for any community looking to diversify their economy. The City of Port Alberni has already permitted cannabis retail stores in certain commercial zones. After a three month discussion with the public about zoning for CPF staff have recommend an approach to help make room for this new industry.

Through online and in-person engagement staff heard from many Port Alberni residents and visitors. Most people who attended events in-person seemed apathetic about cannabis cultivation, with standard and re-occurring concerns. Overwhelmingly, the majority of people who were engaged throughout the consultation process supported allowing CPF within city limits, and did not have an issue with the industry as long as it was properly managed and regulated.

A number of valid concerns were raised about Cannabis Production Facilities, regarding odor, air quality, and waste management. A small number of individuals were completely opposed to the legalization of cannabis and were thus opposed to any municipal zoning related to cannabis. Some individuals who participated in the consultation process expressed opposition to specific production facilities that were being discussed in the regional district, but did not clearly provide input on how to regulate the activity within city limits.

The recommendations below incorporate public input and consider practices, demonstrated in other communities, that could work in Port Alberni. The proposed approach is to permit cannabis cultivation in industrial zones, agricultural zones, and limited commercial zones based on the scale and type (indoor or outdoor) of facility. Large outdoor facilities (standard cultivation) have been excluded from staff's recommendations, as Staff would recommend that those types of operations are most appropriate for a rural agricultural or rural industrial setting, outside city limits, and are not suitable for urbanized areas.



Throughout the consultation process members of the public raised concerns about odor, noise, air quality, and environmental impact, so staff have proposed the use of setbacks, buffer zones, develop permit areas, and other regulations to help mitigate these concerns. It is important to note that any new legal CPF will involve some federal oversight as Health Canada regulates all cannabis production licenses – and all licensed facilities will be held to federal standards with regards to air quality, odor, etc.

### Recommended Approach to Zoning for Cannabis Cultivation

1. Those regarding indoor facilities (greenhouse or warehouse):
  - a. That Standard Cultivation Facilities (anything more than 200m<sup>2</sup> in size) be allowed in the Light Industry (M1), Medium Industry (M2), and Heavy Industry (M3) zones.
  - b. That Micro-Cultivation Facilities (anything up to 200m<sup>2</sup> in size) be allowed in the Light Industry (M1), Medium Industry (M2), Heavy Industry (M3), Service Commercial (C3), and High Commercial (C4) zones.
  - c. That Cannabis Nursery Facilities (limited to 50m<sup>2</sup> in size, and only the production of seeds, seedlings, and clones – no dried flower) be allowed in the Light Industry (M1), Medium Industry (M2), Heavy Industry (M3), Service Commercial (C3), Highway Commercial (C4), and Agriculture (A1) zones.
2. Those regarding outdoor facilities (farmed):
  - a. That outdoor micro-cultivation facilities be allowed in the Light Industry (M1), Medium Industry (M2), Heavy Industry (M3), and Agriculture (A1) zones.
  - b. That outdoor Cannabis Nursery Facilities be allowed in Light Industry (M1), Medium Industry (M2), Heavy Industry (M3), and Agriculture (A1) zones.
3. Those regarding other zoning bylaw regulations:
  - a. That staff propose definitions for the types of Cannabis Facilities that are consistent with Health Canada's definitions.
  - b. That staff include recommendations for building setbacks, buffer zones, and regulations to help mitigate noise and odor concerns.
  - c. That any Cannabis Production Facility be required to obtain a Development Permit (regarding building form and character) to ensure a high-quality development and mitigate impacts to the visual landscape.

### **OPTIONS**

1. Support the recommendations as presented and direct staff to prepare a bylaw with these proposed changes.
2. Recommend that staff take further time to consider the matter and bring back recommendations based on additional feedback from APC and Council.
3. That APC and Council provide alternative direction.

**RECOMMENDATION**

The Planning Department recommends options #1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Katelyn McDougall', with a stylized flourish at the end.

Katelyn McDougall, M.Urb  
Manager of Planning

## APPENDIX A: SURVEY



### How should Port Alberni zone for Cannabis Production & Processing Facilities?

*Thank you for connecting with us on matters that mean the most to you. Please be sure to complete and submit this survey before **Friday September 13, 2019**. Prior to completing this survey, be sure to read the City of Port Alberni's FAQ sheet about Cannabis Production and Processing for more background information.*

**1. When you think about land use, what does cannabis production and processing seem like to you? (select all that apply): (Choose all that apply)**

- ☐ An agricultural use                      ☐ An industrial use  
☐ A commercial use                      ☐ Any of the above  
☐ Depends on scale of the facility   ☐ Depends on the operations/intentions of the facility  
☐ Other

***If you chose "Other" please explain:***

**2. Should Cannabis Production Facilities be required to operate on a parcel of land that is a certain minimum size? (Choose one option)**

- ☐ No restrictions needed                      ☐ Yes, at least half an acre  
☐ Yes, at least 1 acre                      ☐ Yes, at least 2.5 acres  
☐ Yes, at least 5 acres

**3. Please indicate how you feel about the following statements:**

Questions	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
A 300 meter buffer zone should be put in place to keep Cannabis Production Facilities a minimum distance away from schools.					
Micro Production and Processing would be okay in certain commercial areas.					
Large scale Cannabis Production Facilities should only be permitted in agricultural or industrial zones.					
Cultivation that occurs outdoors should only be considered as an agricultural (farm) use.					
Allowing the production and processing of cannabis in Port Alberni will contribute to growing our economy.					
The City should develop strict setbacks from adjacent properties to mitigate potential nuisance concerns associated with small scale facilities.					
The City should develop strict setbacks from adjacent properties to mitigate potential nuisance concerns associated with large scale facilities.					

Questions	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
The City should closely monitor Cannabis Production Facilities and evaluate zoning changes on an ongoing basis moving forward.					

4. **The City of Port Alberni might want to propose a 1000 meter separation distance to ensure that cannabis retail stores and production facilities aren't clustered too close together. Do you support this idea? (Choose one option)**
- ☐ Yes  
☐ No  
☐ Unsure
5. **Beyond the Zoning Bylaw and regular Building Permits, should all Cannabis Facilities be required to obtain a Development Permit (regulating the built form and ensuring development follows a strict set of guidelines)? (Choose one option)**
- ☐ Yes  
☐ No  
☐ Unsure

### Questions about zoning for Standard Cannabis Cultivation & Processing:

*What is Standard Cultivation? • Permits more than 200 square metres (2152 square feet) of canopy space indoors (higher security risk) - new applicants permitted 'unique genetics' • Can apply for multitude of licensing (processing, analytical testing, research and development, nursery) • Can sell wholesale (third party), direct sales to provincial distributor (LCRB), other processors or direct to medical patients (if licensed)*

*What is Standard Processing? • Authorizes the extraction of cannabis oil • Licensing can be stand alone or in conjunction with cultivation licensing • No limitation on the amount of dried flower processed annually*

6. **Where should Standard Cultivation and Processing be permitted? (select all that apply): (Choose all that apply)**
- |  |   |
|--|---|
| <input type="checkbox"/> Agricultural areas            | <input type="checkbox"/> Industrial areas         |
| <input type="checkbox"/> Neighborhood commercial areas | <input type="checkbox"/> General commercial areas |
| <input type="checkbox"/> Service commercial areas      | <input type="checkbox"/> Highway commercial areas |
| <input type="checkbox"/> Core business areas           | <input type="checkbox"/> Other                    |

**If you chose "Other" please explain:**

### Questions about Cannabis Micro Cultivation & Processing:

*What is Micro Cultivation? • Permits 200 square metres (2152 square feet) of canopy space both indoors and outdoors – new applicants permitted 'unique genetics' • One license permitted per parcel • Can sell wholesale (third party), direct sales to provincial distributor (LCRB), other processors or direct to medical patients • Application to Health Canada requires notification to local government • Building must be constructed prior to issuance of a license.*

*What is Micro Processing? • Authorizes the extraction of cannabis oil • Licensing can be stand alone or in conjunction with cultivation licensing • Permitted to process up to 600 kg of dried flower annually*

**7. Where should Micro Cultivation and Micro-Processing be permitted? (select all that apply): (Choose all that apply)**

- |  |   |
|--|---|
| <input type="checkbox"/> Agricultural areas            | <input type="checkbox"/> Industrial areas         |
| <input type="checkbox"/> Neighborhood commercial areas | <input type="checkbox"/> General commercial areas |
| <input type="checkbox"/> Service commercial areas      | <input type="checkbox"/> Highway commercial areas |
| <input type="checkbox"/> Core business areas           | <input type="checkbox"/> Other                    |

***If you chose "Other" please explain:***

**8. Should Micro Cultivation and Micro-Processing be considered as an accessory use (less significant than, and secondary to, the principal use) in some residential zones?**

**(Choose one option)**

- ☐ Yes, any residential area
- ☐ Only in a rural or semi-rural residential area No
- ☐ Unsure

**Questions about zoning for a Cannabis Nursery:**

*What is a Nursery? • Authorizes the cultivation of genetics (cannabis and hemp) for the production of seeds, seedlings and clones - new applicants permitted 'unique genetics' • Can be sold to any other type of license holder • Cultivation can be either indoors (greenhouse or warehouse) or outdoors (farmed) • Canopy space limited to 50 square metres (538 square feet) – does not permit cultivation of finished product (dried flower)*

**9. Where should Cannabis Nurseries be permitted? (select all that apply): (Choose all that apply)**

- |  |   |
|--|---|
| <input type="checkbox"/> Agricultural areas            | <input type="checkbox"/> Industrial areas         |
| <input type="checkbox"/> Neighborhood commercial areas | <input type="checkbox"/> General commercial areas |
| <input type="checkbox"/> Service commercial areas      | <input type="checkbox"/> Highway commercial areas |
| <input type="checkbox"/> Core business areas           | <input type="checkbox"/> Other                    |

***If you chose "Other" please explain:***

**10. Should Cannabis Nurseries be considered as an accessory use (less significant than, and secondary to, the principal use) in some residential zones? (Choose any one option)**

- ☐ Yes, any residential area
- ☐ Only in a rural or semi-rural residential area No
- ☐ Unsure

**11. Do you have any other comments you'd like to share with us about Cannabis Production and Processing in Port Alberni?****12. What is your gender? (Choose one)**

- |                                 |                                      |
|---------------------------------|--------------------------------------|
| <input type="checkbox"/> Male   | <input type="checkbox"/> Transgender |
| <input type="checkbox"/> Female | <input type="checkbox"/> Other       |

**13. What area most closely identifies where you currently reside? (Choose any one option)**

- |   |  |
|---|--|
| <input type="checkbox"/> North Port Alberni         | <input type="checkbox"/> South Port Alberni      |
| <input type="checkbox"/> Cherry Creek               | <input type="checkbox"/> Westport Place          |
| <input type="checkbox"/> Cameron Heights            | <input type="checkbox"/> Echo Village            |
| <input type="checkbox"/> Beaver Creek               | <input type="checkbox"/> Hupacasath First Nation |
| <input type="checkbox"/> Tseshah First Nation Other |  |

**14. What is your age range? (Choose any one option)**

- |   |  |
|---|--|
| <input type="checkbox"/> Under 18 years old | <input type="checkbox"/> 18-24 years old |
| <input type="checkbox"/> 25-34 years old    | <input type="checkbox"/> 35-44 years old |
| <input type="checkbox"/> 45-54 years old    | <input type="checkbox"/> 55-64 years old |
| <input type="checkbox"/> 65+ years old      |  |

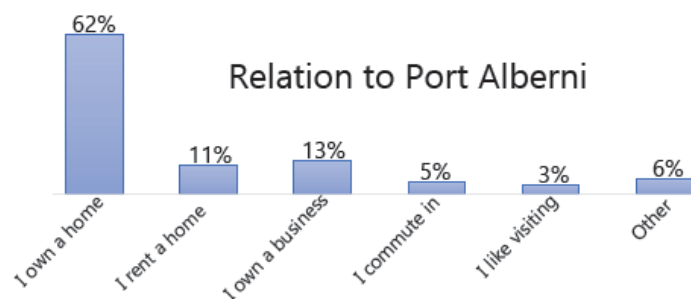
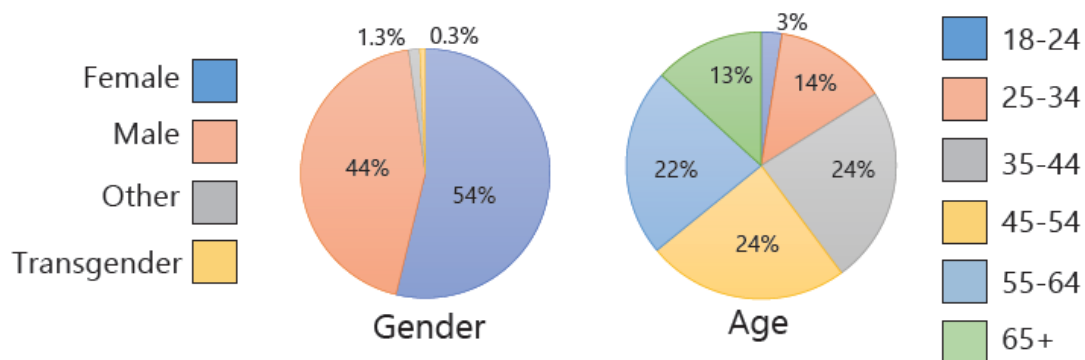
**15. Please describe your relationship to Port Alberni: (Choose all that apply)**

- |   |  |
|---|--|
| <input type="checkbox"/> I own a home in Port Alberni           | <input type="checkbox"/> I rent a home in Port Alberni     |
| <input type="checkbox"/> I run/own a business in Port Alberni   | <input type="checkbox"/> I commute to work in Port Alberni |
| <input type="checkbox"/> I visit Port Alberni from time to time | <input type="checkbox"/> Other                             |

***If you chose "Other" please explain:***

## APPENDIX B: ENGAGEMENT HIGHLIGHTS

### Who Responded



### What Type of Land Use Does Cannabis Production Seem Like?



Any of the above? 33%

Depends on the scale of the facility? 14%

Depends on the operations of the facility? 17%

Other? 2%

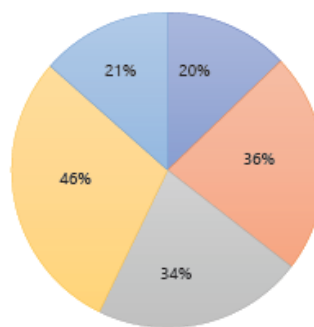
## How do Standard and Micro Cultivation Differ?



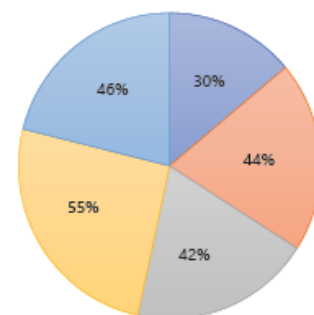
Standard cultivation: 71%  
Micro cultivation: 72%



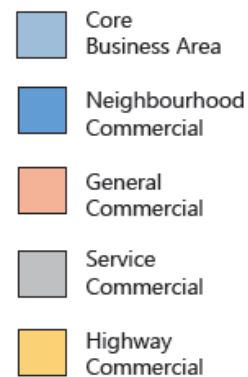
Standard cultivation: 80%  
Micro cultivation: 84%



Standard cultivation



Micro cultivation



## Statements of Agreement and Disagreement

### Agree

69%

A 300m buffer zone should be put in place to keep these facilities a minimum distance from schools.

68%

Micro production and processing would be okay to allow in certain commercial areas.

65%

Large scale Cannabis Production Facilities should only be permitted in agricultural and industrial zones.

60%

The City should develop strict setbacks from adjacent properties to mitigate potential nuisance issues.

### Disagree

21%

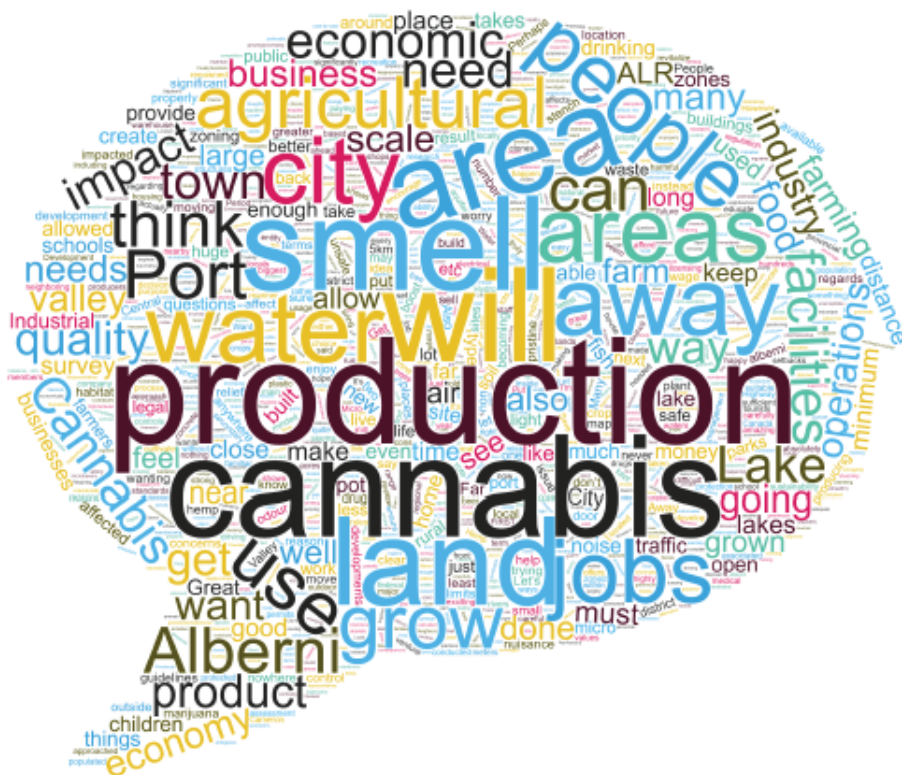
21%

22%

23%



## Open-Ended Responses



### Do you think Cannabis Production and Processing Facilities should be allowed within the City of Port Alberni?

Yes



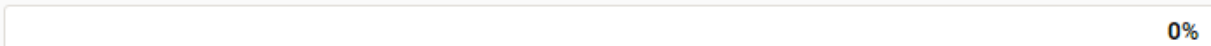
Only certain types of facilities



No



Unsure

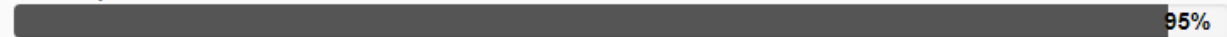


Vote

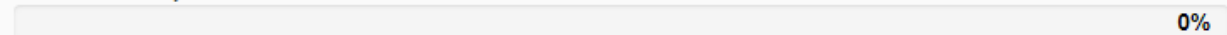
Total Votes : 56

### How likely is it that you would either produce or process cannabis as a business venture?

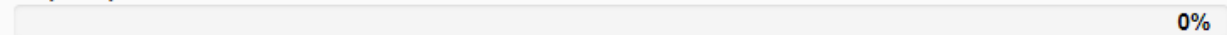
Not likely



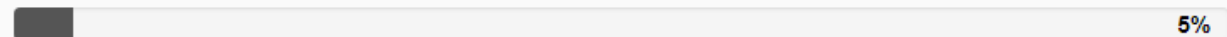
Somewhat likely



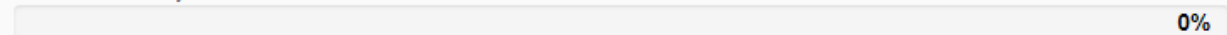
Very likely



Unsure

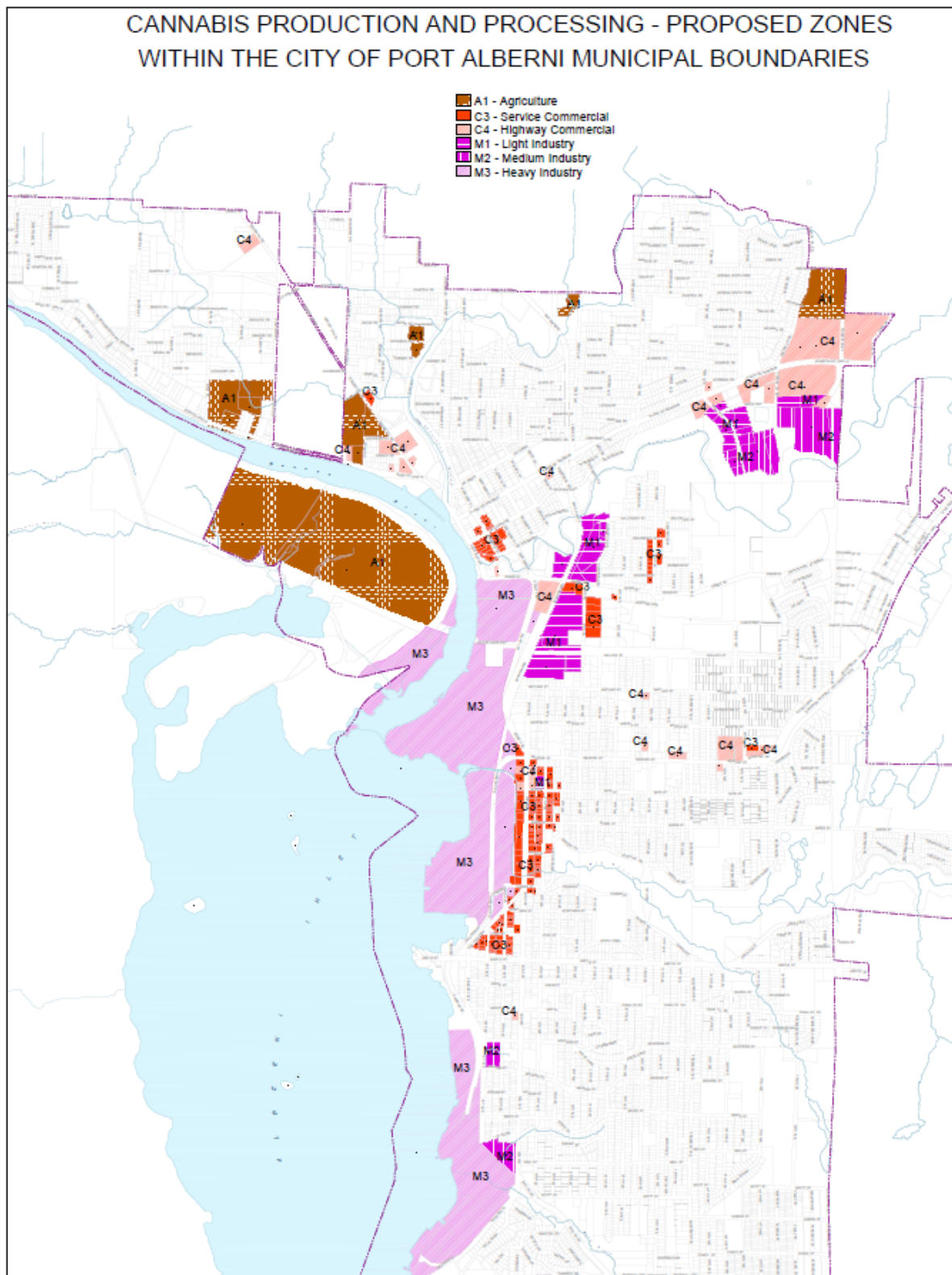


Prefer not to say



Vote

Total Votes : 20

**APPENDIX C: ZONES FOR CONSIDERATION**

**APPENDIX D: SUMMARY TABLE OF RECOMMENDATIONS**

Zone Category	Type of Cultivation Proposed
Agricultural (A1 zone)	<u>Only outdoor small-scale facilities</u> <ul style="list-style-type: none"> <li>• Outdoor micro-cultivation</li> <li>• Outdoor nurseries</li> </ul>
Industrial (M1, M2, M3 zones)	<u>Any type of facility</u> <ul style="list-style-type: none"> <li>• Indoor standard cultivation &amp; processing</li> <li>• Indoor <u>and</u> outdoor micro-cultivation</li> <li>• Indoor micro-processing</li> <li>• Indoor <u>and</u> outdoor nurseries</li> </ul>
Service Commercial (C3 zone)	<u>Only indoor small-scale facilities</u> <ul style="list-style-type: none"> <li>• Indoor micro-cultivation &amp; processing</li> <li>• Indoor nurseries</li> </ul>
Highway Commercial (C4 zone)	<u>Only indoor small-scale facilities</u> <ul style="list-style-type: none"> <li>• Indoor micro-cultivation &amp; processing</li> <li>• Indoor nurseries</li> </ul>

### APPENDIX E: TYPES OF CANNABIS FACILITIES

Type of Facility	Plant Surface Area	Cultivation Activities Permitted	Processing Activities Permitted	Other Information
<b>Standard</b>	Up to or more than 200m <sup>2</sup> in size	<ul style="list-style-type: none"> <li>Possession of cannabis, propagating/cultivating, altering properties, selling and distributing cannabis plants or seeds to other license holders, sell plants or seeds to nurseries, conduct ancillary activities (e.g., drying, trimming, milling, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>Possession of cannabis, produce cannabis other than by cultivating/harvesting, sell and distribute to other license holders, sell and distribute to standard and micro cultivators certain products such as dried cannabis and seeds or cannabis produced for testing, sell and distribute to licensed nursery cannabis plants or seeds and cannabis for testing, send and deliver products to retail license holders</li> </ul>	<ul style="list-style-type: none"> <li>Highest security standards</li> <li>Processing must occur indoors.</li> <li>Cultivation can occur outdoors or indoors</li> </ul>
<b>Micro</b>	Up to 200m <sup>2</sup> in size	<ul style="list-style-type: none"> <li>Same as standard cultivation activities</li> </ul>	<ul style="list-style-type: none"> <li>Same as standard processing, except cannabis cannot be obtained by synthesis</li> <li>Limited to a maximum of 600kg of dried cannabis (or equivalent) in 1 calendar year</li> </ul>	<ul style="list-style-type: none"> <li>Processing must be conducted indoors</li> </ul>
<b>Nursery</b>	Up to 50m <sup>2</sup> in size	<ul style="list-style-type: none"> <li>Possession of cannabis, obtain cannabis plants or seeds, sell and distribute cannabis plants or cannabis plant seeds to other license holders, send and deliver cannabis products that are cannabis plants or cannabis plant seeds to the purchaser at the request of a license holder, conduct ancillary activities (e.g., drying)</li> </ul>	<ul style="list-style-type: none"> <li>Not permitted</li> </ul>	<ul style="list-style-type: none"> <li>Must destroy the flowering heads (with the exception of the cannabis plant seeds), leaves and branches of the plants within 30 days of harvesting them</li> </ul>