



Gabriola Island Local Trust Committee

Regular Meeting Agenda

Date: January 16, 2020
Time: 10:30 am
Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

Pages

1. **CALL TO ORDER** 10:30 AM - 10:35 AM
“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”
2. **APPROVAL OF AGENDA**
3. **REPORTS** 10:35 AM - 10:50 AM
 - 3.1 Trustee Reports
 - 3.2 Chair's Report
 - 3.3 Electoral Area Director's Report
 - 3.4 First Nation Reports
4. **TOWN HALL** 10:50 AM - 11:00 AM
5. **MINUTES** 11:00 AM - 11:05 AM
 - 5.1 Local Trust Committee Minutes dated November 28, 2019 – for adoption 4 - 11
 - 5.2 Section 26 Resolutions-Without-Meeting - none
 - 5.3 Advisory Planning Commission Minutes - none
 - 5.4 Housing Advisory Planning Commission Minutes dated November 20, 2019 - for receipt 12 - 15
6. **BUSINESS ARISING FROM MINUTES** 11:05 AM - 11:25 AM
 - 6.1 Follow-up Action List dated January 8, 2020 16 - 19
 - 6.2 Consultation for Communication Towers - Staff Report 20 - 21
 - 6.3 Processing Referrals - verbal update

7.	DELEGATIONS	11:25 AM - 11:35 AM	
7.1	Gabriola Housing Society		22 - 22
8.	CORRESPONDENCE		
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>		
9.	NEW BUSINESS		
9.1	Housing Advisory Planning Committee - verbal update		
10.	REPORTS	11:35 AM - 12:00 PM	
10.1	Climate Change Action Update		
10.2	First Nations Relationship Building		
10.3	Trust Conservancy Report dated December 2019		23 - 24
10.4	Applications Report dated January 8, 2020		25 - 32
10.5	Trustee and Local Expense Report dated November, 2019		33 - 33
10.6	Adopted Policies and Standing Resolutions		34 - 37
10.7	Local Trust Committee Webpage		
11.	COMMUNITY STEWARDSHIP AWARD PRESENTATION	12:00 PM - 1:00 PM	
	Refreshments and Presentation of Stewardship Award to Elder Geraldine Manson of Snuneymuxw First Nation		
12.	WORK PROGRAM	1:00 PM - 1:20 PM	
12.1	Top Priorities Report dated January 8, 2020		38 - 38
12.2	Projects List Report dated January 8, 2020		39 - 42
13.	APPLICATIONS AND REFERRALS	1:20 PM - 1:50 PM	
13.1	GB-OTH-2019.1 (Gabriola Cannabis LTD.) - Staff Report		43 - 88
13.2	GB-RZ-2019.1 BC Ferries - Staff Report		89 - 112
14.	LOCAL TRUST COMMITTEE PROJECTS	1:50 PM - 2:20 PM	
14.1	Gabriola Housing Options and Impacts Review Project - verbal update		
14.2	Ecological Protection Zone - verbal update		

15. CLOSED MEETING

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for Thursday, February 27, 2020 at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

17. ADJOURNMENT

2:20 PM - 2:20 PM



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: November 28, 2019
Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC

Members Present: Dan Rogers, Chair
 Kees Langereis, Local Trustee
 Scott Colbourne, Local Trustee

Staff Present: Jaime Dubyna, Planner 2
 Ian Cox, Planner 1
 Marnie Eggen, Island Planner
 Nadine Mourao, Recorder

Others Present: There were approximately eleven (11) members of the public and one (1) member of the media in attendance

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Rogers called the meeting to order at 10:30 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Trustees, Staff and Recorder.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Add draft letter to Snuneymuxw First Nations from Lisa Wilcox, Senior Intergovernmental Policy Advisor to 3.4 First Nation Reports; and
- Add 11.1 BC Ferries and Housing.

By general consent the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Colbourne reported his attendance at the following meetings and events:

- Will Sprogis is new Fire Chief and happy retirement to Rick Jackson;
- Open house January 25, 2020 at Albert Reed Memorial Fire Hall regarding emergency planning;
- Inclusion project for children;
- Gabriola Housing Advisory Planning Commission (HAPC) November 4, 2019 event at the Phoenix;

- United Nations Emissions Gap report recommends removing barriers to multi-family units to combat climate change;
- Applying for Union of British Columbia Municipalities for poverty reduction grant;
- Gabriola Land and Trails Trust (GaLTT) shuttle project;
- Rural Islands Economic Forum (RIEF); and
- Island Trust Community Stewardship Awards event January 16, 2020, in celebration of the work of Snuneymuxw Elder Geraldine Manson (C'tasi:a).

Trustee Langereis reported his attendance at the following meetings and events:

- HAPC meetings;
- HAPC November 4, 2019 event;
- Trust Programs Committee (TPC);
- Local Planning Commission (LPC);
- Coastal Ferry Vision meeting;
- Discussions with residents regarding saw milling, cutting firewood, illegal tree removal, tree protection, home occupations and bylaws; and
- Trust Council (TC) meeting next week.

3.2 Chair's Report

Chair Rogers reported the following:

- TC meeting next week;
- Bill 41 – 2019: *Declaration on the Rights of Indigenous Peoples Act* was passed;
- Attended Salish Sea Shared Waters Forum – Oil Spill Task Force; and
- Conference call with representatives from the Coast Guard regarding oil spill response planning.

3.3 Electoral Area Director's Report

Director Craig summarized her report and noted:

- Regional District of Nanaimo (RDN) board will support the letter written by TC Chair Luckham;
- RDN meeting and discussing conservation areas within the Coats Marsh Regional Park; and
- December 4, 2019 Park and Trail Strategy open house.

3.4 First Nations Report

Trustees discussed the template letter from Lisa Wilcox, Senior Intergovernmental Policy Advisor, and the process for drafting a letter regarding relationship building with First Nations per Standing Resolution GB-2019-031, and noted the following:

- Trustees to write a separate letter in follow up to Chair's letter with contacts, meeting dates, and projects;
- Interested in a relationship building workshop; and
- Working on screening event of "Dust and Bones" movie.

GB-2019-116**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to work with Lisa Wilcox, Senior Intergovernmental Policy Advisor to finalize the letter to First Nations as per the Standing Resolution.

CARRIED**4. TOWN HALL**

A member of the public asked Trustees to support Ecological Protection zoning for Coats Marsh.

A member of the public expressed support over site specific ecological protection provisions for Coats Marsh due to existing trails within the park and location adjacent to the 707 Park.

A member of the public noted to Trustees about prior bylaw discussions regarding public firewood processing and milling and Galiano's wood processing bylaw.

A member of the public asked Trustees to consider that the ecology of Coats Marsh is a major issue and that the Ecological Protection Zone project page on the website be updated.

5. MINUTES**5.1 Local Trust Committee Minutes dated October 24, 2019 – for adoption**

The following amendments to the meeting minutes of October 24, 2019 were presented for consideration:

- Page 2, 2nd bullet, change to "Met with Margaret Taylor to discuss a tour of Burren's Acres";
- Page 4, 8.1 Cannabis Regulations, 1st bullet, change to "Suggested usage of surface area as a unit of measurement instead of floor area";
- Page 5, 2nd bullet, Definition number 5, change word "implies" to "applies" and after the words "mixed-use buildings" add "if mixed-use buildings are to be included in the *Cannabis Act*, does this height imply to mixed-use buildings as well? Is the height limited to Cannabis use only?"

By general consent the Local Trust Committee meeting minutes of October 24, 2019 were adopted as amended.

5.2 Section 26 Resolutions-Without-Meeting - none**5.3 Advisory Planning Commission Minutes - none****5.4 Housing Advisory Planning Commission Minutes dated October 10, 2019 - for receipt**

Received and Trustees acknowledge Howard Houle for his work on the HAPC.

6. BUSINESS ARISING FROM MINUTES**6.1 Follow-up Action List dated November 20, 2019**

Received.

7. APPLICATIONS AND REFERRALS

7.1 GB-DVP-2017.1 and GB-DP-2017.2 (Weston - Acorn Island) - Staff Report

Planner Cox summarized the report which asked the LTC to consider Development Variance Permit (DVP) application GB-DVP-2017.1 and Development Permit (DP) application GB-DP-2017.2 arising out of bylaw enforcement GB-BE-2007.8 for unauthorized development on Acorn Island.

Discussion ensued and the following key points were noted by Trustees:

- Sechelt First Nations replied that they would comment, however, to date no comments have been received;
- No other comments received from First Nations with interest in Acorn Island; and
- Eagle cabin is not for habitation for residential use, intent is to keep as a storage building.

GB-2019-117

It was **MOVED** and **SECONDED**

that the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2017.1 conditional upon confirmation of registration of the restrictive environmental covenant as amended by the Local Trust Committee on September 12, 2019 and the registration of a notice on the subject property land title pursuant to Section 32 of the *Heritage Conservation Act* for the protection of archaeological resources.

CARRIED

GB-2019-118

It was **MOVED** and **SECONDED**

that the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP-2017.2 following the issuance of GB-DVP-2017.1.

CARRIED

7.2 TELUS Cell Tower Proposal - Staff Report

Planner Eggen provided an overview of the report which asked the LTC to consider a review of the 2010 LTC standing resolution on communication towers, in order to clarify process, application, and consultation requirements that would apply to a potential tower proposal from TELUS on Gabriola Island.

The following points were noted by Trustees:

- Requested Staff draw from Model Strategy for Antennae Systems to amend Standing Resolution;
- Questioned what “expanded communications towers” meant; and
- Concerned about future changing technology on tower without public consultation.

TELUS representative Doug Anastos noted:

- Reason for possible application is request for service from residents of DeCourcy Island;
- Location identified at Fire Hall on South Road which is Crown Land;
- Uncomfortable with current requirement to perform public consultation for future upgrades to tower; and

- Can incorporate free rental for emergency equipment to provide emergency services on tower into application.

GB-2019-119**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to prepare an analysis and recommendations drawing from and considering the Model Strategy for Antennae Systems to amend Local Trust Committee standing resolution GB-025-2010 "Communication Towers and Antennae", in order to clarify consultation requirements for equipment upgrades to a tower; potential cost recovery options and guidelines for applicant-led public consultation.

CARRIED

By general consent the meeting was recessed at 12:46 pm and reconvened at 12:57 pm.

8. LOCAL TRUST COMMITTEE PROJECTS**8.1 Gabriola Housing Options and Impacts Review Project - verbal update**

Planner Dubyna provided an overview and noted the following key points:

- HAPC event on November 4, 2019 resulted in wide range input on engagement options;
- Dedicated working session to be held mid-January to solidify intention of draft engagement strategy; and
- LTC to consider final version of strategy by end of February 2020.

Trustees would like the HAPC to consider United Nations Emissions Gap report in their strategy.

8.2 Ecological Protection Zone - Staff Report

Planner Cox summarized the report which provided the LTC with updated information concerning the Ecological Protection (EP) Zone project in accordance with the Project Charter V.3 as amended August 15, 2019 and noted the following:

- RDN and the Nature Trust asking that Coats Marsh not be rezoned to EP Zone at this time.

Discussion ensued and the following points were noted by Trustees:

- Request that Coats Marsh conversation continue with RDN and Nature Trust for site specific variant of the EP Zone;
- Interested in designation of areas with greater restriction of human activity in Coats Marsh while possibly keeping the park open for community uses; and
- Would like protocol meeting with RDN.

GB-2019-120**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee amend the Ecological Protection Zone Project Charter V.3 to include the rezoning of Elder Cedar Nature Reserve.

CARRIED

GB-2019-121**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to prepare draft amendments to the Gabriola Island Official Community Plan that will:

- a) Establish a new Ecological Protection Land Use Designation for the purposes of protection of the natural environment, its ecosystems and biological diversity;
- b) Designate the Burren's Acres Nature Reserve parcel as Ecological Protection;
- c) Designate the Elder Cedar Nature Reserve parcel as Ecological Protection.

CARRIED**GB-2019-122****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to draft amendments to the Gabriola Island Land Use Bylaw that will:

- a) Create a new zoning designation entitled Ecological Protection which will regulate permitted uses, buildings and structures, height, siting requirements including setbacks and lot coverage, parking, and subdivision;
- b) Rezone LOT 3, SECTION 12, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 26561 (PID:002-803-925) to Ecological Protection; and
- c) Rezone BLOCK A SECTION 16 GABRIOLA ISLAND NANAIMO DISTRICT (PID: 026-664-453) to Ecological Protection.

CARRIED**GB-2019-123****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to consider options (including split zoning or site-specific zoning) for recognizing the ecological sensitivities and the management plan of Coates Marsh and consult with the Regional District of Nanaimo and The Nature Trust of British Columbia regarding those options.

CARRIED**9. DELEGATIONS - none****10. CORRESPONDENCE**

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

10.1 Letter dated October 21, 2019 from Bruce Thomson regarding Bylaw No. 177 (Home Occupations)

Trustee Colborne to respond to correspondence.

11. NEW BUSINESS**11.1 BC Ferries and Housing**

Trustee Colborne requested that allowable accessory dwelling unit be included in the draft bylaw for BC Ferries application to assist with need for employee housing.

12. REPORTS

12.1 Climate Change Action Update

Received.

12.2 First Nations Relationship Building - none

12.3 Trust Conservancy Report dated October, 2019

Received.

12.4 Applications Report dated November 20, 2019

Received.

GB-2019-124

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff to prepare a report indicating when referrals such as subdivisions are provided to Trustees and when they can be made public.

CARRIED

12.5 Trustee and Local Expense Report dated September, 2019

Received.

12.6 Adopted Policies and Standing Resolutions

Received.

12.7 Local Trust Committee Webpage

Project page has been updated.

13. WORK PROGRAM

13.1 Top Priorities Report dated November 20, 2019

Received.

13.2 Projects List Report dated November 20, 2019

Received.

GB-2019-125

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff to Remove number 3 Forage Fish Mapping Workshop, number 4 Land Based Aquaculture, number 5 Biodiversity Protection, number 7 Water Protection, number 13 Food Trucks, number 14 Eagle Nest Mapping from the Local Trust Committee Projects List and amend number 8 First Nations cultural references to end at the word "mapping".

CARRIED

14. CLOSED MEETING

14.1 Motion to Close the Meeting

GB-2019-126

It was MOVED and SECONDED

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (i) for the purpose of considering Adoption of In-Camera Meeting Minutes dated October 24, 2019 and Legal Advice/Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

14.2 Recall to Order

By general consent the meeting was recalled to order 2:36 pm.

14.3 Rise and Report

The minutes from October 24, 2019 In-Camera meeting were adopted.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, January 16, 2020 at 10:30 AM at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

16. ADJOURNMENT

By general consent the meeting was adjourned at 2:57 pm.

Dan Rogers, Chair

Certified Correct:

Nadine Mourao, Recorder



Minutes of the Gabriola Island Housing Advisory Planning Commission

Date of Meeting: Wednesday, November 20, 2019

Location: Islands Trust Office
700 North Road, Gabriola, BC

HAPC Members Present: Steven Earle, Chair
Tobi Elliot, Secretary
Dyan Dunsmoor-Farley
Angela Pounds
John Woods
Dave Neads

Regrets: Howard Houle
Heather Cameron

Staff Present: Sonja Zupanec, Island Planner
Margot Thomaidis, VIU
Nadine Mourao, Recorder

Others Present: There were three (3) members of the public in attendance

1. CALL TO ORDER AND WELCOME

Chair Earle called the meeting to order at 10:00 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Commission Members, Staff and Recorder.

2. APPROVAL OF AGENDA

The following amendments/additions to the agenda were presented for consideration:

- Add 4.2 Correspondence from Susan Yates;
- Add 5.2 Commission Members; and
- Add 6.2 Social Media public communications.

By general consent the agenda was approved as amended.

3. MINUTES - Gabriola Island Housing Advisory Planning Commission Draft Minutes dated October 10, 2019 – for Adoption

By general consent, the Housing Advisory Planning Commission meeting minutes of October 10, 2019 were adopted.

4. DEBRIEF NOVEMBER 4TH EVENT

4.1 Discuss, debrief and receive input from November 4th event. Note: see attached correspondence, Susan Yates' letter.

Margot Thomaidis provided an overview of the final draft of her internship report regarding the November 4th engagement event and noted the following:

- Requested feedback from commission members;
- Gathering was an initial event that prioritized storytelling within the Gabriola community by presenting information on the Housing Advisory Planning Commission (HAPC) themes;
- Will design online survey on how did we do? and
- Presenting on December 3, 2019 at 10:00 am at Vancouver Island University (VIU) and invited Staff and members.

The following key points were noted by commission members:

- Enjoyed the audio voices speaking of their experiences;
- Using various networks to advertise event seemed to work well and reminded people why HAPC is doing work;
- Live streaming event increased accessibility;
- John Woods' presentation well received, people interested in what other islands are doing;
- Some feedback indicated interest in more local Gabriola presenters;
- Perhaps moderator may repeat themes in different way throughout presentation to reinforce;
- Requested communication with public between events to keep momentum;
- Presentation regarding water would have been a good idea;
- Dyan Dunsmoor-Farley to send her feedback notes to Staff;
- Expectations between participants and presenters may have been a gap;
- Perhaps ask other islands such as Salt Spring, how they have grappled with issues around the four themes and how they balanced interests;
- Staff will follow up with Jason Mogus from Saltspring; and
- Need to find ways to give people opportunity to express themselves while balancing listening.

4.2 Correspondence from Susan Yates

Committee members noted the following points:

- Appreciated Susan's comments on ecology;
- HAPC is balancing these considerations; and
- Interested in responsible and healthy development.

5. DESIGN PUBLIC ENGAGEMENT STRATEGY

5.1 Plan a design session/charette to finalize the Commission's strategic engagement strategy over the next 18 months.

Planner Zupanec summarized the planned design session/charette and noted the following points:

- The Local Trust Committee (LTC) would like engagement strategy in closest to final format by February 2020 LTC meeting;
- HAPC preferably completed strategy by January 2020;
- Requested if the HAPC would like to hire a facilitator for design session/charette to assist development of key options for strategy;
- Staff have access to various tools such as Planning Canvas;
- Would HAPC like to invite external stakeholders?
- Session to identify key questions to ask community and how to facilitate feedback; and
- Staff will contact facilitator and arrange session.

Commission members noted:

- Requested a facilitator for session;
- Prefer a one-day session on the weekend;
- Identified knowledge gap with persons at risk and First Nations;
- Secretary Elliot will send out doodle poll for availability;
- Prefer HAPC members, Staff, and facilitator only attend session; and
- After planning session/charette is completed and report is written, interested in hosting a one-hour session with external stakeholders to obtain feedback.

Chair Earle left the meeting at 11:05 am and appointed Dyan Dunsmoor-Farley Chair.

5.2 Commission Members

Commission members noted:

- Some members are not able to attend meetings regularly and were concerned about adequate representation; and
- May ask that members not available to provide alternate.

6. WEBSITE DESIGN

6.1 Discuss development of website as engagement portal for the public

Planner Zupanec noted the following key points:

- Islands Trust is revamping website and will provide a dedicated project space in March 2020; and
- The project space will be an interactive site with many features, no need to hire contractor for separate website.

Commission noted the following points:

- Concerned possible delays in website revamp will delay project space; and
- Will assess progress in the next few months.

6.2 Social media public communications

Secretary Elliot noted:

- Requested Staff and Commission members approval to update Facebook Housing Event page with relevant outreach information such as next steps, roll out, planning;
- Will not be soliciting feedback, page for information only; and
- Staff and Committee members agreed Secretary Elliot may update Facebook Housing Event page with outreach information only.

7. ADJOURNMENT

By general consent, the meeting was adjourned at 11:37 am.

Steven Earle, Chair

Dyan Dunsmoor-Farley, Acting Chair

Nadine Mourao, Recorder



Follow Up Action Report

Gabriola Island

24-Jan-2019

Activity	Responsibility	Dates	Status
1 Staff to prepare a draft letter under the signature of the LTC chair to advise the First Nations with an interest in the Gabriola LTA of the LTC's Top 3 Priority Projects currently underway.	Lisa Wilcox Sonja Zupanec		In Progress

16-May-2019

Activity	Responsibility	Dates	Status
1 GB-DVP-2019.1 (Huxley Park) - LTC waived requirement for BCLS survey; issued DVP subject to receipt of a planting plan to mitigate tree loss/reduction in area for tree removal and reduction in parking area (see resolution from minutes). Staff to follow up with RDN on submission requirements and issuance of DVP.	Becky McErlean Bronwyn Sawyer		In Progress

11-Jul-2019

Activity	Responsibility	Dates	Status
1 Staff to prepare draft bylaws for the ecological protection zone with site specific provisions for Coats Marsh and B. Acres. (In progress - coordination with Trust Conservancy staff)	Ian Cox		In Progress

12-Sep-2019

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Gabriola Island

12-Sep-2019

Activity	Responsibility	Dates	Status
1 Housing Options and Impacts Review Project: notify HAPC to proceed with referral as per recommendation. Expenditures approved for HAPC workplan session; community engagement activity; VIU intern and website development for project. Target Oct 24 for petcha kutcha style engagement activity in the evening.	Bronwyn Sawyer Sonja Zupanec		Completed

24-Oct-2019

Activity	Responsibility	Dates	Status
1 GB-RZ-2019.1 (BC Ferries) - Staff be directed to prepare draft bylaws to amend the OCP and LUB consistent with draft bylaw language presented in Oct 24 staff report.	Jaime Dubyna		In Progress
2 Proposed BL 303 - staff be requested to prepare draft amendments consistent with Trustee input and prepare a track-changes version of the proposed bylaw for consideration.	Heather Kauer		In Progress

28-Nov-2019

Activity	Responsibility	Dates	Status
1 LTC directed staff to finalize a letter to Snuneymuxw First Nation, using the draft template letter provided by the SIPA, in accordance with item 'a' in the Standing Resolution GB-2019-031.	Lisa Wilcox Sonja Zupanec		In Progress



Follow Up Action Report

Gabriola Island

28-Nov-2019

Activity	Responsibility	Dates	Status
2 LTC approved issuance of GB-DVP-2017.1 conditional upon registration of a restrictive covenant and registration of a S. 32 HCA notice on title. (Awaiting registration of covenant and HCA notice)	Becky McErlean Ian Cox		In Progress
3 LTC approved issuance of GB-DP-2017.2 following issuance of GB-DVP-2017.1 (Awaiting registration of covenant and HCA notice)	Becky McErlean Ian Cox		In Progress
4 For the Ecological Protection Zone Top Priority Project, the LTC direct staff to: ·amend the Project Charter to include rezoning of Elder Cedar Nature Reserve; (DONE) ·prepare draft amendments to the Gabriola Island OCP; (In progress - coordination with Trust Conservancy staff) ·prepare draft amendments to the Gabriola Island LUB; (In progress - coordination with Trust Conservancy staff) ·consider options for Coats Marsh Regional Park, consult with RDN and TNT, and report back. (DONE)	Ian Cox		In Progress
5 LTC direct staff to report back indicating when referrals (subdivision, Crown Lease applications) are provided to the LTC and when they can be made public. (Staff to report back during January 16th 2020 regular business meeting)	Ian Cox Sonja Zupanec		Completed



Follow Up Action Report

Gabriola Island

28-Nov-2019

Activity	Responsibility	Dates	Status
6 LTC removed from the Projects list: Forage Fish Mapping Workshop; Land Based Aquaculture; Biodiversity Protection; Water Protection; Food Trucks; Eagle Nest Mapping. LTC amended the Project "First Nations cultural references" by removing the following "...and host and invite SFN Councillor Geraldine Manson to make a storytelling presentation on Gabriola."	Sonja Zupanec		Completed
7 Item 7.2 - TELUS Tower Enquiry: Staff be directed to prepare an analysis and recommendations to amend LTC standing resolution GB-025-2010, and include "drawing from and considering the Model Strategy for Antenna Systems", in order to clarify consultation requirements.	Sonja Zupanec		Completed



File No.:

Consultation for
Communication Towers

DATE OF MEETING: January 16, 2020
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Local Planning Services
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: Consultation requirements for communication towers

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee rescind resolution GB-025-2010 “Communication Towers and Antennae.”
2. That the Gabriola Island Local Trust Committee adopt the “Model Strategy for Antenna Systems” prepared by the Local Planning Committee of the Islands Trust, as the Gabriola Local Trust Committee strategy to assess any future potential tower proposals in the Gabriola Local Trust Area.

REPORT SUMMARY

The purpose of this report is to request that the Gabriola Island Local Trust Committee (LTC) re-consider rescinding the 2010 LTC standing resolution on communication towers, and adopt the model consultation process, outlined in the 2018 “Model Strategy for Antenna Systems” for the assessment of, and outlining the public consultation requirements for, any potential tower proposal in the Gabriola Trust Area.

BACKGROUND

The LTC passed the following resolution at the November 28, 2019 regular business meeting:

GB-2019-119 It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff to prepare an analysis and recommendations drawing from and considering the Model Strategy for Antennae Systems to amend Local Trust Committee standing resolution GB-025-2010 “Communication Towers and Antennae”, in order to clarify consultation requirements for equipment upgrades to a tower; potential cost recovery options and guidelines for applicant-led public consultation. CARRIED

The background staff report considered by the LTC is available [here](#).

Analysis

The LPC [Model Strategy for Antenna Systems and Consultation Protocol](#) was prepared by a consultant under contract with Islands Trust. The report provides a model consultation program, land use siting criteria, and model official community plan policies. The report also presents a literature review and summary of background materials that were reviewed as part of the report's creation. Jeff Stanhope from the federal Ministry of Innovation, Science and Economic Development Canada (ISED) was interviewed and also provided comments on the draft antenna strategy and consultation protocol. No red flags were raised regarding consistency with the LPC protocol and the Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03). Input was also gathered from telecommunication cell service providers (Telus, Shaw, and Rogers).

In order to clarify or strengthen the existing LTC standing resolution on communication towers, staff would be drawing heavily on the model strategy to address consultation requirements and exclusions. The model strategy was developed to reduce the workload for individual LTC's in establishing local trust area specific guidelines. Staff analysis concludes that rather than providing the LTC with recommendations on how to amend their standing resolution, the LTC should consider adopting the model strategy.

Rationale for Recommendation

The current LTC standing resolution guiding the consultation process is unclear and may result in the need for local government approvals for equipment upgrades and significant staff resources to manage an effective public consultation process. The LTC reviewed the model strategy presented in July 2019 and chose not to adopt it. Staff support the adopting of this strategy as it addresses consultation requirements; applicant led consultation; federal requirements and several other considerations when reviewing a potential tower application. See staff recommendations on Page 1 of the report.

ALTERNATIVES

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

1. Receive for information

The LTC may receive the report for information.

2. Initiate an LTC project to refine the model strategy for the Gabriola Local Trust Area.

The LTC may initiate a new project to develop a strategy specific to the Gabriola Local Trust Area and request staff time and financial resources for the 2020-2021 fiscal year.

NEXT STEPS

Staff will inform TELUS of the LTC's resolution(s).

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	December 30, 2019
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 2, 2020



TO: Gabriola Island Local Trust Committee

DATE: January 7, 2020

RE: A request to the Gabriola Local Trust Committee from the Gabriola Housing Society

Hello Gabriola Trustees –

The Board of the Gabriola Housing Society (GHS) is appearing as a delegation at the January 16, 2020 Local Trust Committee (LTC) meeting to request that the LTC make the following decision at this meeting:

That the LTC direct the Gabriola Islands Trust staff to expedite its initial review process for the Rezoning Application for the GHS Paisley Place Affordable Housing Project (to be submitted by January 15, 2020) such that the initial Staff Report for this Application will be on the agenda of the February 27, 2020 LTC meeting.

The Board's reasons for this request are as follows:

- 1. GHS is committed to providing some urgently needed affordable homes as soon as possible.**
To welcome tenants into our housing by the end of 2022, GHS needs to obtain all Gabriola OCP and LUB amendments and related government approvals by early 2021, enabling us to build in 2021-22.
- 2. GHS anticipates submitting an application to BC Housing in September 2020 for a Community Housing Fund (CHF) grant. To increase our chances in this very competitive process, GHS must demonstrate significant progress through the stages of obtaining Islands Trust approvals.**
Note: if GHS is not successful in receiving one of the very large CHF grants, the project will be at significant risk; at a minimum, it will take several years for GHS to find alternative funding for this affordable housing project on Gabriola.

Background Information:

- In mid-December, some Board members met with IT planners Sonja Zupanec and Jaime Dubyna. We informed them that GHS will submit a Rezoning Application by January 15, 2020, and that we will request to be a delegation at the January 16, 2020 LTC meeting; we also explained the request the delegation will make. The planners' subsequent comments and our general discussion were very helpful to the Board.
- For details about the Paisley Place Affordable Housing Project, please visit the GHS website at www.gabriolahousing.ca

Thank-you for your attention to our request.

Sincerely,

Nancy Hetherington Peirce, President, Gabriola Housing Society



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality November 2019

Islands Trust Conservancy New Board Member

Trustee Dr. Susan Hannon joined the Board November 2019. Susan Hannon is a retired Ecology Professor from University of Alberta, currently living on Salt Spring Island. Dr. Hannon's research expertise is in forest ecology, impacts of habitat fragmentation, forest birds and conservation. Active in her community, Dr. Hannon is a Commission Member for The Advisory Planning Commission for Islands Trust. She has also served on the boards of The Salt Spring Island Conservancy, The Nature Trust of BC, Bird Studies Canada, and the Garry Oak Ecosystem Recovery Team Society. Dr. Hannon has worked in land stewardship with private landowners, runs the nest box program on Salt Spring, worked in Garry oak ecosystem restoration and removal of invasive plants. She holds a Doctor of Philosophy in Ecology from the University of British Columbia.

Islands Trust Conservancy Staff Changes

Islands Trust Conservancy is pleased to welcome Kathryn Martell as the acting Ecosystem Protection Specialist, replacing Wayne Bourque.

Carla Funk is acting ITC Communications and Fundraising Specialist while Crystal Oberg is on education leave until August, 2020.

Goal 1 – Science-based Conservation Planning

Goal 2 – Strong relationships with First Nations

The Islands Trust Conservancy Board received a letter from Lyackson First Nation in regards to the Salish View Nature Reserve for information.

Goal 3 – Protection of core conservation areas

Property Management

Mt. Artaban Nature Reserve Management Plan

Islands Trust Conservancy Board approved the 2019 update of the Mount Artaban Nature Reserve Management Plan. The plan will be made available online once it is approved by the covenant holders.

Land Acquisition and Covenants

Covenant Modification Agreement – Woodwinds NAPTEP Covenant

The Islands Trust Conservancy Board agreed to modify the Woodwinds NAPTEP covenant on North Pender Island to address an existing septic field.

Goal 4 – A strong voice for nature conservation

1. Islands Trust Conservancy Board directed staff to consider including a Note Disclosure highlighting the importance of natural assets to the mandate of Islands Trust and the services they provide for island communities, starting with the current fiscal year's annual financial reporting.
2. Islands Trust Conservancy Co-Chair, Sue-Ellen Fast and three staff attended the biennial Land Trust Alliance of BC Seminar Series. The ITC Manager co-presented with the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP) regarding the CDFCP conservation planning tool.
3. Staff provided an update to the ITC Board regarding the status of the website renewal project and the integration of the ITC website into the Islands Trust site.

Activities by Local Trust Area/Island Municipality

Gambier

The Islands Trust Conservancy Board approved the Mount Artaban Nature Reserve Management Plan.

The Islands Trust Conservancy Board reviewed the Public Acquisitions Report for information. Discussion ensued on the Sandy Beach acquisition history and current project details.

North Pender

Islands Trust Conservancy Board directed staff to write a letter to the North Pender Island Local Trust Committee describing concerns regarding potential long-term impacts of contaminated runoff, and alternative designs such as containment of any point source runoff or spills related to a Temporary Use Permit extension application adjacent to the Medicine Beach Nature Sanctuary.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2017.2	Fenton, Rob	03-Aug-2017	PID: 009-796-045 To bring property into bylaw compliance Civic: Acorn Island

Planner: Ian Cox

Planning Status

Status Date: 28-Nov-2019

LTC approve DP and DVP subject to HCA Section 32 notice on title and restrictive covenant to be registered prior to issuance.

Status Date: 20-Nov-2019

DP and DVP on November 28 LTC meeting agenda for consideration.

Status Date: 09-Oct-2019

DP and DVP not on October 24th agenda in order to provide adequate time for responses to First Nations referrals. Staff will bring forward the concurrent applications for consideration at the November 28, 2019 regular business meeting.

File Number	Applicant Name	Date Received	Purpose
GB-DP-2019.4	Ritchie, Dominique	16-Aug-2019	PID: 003-347-516 DP required for driveway and culvert. Civic address: 788 Roxanne Blvd, Gabriola Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 14-Nov-2019

Amended Impact Assessment report received.

Status Date: 11-Sep-2019

Planner reviewing application.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2016.3	Van Herwaarden, Lynn	24-Aug-2016	PID: 003-422-852 539 Wildwood Crescent, Gabriola Island. DVP to bring property into compliance.

Planner: Ian Cox

Planning Status

Status Date: 20-Nov-2019

Staff continue attempt to contact applicant.

Status Date: 15-Aug-2018

Awaiting further information/ exploring options

Status Date: 18-Aug-2017

Sent letter to the property owner and requested her (or her surveyor) to forward the completed survey / site plan to planning staff.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2017.1	Fenton, Rob	03-Aug-2017	PID: 009-796-045 To bring property into bylaw compliance. Civic address: Acorn Island

Planner: Ian Cox

Planning Status

Status Date: 28-Nov-2019

LTC approve DP and DVP subject to HCA Section 32 notice on title and restrictive covenant to be registered prior to issuance.

Status Date: 20-Nov-2019

DVP and DP on November 28 LTC agenda for consideration.

Status Date: 17-Sep-2019

September 12 LTC meeting resolution to direct to staff to amend covenant as per LTC minutes; accept covenant as amended and staff to consult with Lisa Wilcox and First Nations before consideration of DP and DVP applications.



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2019.1	Regional District of Nanaimo (Huxley Community Park) Planner: Bronwyn Sawyer	22-Jan-2019	PID: 016-001-826 Setback variance. Civic address: 585 North Road, Gabriola Island, BC.
Planning Status			
Status Date: 16-Oct-2019 Spoke with applicant - no change in application status			
Status Date: 16-May-2019 Report to LTC			
Status Date: 16-May-2019 GB-DVP-2019.1 to be issued subject to conditions - in progress			

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
GB-LCB-2019.2	Gabriola Cannabis Planner: Ian Cox	28-Nov-2019	PID: 003-160-645 Non medical cannabis retail Civic address: 590 North Road, Gabriola Island, BC.
Planning Status			
Status Date: 16-Dec-2019 Preliminary staff report to LTC Jan 16, 2020 seeking direction to hold Community Information Meeting and distribute Public Notice. LTC recommendation to LCRB in resolution form to be decided at later meeting date.			
Status Date: 06-Dec-2019 Provincial referral application under review. Staff to bring forward report to LTC at January 16, 2020 regular meeting.			

**Applications****Rezoning**

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2019.1	BC Transportation Financing Authority/BC Ferry Services Inc.	05-Apr-2019	PIDs: 025-798-090 and 025-798-103 Rezoning for improved ferry terminal - future marine and upland improvements. Civic address: Descanso Bay, Gabriola

Planner: Sonja Zupanec**Planning Status****Status Date:** 12-Dec-2019

File transferred to Planner Zupanec.

Status Date: 23-Oct-2019

LTC directed staff to prepare draft bylaws to amend the OCP and LUB consistent with the draft bylaw language presented to the LTC at the Oct. 23, 2019 regular business meeting.

Status Date: 11-Jul-2019

Preliminary staff report considered by LTC.\n

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.3	C.O. Smythies & Associates Ltd.	06-Oct-2008	To create 6 parcels btwn McCollum & Tait Roads. (PARCEL C (DD 51803I) OF THE NORTH 1/2 OF THE NORTH EAST 1/4 OF SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT)

Planner: Ian Cox**Planning Status****Status Date:** 24-Oct-2018

Update email sent to MOTI to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 05-Jul-2018

Received confirmation from MOTI that PLA has been extended to June 28 2019

Status Date: 18-Jan-2018

Planner re-sent the revised referral report to MOTI. Will await a response from MOTI.

**Applications****Subdivision**

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.1	Williamson & Associates Professional Surveyors	23-Dec-2010	To create 2 parcels on Daniel Way (THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 22029, 30038, 32376 AND VIP54644)

Planner: Marnie Eggen**Planning Status****Status Date:** 03-Nov-2017

No change

Status Date: 08-Jan-2016

No change

Status Date: 13-Jan-2015

Applicant working to satisfy conditions

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2012.2	Powell, Don	24-Oct-2012	725 Church Street - subdivision to create one new lot and a remainder lot

Planner: Ian Cox**Planning Status****Status Date:** 05-Sep-2019

No change in status (Ian Cox)

Status Date: 24-Oct-2018

Update email sent to MOTI to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 01-Apr-2015

Applicants are waiting for the right time to continue with their application with MOTI and to remove the conditions in the PLNA to change it to a PLA. MOTI confirmed this is the case.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2013.3	Smythies & Associates	28-Oct-2013	411 Daniel Way subdivision to create 2 parcels

Planner: Ian Cox

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 01-Apr-2015

MOTI response that there has been no recent action on this file but it will remain open, and the applicant is working with the ALC at this time

Status Date: 19-Mar-2015

No change in status. Contacted MOTI to see if they closed the file, but have not yet heard back.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.2	MACKAY, IKE	23-Feb-2016	PIDs: 004-857-119 and 004-614-771 Lot Boundary Adjustment

Planner: Ian Cox

Planning Status

Status Date: 05-Sep-2019

Awaiting fulfillment of conditions by applicant.

Status Date: 24-Oct-2018

Update email sent to MOTI to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 05-May-2016

Awaiting response from MOTI to issue PLA or PLNA.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.4	C.O. Smythies & Associates Planner: Sonja Zupanec	20-May-2016	PIDs: 001-271-806 and 009-735-755 Boundary adjustment. Civic address:1610 Hess Road, Gabriola Island.
Planning Status			
Status Date: 08-Jun-2016 Referral response sent to MOTI and copied to applicant and LTC.			
File Number	Applicant Name	Date Received	Purpose
GB-SUB-2017.2	Williamson & Associates Planner: Marnie Eggen	19-Jan-2017	PIDs: 009-739-602 and 000-105-287. Lot line adjustment. Civic 831 Chelwood Road, Gabriola Island, BC
Planning Status			
Status Date: 23-Jul-2018 PLA issued			
Status Date: 01-Jun-2017 Referral response sent			
File Number	Applicant Name	Date Received	Purpose
GB-SUB-2018.1	Williamson & Associates/Potlatch Properties Ltd. Planner: Sonja Zupanec	26-Jun-2018	PIDs:027-939-791, 027-939-804, 003-010-431, 006-635-121 27 lot subdivision Civic address: Taylor Bay Road/Church Street
Planning Status			
Status Date: 12-Jul-2018 Referral response sent to MOTI, applicant and LTC.			

**Applications****Subdivision**

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2019.1	Williamson & Associates (B&K Shopping Centre)	11-Jun-2019	PID: 004-549-023 Subdivision at 369 Berry Point Road, Gabriola Island, BC

Planner: Ian Cox**Planning Status****Status Date:** 18-Oct-2019

Revised referral response sent to MOTI based on updated proposed plan received October 16, 2019.

Status Date: 20-Aug-2019

Referral response sent to the MOTI - see file email. Awaiting MOTI decision.

Status Date: 25-Jun-2019

Under review by staff. Referral response pending.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2019.2	Kraus & Cripps, Edith & Ken	20-Nov-2019	PID: 001-272-055 STVR Civic address: 1410 Fisher Road, Gabriola Island, BC

Planner: Ian Cox**Planning Status****Status Date:** 06-Dec-2019

Under review. Staff report likely to February 28, 2020 LTC regular meeting per agreement with applicant.

Islands Trust
LTC EXP SUMMARY REPORT F2020
Invoices posted to Month ending November 2019

620 Gabriola	Invoices posted to Month ending November 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	1,355.00	0.00	1,355.00
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	4,578.00	2,341.01	2,236.99
65210-620	LTC - Local Exp - APC Meeting Expenses	493.00	1,156.07	-663.07
65220-620	LTC - Local Exp - Communications	1,000.00	530.00	470.00
65230-620	LTC - Local Exp - Special Projects	588.00	0.00	588.00
TOTAL LTC Local Expense		<u>6,659.00</u>	<u>4,027.08</u>	<u>2,631.92</u>
Projects				
73001-620-4097	Gabriola Housing Options & Impacts	7,000.00	2,847.58	4,152.42
73001-620-4104	Gabriola Cannabis Regulations	2,600.00	0.00	2,600.00
73001-620-4105	Gabriola Ecological Protection Zone	7,000.00	0.00	7,000.00
TOTAL Project Expenses		<u>16,600.00</u>	<u>2,847.58</u>	<u>13,752.42</u>

Gabriola Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	January 29, 2010	GB-025-2010	Communication Towers and Antennae	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution: • Proposals for any new or expanded communication towers and antennae require an application to the Gabriola Islands Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting and one advertisement in the local newspaper. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; however, as a minimum, the proponent shall give written notice to Islands Trust Northern Office staff and the Snunéymuxw First Nation, all owners and residents of properties within a 2 kilometre radius of the subject property where the facility is proposed. The required notice shall include the following information: ○ the proposed location of the tower on the subject site ○ a description of the predicted power density level of the antenna/tower ○ methods to mitigate any aesthetic or visual impact ○ description of the natural environment, any sensitive ecosystems or other important habitat areas within 120 metres of the subject property and mitigation of impacts to such areas ○ physical details and example illustrations of the tower including its height, colour, type and design ○ the time and location of a public meeting and advertising ○ the name and contact information of the contact person employed by the proponent ○ the name and all contact information of the Islands Trust planning staff available for public comments and questions regarding the proposal; and ○ the proponent may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred.

2.	June 14, 2018	GB-2018-040	Processing non-medical cannabis retail license applications	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee; - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical; - The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; and - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - Name of the applicant and a description of the proposal in general terms; - The location of the proposed establishment and the subject site; - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered; - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - How public comments may be submitted to the Local Trust Committee.
3.	November 22, 2018	GB-2018-122	Applications for Federal Cannabis License	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.
4.	February 28, 2019	GB-2019-031	First Nations - Community Reconciliation	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on

				the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and Staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; and e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
5.	April 11, 2019	GB-2019-038	Limited Public Markets Enforcement	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to limited public markets: a) Islands Trust Bylaw Enforcement Staff are directed to not enforce Section B.6.2 of Gabriola Island Land Use Bylaw No. 177, 1999 when limited public markets are operated indoors, but rather to inform the operators of the applicable land use regulations; b) This enforcement policy does not permit violation of the Land Use Bylaw and the Gabriola Island Local Trust Committee may at any time, by resolution, modify or rescind this policy or give direction to expand enforcement activities.

6.	April 11, 2019	GB-2019-040	S219 Covenant Signatories	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution: that the Gabriola Island Local Trust Committee is authorized to enter into section 219 covenants, in the form of the 'Model Covenant for Secondary Suites' attached and in satisfaction of subsection B.6.6.8 of the Gabriola Island Land Use Bylaw No. 177, provided that such covenants must be executed on behalf of the Local Trust Committee by two members of the Local Trust Committee.
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Top Priorities Report

Gabriola Island

1. *Housing Options and Impacts Review Project*

Responsible

Dates

Develop an Engagement and Communication Strategy;
Strengthen relationships with Snuneymuxw First Nation and incorporate First Nation perspectives into policy/regulatory options;
Explore opportunities to foster affordable, rental, special needs and seniors housing and associated services;
Develop a strategy to address all housing continuum gaps;
Ensure policy/regulatory changes are consistent with the Object of the Islands Trust, the ITPS, with focus on water protection/conservation and ecological footprints.

Sonja Zupanec

Rec'd: 22-Nov-2018

2. *Cannabis Production and Retail Sales*

Responsible

Dates

Proposed Bylaw 303 introduced to amend the Gabriola Land Use Bylaw provisions pertaining to cannabis regulations, definitions, lot setbacks and building size.

Heather Kauer

Rec'd: 22-Nov-2018

3. *Develop an Ecological Protection Zone*

Responsible

Dates

Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coats Marsh and Burren's Acres Nature Reserve properties.

Ian Cox

Rec'd: 22-Nov-2018



Projects Report

Gabriola Island

1. <i>DeCourcy Island OCP and Bylaw Review</i>	Responsible	Date Received
Review DeCourcy Island Official Community Plan and Regulatory bylaws; establish an Advisory Planning Commission. Topics include: park areas without park zoning, DAI Bylaw, subdivision polices and regulations (added March 2017).		21-Apr-2011
2. <i>Hazardous areas/Steep Slopes DPA</i>	Responsible	Date Received
Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain		21-Feb-2013
3. <i>Coastal areas protection</i>	Responsible	Date Received
Review OCP and LUB to improve protection of coastal areas; development of a comprehensive DPA for shorelines in the Gabriola Island Local Trust Area		19-Jan-2012
4. <i>First Nations cultural references</i>	Responsible	Date Received
Consider First Nations cultural references in land use planning; Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping.		27-Jan-2011
5. <i>Eelgrass protection</i>	Responsible	Date Received
Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum).		14-May-2014
6. <i>Snuneymuxw Protocol Agreement</i>	Responsible	Date Received
Implementation of Snuneymuxw First Nation Protocol Agreement		22-Jan-2015



Projects Report

Gabriola Island

7. *Gabriola Village Plan*

Responsible

Date Received

Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core

02-Apr-2015

8. *Snuneymuxw Relationship Building*

Responsible

Date Received

Strengthen relationship with Snuneymuxw First Nation

02-Apr-2015

9. *Green Energy*

Responsible

Date Received

Consider policy and regulatory mechanisms to encourage green and renewable energy

02-Apr-2015

10. *Commercial Vacation Rental Review*

Responsible

Date Received

Review bylaws with respect to temporary use permits for commercial vacation rentals

07-May-2015

11. *LUB Amendments*

Responsible

Date Received

Projects Report

Gabriola Island

- Review of temporary sawmill regulations
- Definition of personal use of animals for SRR zoned lots
- Review of how cisterns, solar panels and parking are regulated as structures subject to lot coverage calculations
- Review of section B.2.1.1 for variances within DP3
- Review minimum average parcel size calculations in LUB and OCP to ensure consistent and supportive of more than 5% dedication of parkland
- IN1 zoning to ensure consistent with existing Arts Council use.
- definition and regulations for limited public market, and INI zone uses pertaining to market sales
- correction to WC3 mapped location to coincide with Green Wharf

08-Sep-2016

12. Water Resource Planning

Responsible

Date Received

Review of water requirements at the time of subdivision

14-Jun-2018

13. Water Taxi Feasibility

Responsible

Date Received

Follow up items emerging out of water taxi feasibility (completed fall 2018)

22-Nov-2018

14. Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)

Responsible

Date Received

Implementation of the report recommendations into OCP policy and LUB regulations.

24-Jan-2019

Projects Report

Gabriola Island

15. <i>GB LUB Accessory Buildings</i>	Responsible	Date Received
Review of regulations pertaining to the order of construction of accessory buildings on lots.		12-Sep-2019
16. <i>Draft an application for a UBCM grant to develop a poverty reduction strategy</i>	Responsible	Date Received
		24-Oct-2019

File No.: GB-Cannabis-2019.1
(Gabriola Cannabis LTD)

DATE OF MEETING: January 16, 2020
TO: Gabriola Island Local Trust Committee
FROM: Ian Cox, Planner 1
Northern Team
SUBJECT: Referral for Non-Medical Cannabis Retail Store
Applicant: Gabriola Cannabis LTD. (Goodall)
Location: Unit 11 – Gabriola Professional Centre, 590 North Road

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee direct staff to hold a Community Information Meeting to gather input on the Cannabis Retail Store licence application for Gabriola Cannabis Limited during the February 27, 2020 Regular Business Meeting of the Local Trust Committee.
2. That the Gabriola Island Local Trust Committee direct staff to provide public notice to property owners and residents within 500 metres of the proposed location for the Cannabis Retail Store licence application as described in the Gabriola Local Trust Committee Standing Resolution GB-2018-040.

REPORT SUMMARY

The Gabriola Local Trust Committee (LTC) is asked to consider a referral from the provincial Liquor and Cannabis Regulation Branch (LCRB) for an application by Gabriola Cannabis Ltd. for a Cannabis Retail Store (CRS) licence to operate a non-medical cannabis retail store in Unit 11 at the 'Gabriola Professional Centre' located at 590 North Road, Gabriola. See **Attachment 1 - Provincial Notice of Application**. This application is the first CRS licence application to be processed by the Gabriola LTC.

There is no provincial requirement that a local government (LG) consider the application. However, the LTC Standing Resolution GB-2018-040 requires that proposed or amended licenses for non-medical cannabis retail establishments require an application to the Gabriola Local Trust Committee and contemplates an associated public review process. If a LG chooses to consider an application referral, the LCRB requires that written comments be provided, which may be in the form of a resolution addressing the following:

- Consideration of the proposed location of the store.
- The views of the LG regarding the general impact on the community if the application is approved.
- The views of residents if the LG has in fact gathered residents' views, and a description of how they were gathered.
- LG recommendation(s) as to whether the application should be approved or rejected, including the reasons upon which those recommendations are based.

In addition, the province requires that at least one opportunity for public input be provided as part of the process and gives several options for method, including public hearing, referendum, public notice, etc. The LTC Standing Resolution prescribes more than one such method of consultation. As such, staff is seeking direction to solicit public comment in the form of a Community Information Meeting (CIM) to be held within a LTC regular business meeting, publication of a notice in an edition of the local newspaper, The Sounder, and public notice be given via mail and email to surrounding property owners and residents. Two recommended resolutions at this time are presented above.

BACKGROUND

Background on the regulatory framework for the production, distribution, and sale of cannabis (including federal, provincial, and local government roles) is outlined in the staff report prepared for LTC consideration regarding standing resolution GB-2018-040 on the processing of non-medical cannabis retail license applications dated June 14, 2018 by Ann Kjerulf, then Regional Planning Manager: http://www.islandstrust.bc.ca/media/346039/gb-2018-06-14-ltc-agd-pkg_merged.pdf

Local Governments and First Nations are an integral part of the licencing process. Section 33(1) of the *Cannabis Control and Licencing Act* prevents the LCRB from issuing a Cannabis Retail Store (CRS) licence without a positive recommendation regarding the CRS application from the local government or First Nation.

Local governments have delegated authority from the Province through the *Local Government Act (LGA)* to regulate through zoning, the location, size, and siting of cannabis businesses. The current LTC top priority cannabis project does not include consideration of regulations pertaining to retail sales, but currently addresses only *production* (as defined in the federal *Cannabis Act*¹) of cannabis on lands within and outside the Agricultural Land Reserve (ALR). This is primarily because at the time of the inception of the LTC project, BC provincial regulations were not yet fully developed as to exactly what powers would be conferred on local governments in the overall regulatory scheme.

It is noted that if the LTC recommends support for the CRS, the application will still be subject to further licencing requirements by the LCRB, particularly a 'Fit and Proper' assessment. If the LTC recommends against the application or provides no comment at all, the application would no longer be considered by the LCRB as is the stated provincial process. See **Attachment 2 – Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores**.

LTC Standing Resolution

The LTC passed the following standing resolution at its regular business meeting on June 14, 2018:

GB-2018-040

¹ <https://www.canlii.org/en/ca/laws/stat/sc-2018-c-16/latest/sc-2018-c-16.html>

It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee;
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical;
- The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; and
- However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms;
 - The location of the proposed establishment and the subject site;
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered;
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and
 - How public comments may be submitted to the Local Trust Committee.

CARRIED

Consistent with the above standing resolution, staff recommend the following to gather residents' views:

- Recommendation to schedule a Community Information Meeting (CIM) as part of the February 27, 2020 LTC Regular meeting;
- Mailed and emailed notices to properties within 500 metres of the subject property;
- Posting a copy of the notice in electronic form on the LTC webpage;
- Publishing the notice (Attachment 6) in an edition of the Gabriola Sounder Newspaper;

Application Information

The following is a summary of the proposal as provided by the applicant and in the LCRB referral package:

- **Location:** Unit #11, 590 North Road – 'Gabriola Professional Centre' (see Figure 1)
- **Size:** total floor area approx. 41 m² (441.3ft²)
- **Products:** cannabis and accessory/related products (for more information on permitted sale products, see Attachment 5)
- **Proposed Hours of Operation:** proposed unknown – (provincial CRS licences limit the hours to 9 a.m. - 11 p.m. subject to further restriction by the local government and/or First Nation where the store is located.
- **Other Details:**

- Storefront windows will be adequately covered so as to prevent interior viewing of the store as is the provincial requirement.
- 'Gabriola Cannabis' signage is intended to be discrete and match existing Professional Centre design.
- There will be no alterations to the exterior requiring a building permit².

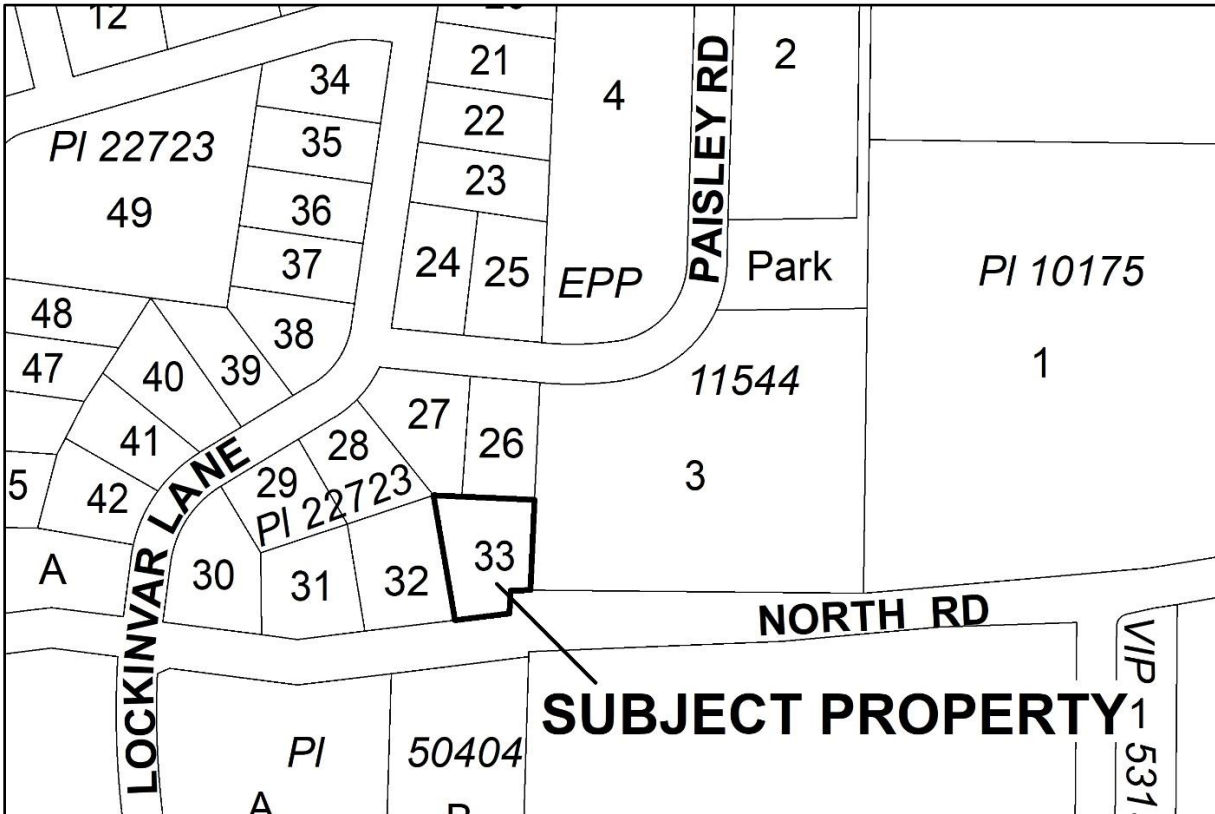


Figure 1: Subject Property Location

See **Attachment 3 – Plans and Photographs** for additional application information.

ANALYSIS

Policy/Regulatory

Official Community Plan

The subject property is designated as Commercial (Village) in the Gabriola Island Official Community Plan (OCP). See **Attachment 4 – Site Context**.

The following OCP Policies are relevant to the consideration of this application:

² Any alteration to the exterior of the building would require that a Development Permit be obtained as the location is within Development Permit Area 7: The Village Area.

3.2 Village Commercial

Village Commercial policies

- a) Existing commercially zoned properties in the “Village Centre” (the Lockinvar Triangle area) are designated Village Commercial. BL262 BL 179 BL 179 BL 262 Gabriola Official Community Plan Bylaw No. 166 Page 21
- b) The Village Centre shall be recognized as the main location for commercial activity in the planning area.
- c) The Village Commercial designation shall provide for a range of commercial uses including: retail, restaurant, personal service use, office use, institutional use, building supply sales and the servicing and fuelling of motor vehicles. The Zoning Bylaw will specify in detail the range of uses permitted.
- d) The expansion of the Village Commercial designation shall be considered based on compliance with the following criteria:
 - i. adequate off-street parking, landscaping and pedestrian access is provided;
 - ii. the design and site layout of the proposed development can be well integrated into the existing land use pattern in the Village Centre;
 - iii. the parcel fronts onto a main road and access and egress to the parcel can be provided safely;
 - iv. the additional area proposed for Village Commercial is small in size.
- e) Land in the Village Commercial designation and any future additions to the Village Commercial designation shall be placed in the Village Centre development permit area so as to ensure that the form and character of development which occurs is consistent with the existing character of the Folklife Village.

The subject property is within Development Permit Area 7 (DPA 7) – The Village Area, as designated in the OCP for the regulation of Form and Character of commercial development, water conservation and greenhouse gas emissions reduction. The proposal does not trigger the need for a Development Permit primarily because no exterior alteration to the building façade or structure is proposed as part of the application.

Guidelines for DPA 7 are found in the LUB.

F.7 DP-7 The Village Centre

F.7.1 Applicability

- F.7.1.1 The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.7.2.1:
- a. subdivision of land
 - b. construction of, addition to, or alteration of a building or other structure
 - c. alteration of land

Land Use Bylaw

The Gabriola Professional Centre property zoned Village Commercial 2 (VC2) under the LUB.

D.3.2 Village Commercial 2 – Professional Centre (VC2)

D.3.2.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Village Commercial 2 –Professional Centre (VC2) zone:

a. Permitted *Principal* uses

- i retail sales and rentals
- ii offices
- iii personal services
- iv restaurants
- v medical and dental clinics
- vi bakeries
- vii household storage

Issues and Opportunities

Retail Sales Definition

The LUB does not currently define retail sales as a term, or subsequently separate cannabis retail sales as distinct from other types. Given this, staff consider the proposed location to be suitable in terms of zoning compliance at this time since cannabis retail sales can be considered commensurate with retail sales overall. This is primarily because the LUB does not separate the use, as mentioned, nor does it expressly prohibit it as is the case in other local government zoning bylaws in the province where, for example, a proactive bylaw development approach prohibited cannabis retail sales as a use in all zones prior to or just following legalization. Some LGs then permitted the use in select zones in order to regulate the use specifically in certain areas of their jurisdiction. Other Local Trust Committees are currently developing regulatory strategies for cannabis production and retail sales, but to date, there is no model bylaw and largely each LTC is taking a Local Trust Area-specific approach – such as the Gabriola LTC draft bylaw No. 303³.

Location

The proposed location is in an established commercial mall with mixed uses including clothing and kitchen retail, a credit union, medical office, insurance agency, deli, etc. The location is relatively accessible and has sufficient infrastructure, particularly parking. The location is within approximately 205 metres proximity to the western property boundary of Gabriola Elementary School, approximately 60 metres from Huxley Community Park, and within walking distance to the closest residentially zoned properties.

³ <http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola/projects-initiatives/cannabis-regulations-project/>

The province of BC has not set proximity restrictions on non-medical cannabis retail stores for maintaining a certain distance from schools and other CRS locations as is the case in other provinces. However, local governments have the authority to set such additional requirements through land use bylaws. In Vancouver, BC, for example, the zoning bylaw requires a 300 metres separation from other CRS outlets and from schools. In Kelowna, BC, 150 metres is the required distance from elementary schools and select parks, while 500 metres is required between other CRS outlets and secondary schools. These ‘setbacks’ are enforced either through zoning bylaws and/or business licence requirements.

As stated, the subject property appears to have appropriate zoning for the use since retail sales are a permitted use in the Village Commercial 2 (VC2) zone.

Impacts of Use

The application may be of concern to the public given the proposed location that is relatively close to Gabriola Elementary and Huxley Community Park. Under provincial rules, a licensee must not allow minors to enter or be inside the store for any period of time and minors cannot be employed in the retail store. This and other information may be found in the “Cannabis Retail Store Terms and Conditions Handbook”⁴ (**Attachment 5**) published by the province of BC on October, 2019.

Matters of interest arising from the location and its use, including how best to address these possible issues, should be determined by the LTC through consultation with the public via the process recommended by staff, or through other means the LTC may deem suitable.

As noted, the LTC is required to comment on the following based on feedback from the notification and consultation process:

- The suitability of the proposed location;
- The general impact to the community if the application is approved, and
- Residents’ views as gathered through the consultation process (Public Notice and CIM).

Consultation

First Nations

On March 14, 2019, Trust Council adopted a Reconciliation Declaration intended to inform all consideration and decisions made by Islands Trust elected officials and staff in regard to reconciliation and First Nations relations.

For Cannabis Retail Store (CRS) licences such as the application before the LTC, the province of BC has its own referral and consultation process in place for First Nations that mirrors that for local governments⁵. The Gabriola

⁴ <https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/guides-and-manuals/cannabis-retail-store-licence-handbook.pdf>

⁵ https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/indigenous_nation_role_in_licensing_cannabis_retail_stores.pdf

LTC is one of the standard referral bodies in this case and is not expected to itself refer out such applications to local First Nations. Simply, CRS licencing is a provincial process in which local government and First Nations input are parts.

Statutory Requirements

If the local government decides to consider the notice of application and to provide comments and recommendations as to the location of the proposed retail store, it must gather the views of residents of the area if the location of the proposed store may affect nearby residents. It is up to the local government to determine the area, relative to the licensee's application, where resident's views must be gathered and one or more of the following methods may be used:

- Receiving written comment in response to a **public notice** of the application
- Conducting a **public hearing** in respect of the application
- Holding a **referendum**, or
- Using **another method** the local government considers appropriate.

As described earlier in this report, in order to gather input from the public staff is recommending a Community Information Meeting (CIM) to be held during the LTC regular business meeting on February 27, 2020. Additionally, notice of the application would be delivered by physical mail and email to property owners and residents within 500 metres of the subject property and could also be posted to various community bulletin boards in the village area and to the Gabriola Island Local Trust Committee webpage – this process would align with the LTC Standing Resolution GB-2018-040, found on page 2 of this report. See **Attachment 6 – DRAFT Public Notice**.

Provincial Consultation Requirements (only one method is required)	Staff Consultation Recommendations (beyond one method is optional)	Rationale
Receive written comment in response to a public notice of the application (as is the case for permits deemed to affect neighbouring property interests such DVPs and TUPS); OR	Public Notice in the form of mail, email, posting to webpage and additionally on community bulletin boards in The Village Area.	Recommended standard for other notification processes (DVPs, TUPs)
Conduct a public hearing in respect of the application; OR	Community Information Meeting (CIM) to gather views and hear from applicant.	Aligns with LTC Standing Resolution
Hold a referendum; OR	No	Not recommended
Use another method the local government considers appropriate.	Optional referral to Advisory Planning Commission.	Alternative #2

Table 1- Comparison of Public Consultation Components

Public comments may be received from residents before or during the CIM and LTC meeting on February 27, 2020. All correspondence received on or before that meeting would form part of the public record and be considered by the LTC. Correspondence may be sent to GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca.

The results of the public consultation component to the referral are required in the form of a resolution(s) from the local government and will be forwarded to the LCRB for consideration as part of the provincial licence application.

Rationale for Recommendations

Per the Standing Resolution GB-2018-040 passed on June 14, 2018, the LTC may wish to expand their public consultation process after initial review of the provincial referral. Staff is of the opinion that compared with the provincial requirement for one method to be employed, the scope of the LTC standing resolution and staff recommendations for consultation aligned with it, provide significant and sufficient opportunity to gather public input and have outlined a process accordingly. Whichever public consultation process the LTC chooses, staff would consider it a precedent for any future applications. Should the LTC wish to alter this process, the following options are provided:

ALTERNATIVES

1. Opt out of the application | Provide no comment to LCRB

The LTC may choose to provide no comment to the LCRB. The implications of this decision are that the LCRB will terminate the application. It is recommended that the LTC provide a rationale as to why the application should not be considered. Suggested wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee refuse consideration of the Cannabis Retail Store licence application for the following reasons... [List reasons]

The applicant may request further clarification as to why the application was refused and seek to re-apply. The Gabriola Island Trust Committee Development Procedure Bylaw No. 114 stipulates that an application or substantially similar application may not be submitted in respect of the same development less than one year from the date of refusal of a previous application, unless the LTC has agreed to such reconsideration.

3. Refer the Application to the Advisory Planning Commission

The LTC may wish to refer the application to the Gabriola Advisory Planning Commission (APC) for comment and/or recommendations. Feedback should be made specific to the areas on which the province requires local government input should it elect to provide written comments. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee refer the Cannabis Retail Store licence application for Gabriola Cannabis Limited to the Gabriola Advisory Planning Commission for review and comment on the following:

- *consideration of the location of the proposed store;*

- *the general impact on the community if the application is approved;*
- *recommendation as to whether the application should be approved or rejected and the reasons upon which the recommendation is based.*

Next Steps

The following steps for the further consideration of this referral application is proposed should the LTC elect to pass the resolution recommended by staff on page 1 of this report.

- Staff to send out Public Notice as described in the *LTC Standing Resolution* section of this report and as recommended on page 1.
- Community Information Meeting (CIM) to be held on February 27, 2020 during the LTC regular business meeting to gather resident's input.
- Following the CIM, the LTC can consider public input/comments and then render a decision and recommendation to the LCRB.

If the LTC resolves to refer the application to the APC, a meeting would need to be scheduled as the committee convenes on an as-needed basis. This would, of course, impact the timing of providing written comments to the LCRB.

Submitted By:	Ian Cox, Planner 1	December 20, 2019
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	12/20/2019

ATTACHMENTS

1. Provincial Notice of Application
2. Local Governments' Role in Licencing Non-Medical Cannabis Retail Stores
3. Plans and Photographs
4. Site Context
5. Cannabis Retail Store Terms and Conditions Handbook
6. DRAFT Public Notice



GB-LCB-2019-2
Gabriola Cannabis
(Goodall) Job #002657

November 28, 2019

via email: szupanec@islandstrust.bc.ca

Sonja Zupanec
Senior Planner
Island Trust – Gabriola Island
700 N. Rd., Gabriola, BC V0R 1X3



Dear Sonja Zupanec,

Re: Application for a Non-Medical Cannabis Retail Store Licence
Applicant: Gabriola Cannabis Limited
Proposed Establishment Name: Gabriola Cannabis
Proposed Establishment Location: 11 - 590 North Road, Gabriola, BC

The Applicant, Gabriola Cannabis Limited, has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence proposed to be located at the above-noted address. The applicant contact is Shawn Goodall, 250-247-0004 or gabriolacannabis@gmail.com.

Local governments and Indigenous nations are a crucial part of the licensing process. Section 33(1) of the *Cannabis Control and Licensing Act* prevents the LCRB from issuing a CRS licence without a positive recommendation regarding the CRS licence application from the local government or Indigenous nation.

The LCRB is requesting the Island Trust – Gabriola Island to consider the application and provide the LCRB with a written recommendation with respect to the application. To assist with your assessment of the application, a site map of the proposed cannabis retail store is attached. The following link opens a document which provides specific and important information and instructions on your role in the CRS licensing process, including requirements for gathering the views of residents.

Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores
OR
Indigenous Nations' Role in Licensing Non-Medical Cannabis Retail Stores

The LCRB will initiate an applicant suitability assessment regarding this CRS application, also known as a “fit and proper” assessment, which is comprised of financial integrity checks and

**Liquor and Cannabis
Regulation Branch**

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8

Location:
645 Tyee Road
Victoria BC V9A 6X5
Phone: 250 952-5787
Facsimile: 250 952-7066

Website:
[www.gov.bc.ca/cannabisregulation
andlicensing](http://www.gov.bc.ca/cannabisregulationandlicensing)

security screenings of the applicant and persons associated with the applicant. Once the assessment is complete, you will be notified of the LCRB's determination. You may choose to withhold your recommendation until the LCRB has made a final decision regarding the applicant's suitability.

If you choose not to make any recommendation regarding this application, please contact the LCRB at the earliest convenience. Please note that a Cannabis Retail Store Licence cannot be issued unless the LCRB receives a positive recommendation from the local government or Indigenous nation. Similarly, if a local government or Indigenous nation decides not to make any recommendation, the LCRB will not consider the application any further.

If you have any questions regarding this application please contact me at 778-698-9359 or Alexandra.Sutherland-Barta@gov.bc.ca

Sincerely,



Alexandra Sutherland-Barta
Senior Licensing Analyst

Attachment

copy: Shawn Goodall



Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores

If you have any questions about this document, please contact the Liquor and Cannabis Regulation Branch toll-free at 1-866 209-2111, or email cannabisregs@gov.bc.ca. NOTE: This document will be updated from time to time as additional information surrounding the regulatory framework for cannabis retail sales becomes available. (Last updated 20 December, 2018)

Non-medical cannabis retail licence

The province will be issuing licences for non-medical cannabis retail stores. A cannabis retail store must be a standalone business. This licence requires input and a positive recommendation from a local government in whose area the proposed store is located.

The province recognizes the importance of ensuring carefully regulated access to non-medical cannabis in all areas of the province, including rural areas.

As a first step, the province will open opportunities to apply for regular retail licences. Once the regional distribution of retail non-medical cannabis stores is known, the province will consider issuing licences to service rural or remote areas that are not sufficiently served by existing retail cannabis stores.

The role of local governments in the cannabis retail store licensing process

Applicants for a non-medical cannabis retail store licence must submit a licence application to the LCRB. When an application is received, the LCRB will notify the local government of the area where the proposed store will be located.

Upon receipt of notice, local governments can:

- choose not to make any recommendation in respect of the application for a cannabis retail store licence (Note: this would end a licence application in progress because the LCRB cannot issue a licence unless the local government gives the LCRB a positive recommendation that the licence be issue)
- choose to make comments and recommendations in respect of an application for a cannabis retail store licence. Note that:
 - if the local government chooses to make a comments and recommendation on the licensee's application to the LCRB, it must gather the views of residents
 - if it makes a recommendation to deny the application then the LCRB may not issue the licence
 - if it makes a recommendation in favour of the application, then the LCRB has discretion whether or not to issue the licence, but must consider the local government's recommendation.

Local Governments (municipalities, regional districts or Islands Trust local trust committees) have some or all of the following regulatory powers in respect of cannabis retail store licences:

- Impose restrictions in its zoning bylaws regarding the location of cannabis retail stores. Temporary zoning for cannabis retail stores will be accepted provided local governments monitor and enforce the temporary zoning requirements. LCRB must be notified if temporary or permanent zoning for a cannabis retail store is cancelled.
- Regulation of business (municipalities only): by terms and conditions in its business licensing bylaw, a municipality may limit the hours that cannabis retail stores can operate or impose other conditions such specifications regarding signage
- Charge the applicant fees if choosing to assess an application.

The above process applies to all relocations of existing cannabis retail stores.

Gathering residents' views

If the local government decides to consider the notice of application and to provide comments and recommendations as to the location of the proposed retail store, it must gather the views of residents of the area if the location of the proposed store may affect nearby residents. It may gather resident's views by using one or more of the following methods:

- Receiving written comment in response to a public notice of the application
- Conducting a public hearing in respect of the application
- Holding a referendum, or
- Using another method the local government considers appropriate.

It is up to the local government to determine the area, relative to the licensee's application, where resident's views must be gathered.

Please note: Gathering the views of residents of the area/providing a recommendation to the LCRB must be unique to each provincial licence application. In other words, past recommendations cannot be used in a new licensing process. Each individual application must be considered separately by the local government.

What must the local government's recommendation include?

The recommendations and comments the local government provides to the LCRB must:

- be in writing (this may or may not be in the form of a resolution)
- show that the local government has considered the location of the proposed store
- include the views of the local government on the general impact on the community if the application is approved
- include the views of residents if the local government has gathered residents' views, and a description of how they were gathered
- include the local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

The local government should also provide any supporting documents referenced in their comments.

What if the local government does not want to provide a recommendation?

If a local government does not want to accept the notice of application and provide a recommendation for the proposed retail location, they should notify the LCRB. A licence for a cannabis retail store will not

be issued without a positive recommendation from a local government. If a response is not received, LCRB will not consider the application any further.

What if the recommendation does not meet the regulatory requirements?

If the recommendation does not meet the regulatory requirements, the LCRB will ask the local government to provide new or amended comments that address outstanding issues.

How long does the local government have to provide comments?

Unlike in the process for liquor licensing, local governments are not required to provide a recommendation on a cannabis retail store application within a specific time period. Please note that delays in the application process can have a significant impact on the applicant. If the applicant is the reason for the delay, please notify the LCRB. If the applicant is not trying to move an application forward, the application can be cancelled.

Can the local government recommend approval subject to certain conditions?

In some circumstances, the local government can recommend that the LCRB approve the application as long as certain restrictions (e.g. hours of operation) are placed on the licence. In these situations, the recommendation should clearly explain the rationale for placing restrictions.

If the local government intends to request that the LCRB impose terms and conditions on a licence, prior to sending such a recommendation the local government should consult with the LCRB so that the LCRB can determine whether it has the authority to impose the requested terms and conditions before finalizing their conditional recommendation.

The local government may also have the ability to impose other operating rules on the proposed store through the terms and conditions of the applicant's business licence, zoning or bylaw. The local government is responsible for enforcing these rules.

Floor Plans

Applicants must submit a floor plan with their licence application for approval so the LCRB can identify store features such as sales, storage and delivery areas. Unlike for some kinds of liquor licence applications, local governments are not required to provide occupant load stamps or approve the applicant's floor plans as part of the provincial licensing process for cannabis retail stores.

A municipal council or regional district board can delegate authority to their staff to provide comments and a recommendation to the LCRB

A municipal council or regional district board may delegate its powers and duties to provide comments and a recommendation to the LCRB regarding a cannabis retail store licence application. If a council or board has delegated this authority, a cannabis retail store applicant may ask for comments and recommendations made by delegated staff to be reconsidered by the local government.

Council as defined in the Vancouver Charter:

A Council, as defined in the *Vancouver Charter*, choosing to delegate to its staff must establish procedures for a reconsideration of comments and recommendations made by delegated staff, including how a cannabis retail store applicant may apply for reconsideration. In undertaking a reconsideration, the Council will have the same authority as it delegated to staff.

Right of reconsideration:

Delegated local government staff must advise the cannabis retail store licence applicant that the applicant has the right of reconsideration of the staff's recommendation by the council or board.

How local governments inform the LCRB of delegation:

A local government that has delegated authority to staff should send a copy of the delegation to the LCRB at Cannabis.Licensing@gov.bc.ca.

Revised
September
2018

Extent of Signage



1 - Store Front



2 - Viewed from Mid-lot at Property Line

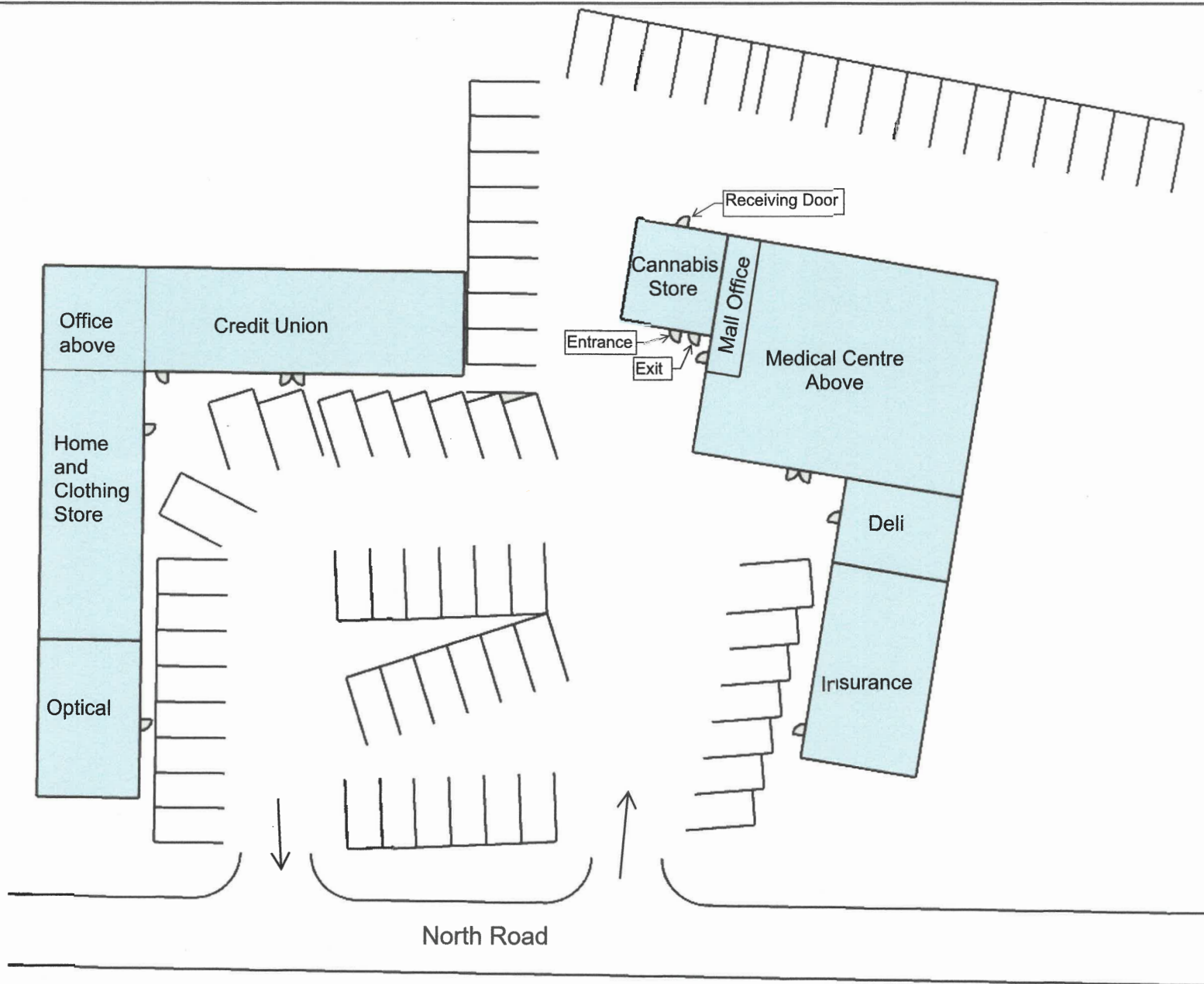


3 - Viewed as Entering Lot from North Road

Photos of Store's Exterior

GABRIOLA CANNABIS LIMITED
Provincial Cannabis Retail License Application

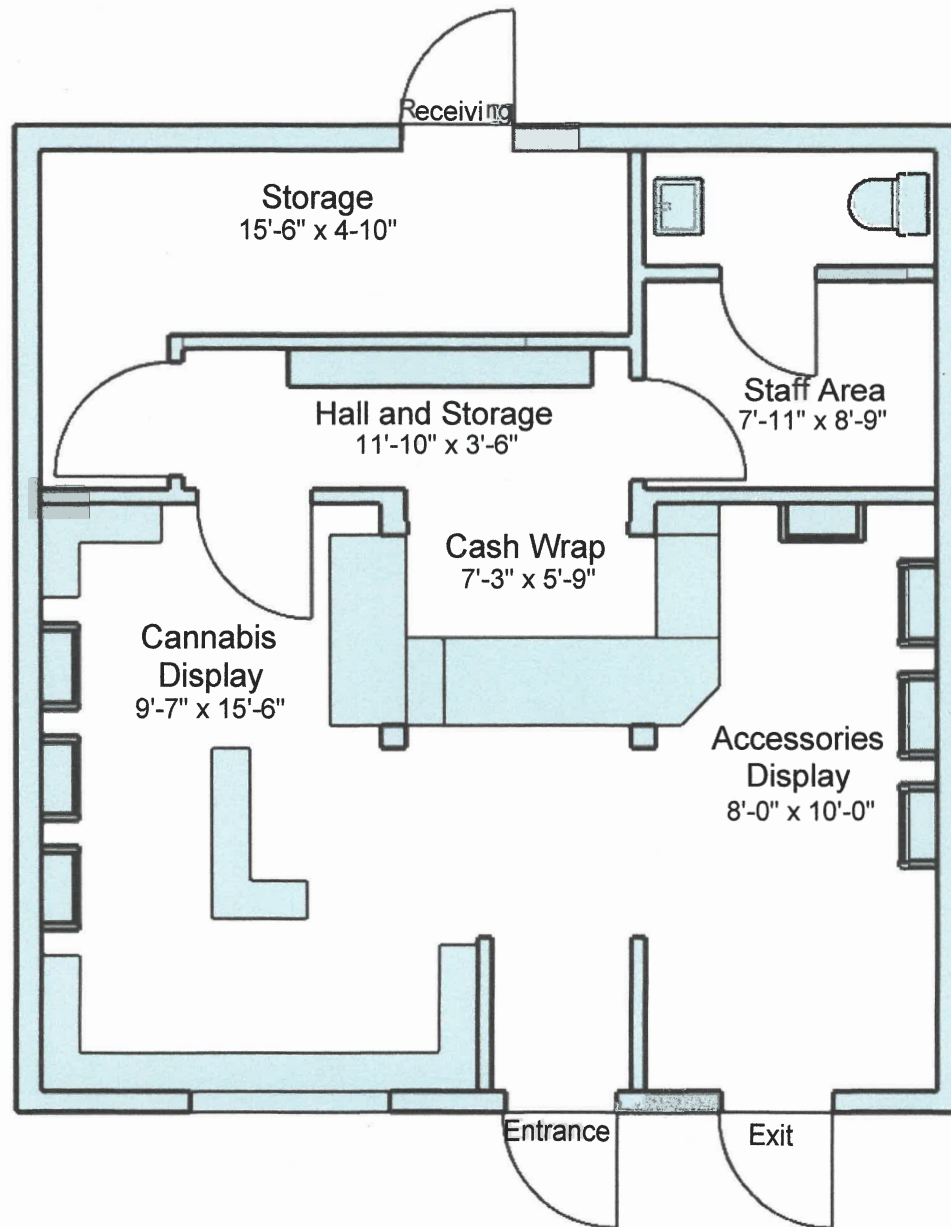
September, 2019



Site Plan

GABRIOLA CANNABIS LIMITED
Provincial Cannabis Retail License Application

September, 2019



Floor Plan

GABRIOLA CANNABIS LIMITED
Provincial Cannabis Retail License Application

September, 2019

ATTACHMENT 4 – SITE CONTEXT

LOCATION

Legal Description	LOT 33, SECTION 20, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 22723
PID	003-160-645
Civic Address	Unit 11 – 590 North Road, Gabriola

LAND USE

Current Land Use	Commercial
Surrounding Land Use	Commercial retail sales, medical services, institutional

HISTORICAL ACTIVITY

File No.	Purpose
GB-RZ-1995.4	Film School
GB-DP-1998.4	Addition to existing structure and renovation of interior and exterior.

POLICY/REGULATORY

Official Community Plan Designations	Designation: Commercial (Village) DPA 7: The Village Centre
Land Use Bylaw	Current Zoning: D.3.2 Village Commercial 2 – Professional Centre (VC2) D.3.2.1 Permitted Uses The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Village Commercial 2 –Professional Centre (VC2) zone: a. Permitted <i>Principal</i> uses - i retail sales and rentals - ii offices - iii personal services - iv restaurants - v medical and dental clinics - vi bakeries - vii household storage
Covenants	• RESTRICTIVE COVENANT 1972 DD A6984 DF45586 • COVENANT1996, GABRIOLA ISLAND LOCAL TRUST COMMITTEE

	SECTION 215 LAND TITLE ACT EL39857 • EASEMENT M76301 • UNDERSURFACE RIGHTS, HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA Note: applicant is not property owner and no physical development proposed as part of application.
Bylaw Enforcement	None on record – Note: applicant is not property owner.

SITE INFLUENCES

Islands Trust Fund	Interests not affected
Regional Conservation Strategy	The subject property lies within an area of Medium to High conservation priority within the Gabriola Island Local Trust Area relative to biodiversity within the Trust Area as described on page 145 of the Islands Trust Conservancy Regional Conservation Plan 2018-202 . No physical development is proposed as part of this application.
Species at Risk	Masked/secure occurrence of SAR and associated critical habitat.
Sensitive Ecosystems	Islands Trust Conservancy Ecosystem Mapping classifies the subject property as “Developed”, meaning the ecosystem and environment on the lot has been significantly impacted beyond retention of natural features.
Hazard Areas	N/A – no hazard areas currently mapped/identified on subject property
Archaeological Sites	The proposed CRS application does not seek to engage in any ground disturbance or alteration and no currently mapped/recorded archaeological sites or potential exist within 100 metres of the property boundaries.
Climate Change Adaptation and Mitigation	No increase in greenhouse gas emissions are expected as a result of this proposal beyond what is commensurate with personal vehicle use in rural areas for access to such retail locations.
Shoreline Classification	Not Applicable Subject property not waterfront/shoreline
Shoreline Data in TAPIS	N/A – See above

Cannabis Retail Store

Terms and Conditions

A handbook for the sale of
non-medical cannabis in
British Columbia

December 2019

Update Summary

Date	Update Description (Click on blue link to jump to section)	Updated Pages
December 2019	Introduction The Cannabis Licence Selling the Business The Store Store Security Requirements Gift Cards Selling Non-Medical Cannabis & Cannabis Accessories Promotion Relations with Federal Producers and Marketing Licensees Connections to Federally Licensed Producers (Tied houses) Promotional Events and Activities Hospitality Glossary	5 11 12 13 15 17 17 17 19 19 21
October 2019	The Store Product Menus and Online Sales	13
June 2019	Providing Safe and Responsible Service Display of Social Responsibility Materials Identification (ID) Requirements The Cannabis Licence Making Changes to the Licence The Store Shopping Bags Storing Cannabis Cannabis Register	6 6 9 14 14 15
February 2019	Providing Safe and Responsible Service Minors The Store Associations with Other Businesses	6 12

	Store Layout	12
	Smell Jars	14
	Branding	17
January 2019	Compliance & Enforcement	20

Cannabis Retail Store Licence

Terms and Conditions

A handbook for the sale of non-medical cannabis in British Columbia

Please note: This handbook was last updated on 12 December 2019. Updated content is highlighted by notes in the left margin.

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Display of Social Responsibility Materials.....	6
Minors.....	6
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Introduction

The purpose of the **cannabis retail store licence** is to authorize sale of non-medical cannabis in a private retail store for patrons to purchase and consume offsite.

This handbook outlines the requirements of the *Cannabis Control and Licensing Act*, Regulations and terms and conditions that relate to owners and operators of non-medical cannabis retail stores in B.C. It is the responsibility of the licensee to be aware of and to operate in compliance with these rules.

Licensees must follow provincial laws and these terms and conditions at all times, as well as any further terms and conditions that might be printed on their licence or in letters issued to them by the general manager of the Liquor and Cannabis Regulation Branch (Branch). Failure to comply with the provincial laws or terms and conditions set out in this handbook or those printed on the licence or other direction from the general manager may result in enforcement action against the licensee including, but not limited to, a monetary penalty, suspension or cancellation of the licence.

Licensees are also responsible for knowing and complying with any federal, local government and/or Indigenous nation laws, bylaws and requirements.

Licence terms and conditions may change from time to time. Stay up to date by referring to this handbook, which is posted online and updated from time to time, and periodically checking the branch's [policy directives page](#).

A range of helpful information is found here: www.gov.bc.ca/cannabisregulationandlicensing

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Dec. 2019

Contact Information

If you have any concerns or questions, please contact your local liquor and cannabis inspector or the branch at:

Mailing Address

PO Box 9292 Stn Prov Govt,
Victoria, BC V8W 9J8

Office Address

400-645 Tyee Road
Victoria, BC
V9A 6X5

E-mail

cannabisregs@gov.bc.ca

Phone

250-952-5787 in Victoria

Licensing Help Desk

250 952-7049 in Victoria or call our toll-free number

Toll Free Phone

1-866-209-2111

Providing Safe and Responsible Service

Responsible Service Training

In the future, people involved in the sale of non-medical cannabis will be required to complete a mandatory course. Licensees will receive notice when this training becomes available.

Worker Qualification

Effective November 30, 2018, licensees must ensure that workers in retail stores obtain a security verification from the province. This includes any adult performing work-related activities in a retail store as an employee, independent contractor or volunteer on a full-time or part-time basis. This process is separate and distinct from the licensing process.

Security guards in a retail store who hold a valid licence under the *Security Services Act* and perform security work authorized under that licence do not need to obtain a security verification under this process.

Effective November 30, 2018, licensees must keep a record of every worker's security verification for inspection by inspectors, including when the worker's security verification expires.

Worker security verification is fully portable within British Columbia (e.g. if a worker obtains a security verification, they may work for any non-medical cannabis retail licensee in British Columbia until the security verification expires or is revoked by the general manager).

For more detailed information regarding worker security verification, please see [Worker Information](#).

Display of Social Responsibility Materials

You are required to display at least one social responsibility poster. The materials will be mailed to you and must be displayed in a prominent location in your service area. Updated materials will be provided to you at regular intervals, free of charge. Additional copies are available from your local liquor and cannabis inspector or on the [website](#).

Minors

A licensee must not allow minors to enter or be in the retail store and minors cannot be employed in the retail store. In addition, cannabis, cannabis accessories and any transactions involving these products must not be visible to minors from outside the store. As a means to minimize unlawful entry by minors, it is recommended that licensees post signage at the entrance to their stores indicating that minors are not permitted.

A licensee must not sell non-medical cannabis or cannabis accessories to a minor (in B.C., those under the age of 19). Licensees and their employees must be proactive about meeting this legal requirement and must ensure that reasonable steps are taken to prevent youth access and exposure. If a licensee or an employee allows a minor to enter their store or to purchase cannabis or cannabis accessories, the licensee's licensing privileges could be jeopardized and they risk prosecution under provincial legislation.

Identification (ID) Requirements

A licensee is responsible for ensuring that minors do not enter their retail store and are not sold non-medical cannabis or cannabis accessories. If there is any doubt whether a patron is 19 or over, licensees and their employees must take reasonable steps to verify age by requesting two pieces of ID, examine both pieces carefully, and act on the authenticity of the identification. If a licensee or employee cannot demonstrate that they have done this, the licensee could be held responsible for allowing a minor to enter their store and/or for selling cannabis or cannabis accessories to a minor.

A licensee or employee can accept expired or foreign ID as long as it is readable and the customer can be recognized from the picture.

A licensee or employee must decide on a case-by-case basis if the ID presented proves that the patron is not a minor. If the patron cannot produce two pieces of acceptable identification, service must be refused. A licensee and their employees must cooperate with an inspector or peace officer if asked to determine whether a person is a minor.

Primary ID

- Must be issued by a government agency; and
- Must include the holder's name, date of birth and picture.

Examples of primary ID include:

- Province or State driver's licence
- Passport
- Photo BC Services Card
- Citizenship card
- Certificate of Indian Status
- Federal Firearms Possession and Acquisition licence

Note that the B.C. Driver's Licence and Services Card, which combines the B.C. Driver's Licence and Services cards (formerly CareCard), counts as only one piece of ID.

Secondary ID

Used to verify the authenticity of the first piece, and:

- Must include the holder's name; and
- Must include either the holder's signature OR picture.

Any acceptable piece of primary ID can be used as secondary ID. Examples of other acceptable secondary ID include:

- BC CareCard/BC Services Card (separate to a BC Driver's licence)
- Interim driver's licence (issued by ICBC)
- BC Transit ProPASS
- University or college student card
- Credit card
- Canadian Blood Services donor card
- Transport Canada's Pleasure Craft Operator's Card
- Many bank cards and rewards cards
- National Defence ID

Controlling the Store

A licensee and their employees are responsible for controlling the behaviour of their patrons.

If security has been hired for a retail store, a licensee must ensure that the individual is licensed under the *Security Services Act*. Please visit <http://www2.gov.bc.ca/gov/content/employment-business/business/security-services/security-industry-licensing> for more information.

Cannabis use must not be permitted in-store.

A licensee must ensure that no weapons are brought into the store without lawful excuse (lawful excuse does not include having personal possession of a weapon for self-protection), and that no criminal activity takes place in the store. If employees, patrons or members of the community have reason to be concerned that there is a threat to their safety, a licensee must act on these concerns.

If there is an imminent threat to people's safety, the general manager can suspend a cannabis licence for 24 hours and order the immediate removal of patrons. In this situation, a licensee is required to take all reasonable steps to ensure that patrons vacate the premises and the store is closed immediately. In extraordinary circumstances, the general manager may suspend a licence or impose terms and conditions for up to 14 days without a hearing.

A licensee must ensure that any person who works on a temporary basis to repair, inspect or construct something in the establishment is supervised by a manager or supervisor.

Preventing Disturbances in the Vicinity of the Store

Licensees and employees must take reasonable measures to prevent disturbances. This means performing actions that are appropriate in the circumstances and within their capacity to do. Examples of reasonable measures include:

- Installing adequate lighting outside the store and in the parking lot
- Supervising parking areas
- Posting signs asking patrons not to disturb the neighbours

Intoxicated Patrons

Licensees and employees must not let a person who is intoxicated (liquor, cannabis or other drugs), or exhibiting signs of intoxication, enter or remain in the store. Licensees and employees must refuse the intoxicated person service, request that they leave the store and ensure they depart safely.

Violent or Disorderly Conduct

Licensees and employees must not allow violent or disorderly conduct or unlawful activities to take place in the store. This includes behaviour that might cause a reasonable person to believe their safety is threatened. If a licensee or employee knows or suspects this kind of behaviour has taken place, is currently taking place, or may take place, they must notify a peace officer immediately.

A person who has been asked to leave or has been barred from entering the store must not return for at least 24 hours. If they return within 24 hours, notify a peace officer; they are committing an offence and may be arrested.

Incident Log

When an incident occurs in or adjacent to a retail store, the details must be recorded in an incident log. All incidents that adversely affect patrons, staff, people who live or work in adjacent buildings, or that affect the operation of the store must be recorded in the log and be available to an inspectors or peace officers.

Examples of these incidents include:

- Refusing entry at the door to a potentially troublesome person or anyone who is causing a disturbance;
- Refusing entry of an intoxicated person;
- Removing an intoxicated person;
- An injury or accident on the premises, including a fight;
- Any incidents where emergency personnel were called (police, fire, or ambulance);
- Any illegal acts.

An incident report should include key details such as the date, time and description of events, the parties involved, any action taken, and any relevant sales records. Other details such as the names of the employees on shift and witness accounts are also important.

The records in an incident log must be kept for at least six years.

The Cannabis Licence

Availability of the Licence and Floor Plans

A licensee must post their non-medical cannabis retail licence in a prominent location in the sales area of their store. They must also ensure it is immediately available for inspection by inspectors and peace officers. A licensee's LCRB approved floor plans must also be immediately accessible on request, but they do not need to be posted.

Licence Renewal

A licensee must renew their non-medical cannabis retail licence before the licence expiry date each year and pay an annual licence fee.

Please note: the licence renewal fee must be paid each year, regardless of any other applications (for example, transfer of ownership) that may be in progress at the time.

A link to more detailed information regarding licence renewal will be available soon. Please check back for details.

Making Changes to the Licence

The details of a licensee's non-medical cannabis retail licence application were the basis for granting them the licence. Licensees must inform the Branch of any changes that alter the original information they provided, or of a change in circumstance related to their licence.

Some changes require the Branch's prior approval, while others require the licensee to report the change within 10 days. This is important because failure to obtain approval or report changes is a licensing contravention and subject to penalty. Below is a table of changes that need prior approval and those that require reporting. These are in addition to any items that are addressed elsewhere in this handbook.

Type of Change	How to Report	When Approval Required
Transfer of Location- this change requires a positive recommendation from local government/Indigenous nation for the area where the new store will be located	Application	Before relocation occurs
Structural Change*	Application	Before structural change occurs
Permanent Change to Licence: • Store/business or licence name change • Request for change in terms and conditions • Hours of sale	Application	Before permanent change to cannabis licence occurs
Permanent Change to Licensee: • Change of directors, officers, or senior manager (corporation, society) • Name change of licensee, person or sole proprietor • Addition of receiver or trustee • Addition of executor or administrator	Application	Within 10 days of permanent change
Transfer of Ownership (including sale of cannabis business and its assets)	Application	Before transfer of ownership occurs

Share Transfers or Changes** • Licensee issues new shares to existing shareholder or existing shareholder transfer shares to existing shareholders (internal transfer of shares) • Licensee issues new shares to persons who are not existing shareholders or existing shareholders transfer shares to persons who are not existing shareholders. • Amalgamation of corporate licensee, holding company or subsidiary	Application	Within 10 days of share transfer or changes
Loss of Valid Interest • Licensee no longer owns and runs store • Licensee does not have certificate of title or lease/sub lease for store location	Letter	Within 10 days of loss of valid interest
A producer or marketer obtains a financial interest in the retail licence or a person with a financial interest in the licensee obtains a financial interest in a producer, or an immediate family member of the retail licence holder obtains a financial interest in a producer.	Letter	Within 10 days
Arrests, charges or convictions (applicable to any individual licensee, or partner, shareholder, director, or officer of the licensee) • The Criminal Code, the Controlled Drugs and Substances Act (Canada) or the Cannabis Act (Canada) • The Cannabis Control and Licensing Act, the Cannabis Distribution Act, the Liquor Control and Licensing Act or the Liquor Distribution Branch • A provision of an Act of a province or territory if the provision regulates cannabis • Drug and liquor-related offence under Motor Vehicle Act or similar legislation elsewhere (in or outside of Canada)	Letter	Within 10 days of arrest, charge or conviction and confirmation at renewal
Court Action Involving Disposition of Cannabis Licence	Letter	Within 10 days of notice received
Dormancy***	Form	Within 10 days of dormancy occurring

*Structural Change

If a licensee is making changes to the current approved floor plan, other than cosmetic changes, a structural alteration application is required. Some examples are:

- Physical expansion
- A change in the position of access and exit (including addition of a vestibule) points leading to or from a sales area
- A change in the position of a wall, floor or ceiling surrounding a sales area

A licensee does not need approval for cosmetic changes such as flooring, countertops, painting.

** Share Transfers or Changes

A licensee must report an internal transfer of shares respecting the licence or the licensee if the removal of the shareholder or redemption or dissolution of shares results in any of the remaining shareholders moving from owning less than 10% of voting shares to owning 10% or more of voting shares in the licensee. Additionally, a licensee must report issuing new shares, or transferring shares, to persons who are not existing shareholders if, as a result, the new shareholders hold more than 10% or more of the voting shares in the licensee.

***Dormancy

If a licensee is planning to close their store for an extended period of time (for example, during extensive renovations), they must report this closure to the branch and they must also notify the branch when they plan to restart regular operations (this notification requirement does not apply to seasonal closures). All licences are permitted to be dormant for a period of two years. If the store is dormant because of extensive renovations caused by a fire, flood or other event beyond a

licensee's control, they may apply for an extension to dormant status. The extension may be granted if a licensee can provide evidence of the incident and their efforts to rebuild. If the licensee cannot provide such evidence and their efforts to rebuild their licence may be cancelled after two years of dormancy.

Selling the Business

If a licensee is selling their business and wants to transfer their licence to a new owner, the new owner must apply to transfer the licence to their name. If a new owner is acquiring the business by buying some or all of the shares in the company, the existing licensee must notify the branch. Please note that the person acquiring an interest in a licence may be subject to a security screening and financial integrity assessment.

The current licensee must continue to operate and be responsible for the retail store in compliance with the Act, Regulation and terms and conditions of the licence until successful completion of the licence transfer.

Included in this requirement is that a licensee must maintain valid interest in the establishment until the licence transfer is completed. If the current licensee does not want to operate the store during the transfer process, the store must remain closed until the transfer application has been approved.

Store Relocation

A licensee may apply to relocate their store anywhere within the province. In order for the LCRB to consider the application, the local government and/or Indigenous nation for the area in which the store is proposed to be located or is located will, in most cases, be required to provide a recommendation that the licence be issued or amended.

Providing Information to the Branch

A licensee must be forthright in providing information to the Branch. Making a misleading statement or failing to disclose a material fact (such as shares being transferred or that the lease on the property is about to expire, etc.) are licensing contraventions. Submitting false or misleading information or failing to disclose a material fact are offences.

A licensee must keep the following records, as applicable, for a period of at least six years from the date the records were created:

- a. Non-medical cannabis purchase records
- b. Non-medical cannabis sales records, including quantity of non-medical cannabis sold and prices charged
- c. Non-medical cannabis disposal records
- d. Sales records respecting cannabis accessories and prepaid purchase cards (gift cards) sold by the licensee in the store
- e. Contracts with other licensees
- f. Invoices and purchase receipts for all equipment and other inventory that is used in the operation of the store
- g. Leases or other property agreements that are related to the store
- h. Records of court orders and judgments against a licensee respecting the sale, service or production of cannabis and
- i. Employee records including names, addresses, salaries, qualification information, responsible training information (when this becomes available), primary job responsibilities, shift schedules and dates of employment.

The Store

Associations with Other Businesses

A licensee must not sell non-medical cannabis as part of another business (co-location).

A licensee's business must not appear to be associated with another business, with the exception of another licensed non-medical cannabis retail store in B.C. or a cannabis store located anywhere outside of B.C.

A licensee must not:

- Use a name or other visual identifier (e.g. trademarks) of another business (other than another licensed non-medical cannabis retail store in B.C. or a cannabis store located anywhere outside of B.C.),
- Jointly advertise with another business,
- Offer discounts in the store based on purchases in another business, or
- Operate a patron loyalty program, whether or not it is in association with another business, or
- Operate a gift card program with another cannabis retail store or non-cannabis business.

Store Layout

A cannabis retail store must be located in a permanent building or structure and be enclosed by floor-to-ceiling walls that are not transparent. Non-medical cannabis, cannabis accessories and transactions involving those products must not be visible from outside the store. Displays must not permit self service by patrons (including dispensing devices). All patrons must be assisted by a store employee, as all cannabis and cannabis accessories must be displayed in a way that products are not accessible to patrons.

If the general manager has approved a shared common area (e.g. vestibule) licensees are not permitted to advertise or erect displays within the shared common area. There must be floor to ceiling walls that are not transparent separating the store from the shared common area and non-medical cannabis, cannabis accessories and transactions involving cannabis and cannabis accessories must not be visible from the shared common area. If a shared common area is approved by the general manager, a licensee must notify the Branch if the adjoining business changes during the term of their licence.

Store Security Requirements

A cannabis retail store must, at a minimum, have the following security requirements:

1. An audible intruder alarm system monitored by a third-party
2. An audible fire alarm system monitored by a third-party
3. Locked retail display cases
4. Locked storage room
5. Secure perimeter door locks
6. Security cameras with full unobstructed view of:
 - a. the retail sales area
 - b. any product storage area
 - c. both the interior and exterior of all store entrances/exits.

If a licensee displays or stores non-medical cannabis in the retail sales area, then the licensee must display or store the non-medical cannabis in a locked retail product case. If the non-medical cannabis is not displayed or stored in the retail sales area, then a licensee must store the non-medical cannabis in a locked storage room.

Cannabis accessories are not required to be stored in a locked retail product case or a locked storage room.

The cameras must be active and recording at all times, including when your store is not open for business. Licensees must store security camera footage for at least 30 days after recording.

Licensees must post a written notice in the retail sales area informing their patrons that video surveillance is being used on the premises. This notice must be visible at all times.

Licensees must provide a copy of security camera footage to LCRB at any time for use in investigating possible contraventions of the *Cannabis Control and Licensing Act*, its regulations, and/or these terms and conditions.

Security camera footage may also be used by LCRB at enforcement hearings held under the CCLA.

Please see the following guide from the Office of the Information and Privacy Commissioner for additional guidance on using video surveillance and privacy considerations: <https://www.oipc.bc.ca/guidance-documents/2006>

A licensee must also meet any security requirements imposed by the local government and/or Indigenous nation for the area where their store is located.

If necessary, the general manager may impose further security requirements by way of additional terms and conditions on a licence.

Drive-throughs

No drive-through sales are permitted from a retail store.

Product Menus and Online Sales

Licensees may post information inside their store and on a website about:

- Non-medical cannabis products available for purchase inside the licensee's store;
- Cannabis accessories; and
- Prices for those non-medical cannabis products and cannabis accessories.

Licensees must not post information on a website about non-medical cannabis products or cannabis accessories unless the website has an age verification tool that restricts website entry to adults only.

Licensees must not post information on a website about non-medical cannabis products that are not available for purchase inside the licensee's store.

Licensees must not sell non-medical cannabis products online.

Licensees must not sell cannabis accessories and gift cards online unless the website has an age verification tool that restricts website entry to adults only.

Delivery Service

A licensee cannot operate a non-medical cannabis delivery service or enable one to be operated in association with their store. A licensee must not sell cannabis to someone who intends to deliver cannabis to another person for compensation.

Gift Cards

Licensees may sell gift cards that can be used at a licensed non-medical cannabis retail store. A licensee may sell gift cards from a non-medical cannabis retail store location or online.

Licensees must not sell gift cards that can be used at another business (including a liquor licensed establishment).

A licensee must not sell a gift card to a minor.

A licensee must not sell a gift card with a denomination exceeding \$300. A licensee must not sell more than \$300 in gift cards to an individual on a single day.

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Shopping Bags

Licensees are permitted to provide or sell shopping bags (i.e. paper, plastic or re-useable bags) to their patrons. A licensee must ensure that the bags comply with advertising and promotional requirements.

Smell Jars

Licensees may only allow their patrons to smell and view the types of cannabis product they have available through the use of a smell jar. The smell jar must be physically attached to a display case or counter and may remain on the display case or counter after hours. The cannabis must not be accessible to touch by the patron.

The cannabis used for smell jar display cannot be sold and must be disposed of according to a licensee's disposal plan (see Disposing of Cannabis). The cannabis must also be recorded in the cannabis register.

Buying Non-Medical Cannabis & Cannabis Accessories

A licensee must purchase their non-medical cannabis supply directly from the Liquor Distribution Branch. They are not permitted to purchase any cannabis products directly from a federally licensed producer, other licensed retail store, or any other source.

It is a serious contravention to buy cannabis for retail sale from any source other than the Liquor Distribution Branch or to purchase cannabis that is not recorded against a licensee's licence number.

The exception to this requirement is that if a licensee needs to close their business, the general manager may authorize the sale of cannabis to another licensee (please note, the general manager's authorization must be obtained prior to sale). The general manager may consider other exceptional circumstances as well.

Cannabis accessories can be obtained from sources other than the Liquor Distribution Branch.

Storing Cannabis

A licensee's non-medical cannabis stock must be stored at their retail store. Off-site storage is not permitted. In addition, the local government and/or Indigenous nation for the area in which the store is located may require a licensee to take specific security measures to protect on the floor inventory and stored inventory.

If any cannabis remains in an open package for future smell jar replenishment, the open package must be kept in the locked storage room.

Disposing of Non-Medical Cannabis

A licensee must have a written plan to direct employees about the disposal of non-medical cannabis that cannot be sold, including cannabis from smell jars. The non-medical cannabis must be altered or denatured to such an extent that its consumption and propagation are rendered impossible or improbable. For example, shredding a cannabis product into pieces, mixing it with water to turn it into sludge, and adding cat litter to control odor before disposal would be an effective means to destroy cannabis. After cannabis waste is rendered to a state that is unfit for human or animal consumption it can be disposed of by composting, or landfill if composting is not available or feasible.

A licensee must keep a record of non-medical cannabis disposal that includes:

- Date of disposal
- Type of cannabis disposed
- Amount of cannabis disposed
- How it was rendered inconsumable
- Where it was disposed

Unlawful or Private Cannabis

A licensee must not buy, keep, sell or give unlawful cannabis to anyone. Unlawful cannabis is defined as:

- Cannabis obtained from an unauthorized source

- Cannabis not purchased under the licence
- Stolen cannabis or smuggled cannabis
- Cannabis intended for export
- Cannabis that has been altered or had anything added to it

Licensees are accountable for any unlawful cannabis found anywhere on their premises.

If a licensee or an employee becomes aware that a patron has brought unlawful cannabis into the store, they must ask the patron to leave the store immediately. This must be reported in the incident log.

If a licensee recently purchased a retail store and acquired a licence through a transfer, they must immediately conduct a thorough audit of all cannabis on the premises to ensure none is unlawful.

Cannabis Register

A cannabis register is a record of all a licensee's purchases and sales (i.e. receipts and invoices) for their non-medical cannabis inventory. A licensee must keep a cannabis register, and these records must be available for inspectors at all times. Cannabis registers may be hardcopy or digital.

An inspector or peace officer may look at the register and compare it to the stock to make sure the licensee has purchased the non-medical cannabis lawfully. The licensee must be able to account for all cannabis on site.

If an inspector or peace officer is unable to verify that the cannabis in a non-medical cannabis retail store was purchased from the Liquor Distribution Branch, the cannabis may be seized. It is therefore in a licensee's best interest to ensure records are kept in a legible, orderly fashion so that an inspector can easily match the stock to the records.

A licensee must also be able to account for any cannabis that was returned to the Liquor Distribution Branch or disposed of due to spoilage or other reasons. This can be done by either keeping a written record in a log book or by making a notation on the original receipt or invoice.

In addition, a licensee must keep records of the cannabis used in smell jars, including:

- The excise tax unique alphanumerical identifier found on the package of cannabis that goes into a smell jar;
- The date the licensee purchased that product (including the invoice number of the order it was taken from);
- The date the original package of cannabis was opened for use in a smell jar;
- The amount of cannabis remaining in an open package, if applicable;
- The amount of cannabis used to replenish the smell jar from an open package and a running balance of cannabis remaining in the open package, if applicable;
- The date the cannabis from the smell jar or open package was destroyed.

The original package of cannabis must be kept for inspection purposes until the smell jar cannabis is destroyed.

Best practices for keeping a cannabis register:

- Keep all receipts and invoices for cannabis purchases in chronological order and separate from receipts and invoices for non-cannabis purchases;
- Photocopy or scan receipts printed on thermal paper to protect the record from fading over time;
- Maintain a separate log book to record any cannabis lost or destroyed.

The records in the cannabis register must be kept for at least six years.

Selling Non-Medical Cannabis & Cannabis Accessories

A licensee may sell:

- Non-medical cannabis purchased from the Liquor Distribution Branch and in its original unopened package.

- Cannabis accessories
- Gift cards (see 'Gift Cards' above)
- Shopping bags (see 'Shopping Bags' above)

A licensee must not sell any items other than those listed above. For example, a licensee must not sell snacks or tobacco. A licensee also must not sell services.

A licensee may sell non-medical cannabis from their retail store only. A licensee must not sell non-medical cannabis online.

A licensee must not give samples of cannabis to anyone.

A licensee must not sell, in one transaction, more than 30 grams of dried cannabis or its equivalent to a patron.

	Quantity that is equivalent to 1 g of dried cannabis
Dried cannabis	1 g
Fresh cannabis	5 g
Solids containing cannabis	15 g
Non-solids containing cannabis (e.g. cannabis oil)	70 g
Cannabis solid concentrates	0.25 g
Cannabis non-solid concentrates	0.25 g
Cannabis plant seeds	1 seed

Who a Licensee Can Sell To

A licensee is restricted to selling non-medical cannabis, cannabis accessories, gift cards, and shopping bags to retail patrons that are 19 years of age or older.

Hours of Sale

A licensee may sell non-medical cannabis at their store between the hours of 9 a.m. and 11 p.m., unless their hours are further restricted by the local government and/or Indigenous nation for the area in which the store is located. Patrons cannot enter the retail store outside of the operating hours as indicated on the licence.

If there are patrons in the store at 11 p.m. who have not yet made their purchase, the licensee or an employee must encourage these patrons to make their purchases as quickly as possible. Licensees should consider having a strategy in place to clear the store.

Pricing

A licensee must not sell non-medical cannabis at a price lower than the price they paid to purchase the non-medical cannabis from the Liquor Distribution Branch.

Loyalty programs of any kind are not permitted.

A licensee may adjust prices at any time throughout the day, but the price must never go below the minimum price as outlined above.

Non-Medical Cannabis Sales

The sale (payment and transfer of personal possession) of non-medical cannabis must take place inside the cannabis retail store.

Games and Entertainment

Games and entertainment are not permitted in the store.

Alternate Use

A licensee must not use their business for another purpose at any time.

Promotion

Branding

The name of the business and exterior signage must comply with provincial requirements and be approved by the Branch. All business names and signage must comply with the advertising terms and conditions and cannot mislead the public as to what type of business the licensee operates.

As a retailer of non-medical cannabis, a licensee cannot choose a name that would lead people to believe that they are associated with another business (other than another non-medical cannabis retail store in B.C. or a cannabis store located anywhere outside of B.C.) or are a provider of medical cannabis. For example, the business name must not include the name of another business, or the words, in traditional or non-traditional spelling, "pharmacy," "apothecary," or "dispensary." Graphics associated with a pharmacy, including for example, a green cross, are prohibited. Store names cannot also use language that encourages intoxication.

A licensee also cannot advertise or brand their store in a way that indicates that the store is associated with the government or is exercising a function of the government; this includes the use of words, phrases, designs, domain names or other branding elements or indicia.

Internet Group Discounts

Third-party companies offering internet group discounts are not licensed to sell cannabis and must not legally include cannabis as part of a promotion with a retail store. A licensee must not participate in internet discount promotions that include cannabis.

Relations with Federal Producers and Marketing Licensees

Relations with Federally Licensed Producers and Marketing Licensees

There are certain rules that govern how a licensee can work with federally licensed producers and marketing licensees to promote their products. Federally licensed producers and marketing licensees may hire employees or contract with a person to promote and market the producer's cannabis products that the marketer is authorised to represent. The marketing licensees must provide their employees with identification establishing them as a marketing representative for the federal producer.

A non-medical cannabis retail store licensee cannot hold a marketing licence.

In addition, a cannabis retail store licensee must not provide money or other benefits to a marketing licensee in order to secure the retail licensee's ability to purchase the products that the marketing licensee promotes.

A cannabis retail store licensee must not accept money or other benefits from a marketing licensee or federal producer to or pay for any of a non-medical cannabis retail licensee's advertising costs

Connections to Federally Licensed Producers (Tied houses)

Where there is an association, connection or financial interest between an applicant and a federally licensed producer or the licensee's agent, the general manager may determine that there is a risk that, if licensed, the B.C. retailer would promote the federally licensed cannabis producer's products to the exclusion of another federal producer's cannabis. The general manager may therefore determine that the risk can only be eliminated if the licence contains a condition prohibiting the B.C. licensed retailer from selling any products of the associated federally licensed producer. In such a

situation, the general manager may issue or renew a licence with such a condition.

The general manager will consider the following to determine if there is a likelihood the licensee will promote a particular federal licensed producer's product to the exclusion of others:

1. The financial interconnectedness of a cannabis retailer and a federal cannabis licensed producer.
 - o Whether a federal licensed producer is a significant shareholder (control of 20% or more of the voting shares) of a B.C. cannabis retailer or the federal licensed producer is a significant shareholder of a significant shareholder of a B.C. cannabis retailer.
 - o Whether a B.C. cannabis retailer is a significant shareholder (control of 20% or more of the voting shares) of a federal licensed producer or the B.C. cannabis retailer is a significant shareholder of a significant shareholder of a federal licensed producer.
 - o Whether a person, partnership or company is a significant shareholder (control of 20% or more of the voting shares) in both a B.C. cannabis retailer and a federal licensed producer or a person, partnership or company is a significant shareholder in a company that is a significant shareholder in both a federal licensed producer and a B.C. cannabis retailer.
2. Whether an immediate family member of the licensee has **any** interest in a federal licensed producer. Immediate family members include spouses, parents, siblings, children, sons-in-law and daughters-in-law.
3. The general manager will also consider any other association, connection or financial interest between a B.C. cannabis retail licensee and federal licensed producer. There may be a combination of factors that when taken together lead to a reasonable conclusion there is a likelihood to promote.

Activities Not Permitted: Inducements

A licensee is not permitted to ask for or receive financial or other benefits from a federally licensed producer or marketer in exchange for selling or promoting their products. For example, a licensee must not:

- Pay money or provide other benefits to secure their ability to purchase a federal producer's products,
- Request money or other benefits from a federal producers or their marketer in return for buying their products from the LDB,
- Accept money or other benefits in exchange for agreeing not to stock a competitor's product, or
- Make agreements that give them exclusive access to a producer's product, or product line.

A licensee may hire and pay for their own outside consultant or financial advisor, or they may accept information and ideas to help improve their business, directly from a producer or marketer; however, the producer or marketer cannot pay for an outside consultant or financial advisor to help a licensee.

A licensee is also prohibited from accepting any items, products or services from a federal producer or marketer that are necessary for the operation of their business. This includes financial assistance as well as permanent fixtures, furnishings, or display structures.

In addition:

- Federal producers or marketers cannot buy shelf space, offer weight discounts, or offer discounted product in exchange for marketing benefits.
- A licensee must always pay for their own advertising. A cannabis producer or marketer must not pay any of a licensee's advertising costs (or vice versa), nor are joint marketing plans permitted. With permission from a producer or marketer, a licensee can include the producer's logo in ads, but they cannot demand or receive any kind of compensation in return.
- A licensee must carry and make available to consumers a representative selection of brands of cannabis products from a variety of suppliers that are not associated with or connected with each other.

Product Samples

A licensee must not accept product samples for themselves or their employees from a federal producer, marketer, or any other person.

Product Vouchers

A licensee must not accept product vouchers for cannabis or cannabis accessories (i.e. certificates for a specific quantity of cannabis or a cannabis accessory that patrons redeem for no charge).

Promotional Events and Activities

A licensee, employee or both may attend promotional events hosted by a marketing licensee.

A licensee, employee or both may accept payment from the marketing licensee for travel, meals, accommodation and entertainment expenses associated with the promotional event, up to \$1,500 per year.

If a licensee has multiple licensed stores (i.e. a chain of cannabis retail stores), they may accept expenses of \$1,500 per person to a maximum of \$4,500 per head office per year.

Hospitality

A marketing licensee may pay for a non-medical cannabis retail licensee's hospitality expenses not associated with a promotional event at a rate of up to \$1,500 per licensee per year.

Revised
Dec. 2019

Revised
Dec. 2019

Compliance & Enforcement

As a licensee, you are required to:

1. Comply with the *Cannabis Control and Licensing Act*, its Regulations and the terms and conditions in this publication.
2. Always allow Liquor and Cannabis Regulation Branch inspectors and/or police officers to enter your establishment. Never impede their entry in any way.
3. Upon request, provide inspectors with any documents and/or records as outlined in this handbook.
4. **Never draw attention to inspectors inside your establishment.** This can affect the inspectors' safety.

Drawing the attention of patrons to the fact that branch inspectors, minor agents contracted to the branch, and/or police are present in your establishment may put the safety of the inspectors, minor agents contracted to the branch, and police at risk. Accordingly, your actions must not cause the attention or focus of patrons to shift towards inspectors, minor agents contracted to the branch, or police at any time; including at the time of entry, during an inspection, or when exiting your establishment. Actions such as announcing the arrival of inspectors, raising or flashing lights, turning down music, playing particular soundtracks (e.g. "Bad Boys" or "Hawaii Five O"), using spotlights, or any other similar actions are not permitted. You may not take, save or distribute photographs or video of inspectors or minor agents contracted to the branch in any manner (e.g. on a staff bulletin board, print media, social media or the internet).

If your licence is suspended, you are not permitted to sell, cannabis in your establishment.

For more information please visit the Liquor and Cannabis Regulation Branch's [Compliance & Enforcement web pages](#). Please note that the "Cannabis Licensee Penalty Schedule" is not yet posted to within these pages. Please check back for updates.

Other ministries also have terms and conditions that licensees and employees must follow. Please refer to [this page](#) on the LCRB website for more information.

Glossary

"the Branch" means the Liquor and Cannabis Regulation Branch, the provincial government agency that administers the private retail sales of non-medical cannabis.

Revised
Dec. 2019

"cannabis retail store" or **"non-medical cannabis retail store"** means a licensed establishment that is authorized to sell non-medical cannabis in B.C.

"federal producer, or federally licensed producer" means a person who produces cannabis under a licence under the *Cannabis Act* (Canada)

"general manager" refers to the general manager appointed under section 4 of the *Cannabis Control and Licensing Act*, who has legislative authority to make decisions regarding cannabis licensing in British Columbia.

Revised
Dec. 2019

"licensee" refers to any individual, partnership, corporation or Indigenous nation that holds a British Columbia cannabis retail store licence. *Any person appointed by the licensee to act in the licensee's place or with the licensee's authority, such as a manager, authorized representative, or person in charge of the licensee's cannabis retail store will be required to ensure the requirements, terms and conditions of the licence are met and the licensee will be accountable for the actions of any such persons..*

"marketing licensee" refers to a person that holds a marketing licence issued under the *Cannabis Control and Licensing Act* that authorizes the licensee to promote cannabis for the purpose of selling it in British Columbia.

"peace officer" means an officer as defined in the Police Act, or a member of the Royal Canadian Mounted Police who is deemed to be a provincial constable under section 14 (2) (b) of the Police Act;

Revised
Dec. 2019

"retail product case" includes display-type cases with a see-through window (including a cabinet or refrigerator) or cases that do not have a see-through window.

"security verification" means a verification provided by the general manager to an individual stating that the individual has passed a security screening under the *Cannabis Control and Licensing Act*.

Revised
Dec. 2019

"valid interest" means an arrangement that the general manager determines is of a satisfactory duration and that will give the licensee a degree of control over the establishment or proposed establishment that will allow the licensee to comply with the requirements relating to establishments set out in the Act, its regulations and the terms and conditions of the licence.



1 - 500 Lower Ganges Road Salt Spring Island BC V8K 2N8

Telephone **250.537.9144** Fax 250.537.9116

Toll Free via Enquiry BC in Vancouver 604.660-2421. Elsewhere in BC **1.800.663.7867**

Email ssiinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

January XX, 2020

Re: BC Provincial Cannabis Retail Sales License Application for Unit 11 - 570 North Road, Gabriola Island (Professional Centre)

This letter is written to inform you, as a property owner or tenant within 500 meters of Unit 11 - 570 North Road, Gabriola Island, that Islands Trust is processing an application by Gabriola Cannabis Ltd. to conduct retail sales of cannabis at a storefront located at the above address.

The applicant has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Sales (CRS) License. Hours of operation would be limited to between 9:00am to 11:00pm, seven days a week, as is required by the LCRB.

The LCRB has requested that as the local government, the Gabriola Island Local Trust Committee consider this application. Section 33(1) of the Cannabis Control and Licensing Act prevents the LCRB from issuing a CRS licence without a positive recommendation from the local government (Islands Trust/Gabriola LTC).

As part of the application process, public input is being sought. The application will be the subject of a public meeting to be held on February 28, 2020 during the LTC regular business meeting at the Gabriola Arts and Heritage Centre, 476 South Road, Gabriola.

Anyone who deems their interests to be affected by this application and wishes to provide comment is invited to attend the public meeting. If you are unable to attend on February 28, you may also submit correspondence to the Islands Trust at northinfo@islandstrust.bc.ca. Further information on this application can be found on the Gabriola Island Local Trust Area webpage or at the Islands Trust offices at 700 North Road.

<http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola/current-applications/>

Sincerely,



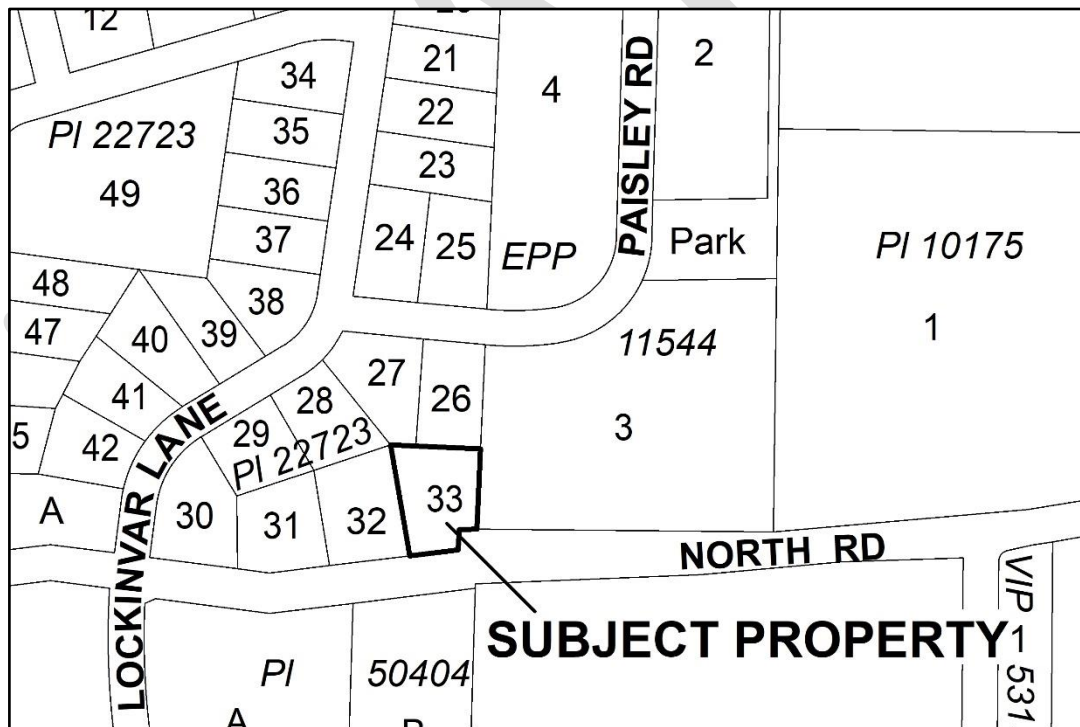
DRAFT NOTICE

GABRIOLA ISLAND LOCAL TRUST COMMITTEE APPLICATION FOR A NON-MEDICAL CANNABIS RETAIL STORE

Gabriola Cannabis Ltd. has applied to the BC provincial Liquor and Cannabis Regulation Branch (LCRB) for a **Non-Medical Cannabis Retail Store**. As the local government, the Gabriola Island Local Trust Committee (LTC) is required to consider the application and provide the LCRB with a written recommendation.

In order to receive public comment, and to provide an opportunity for the public to ask questions of the applicant, a **Community Information Meeting** has been scheduled as part of the regular **Local Trust Committee Meeting** on **Thursday, February 28, 2020** starting at **XX a.m.**, at the **Gabriola Arts and Heritage Centre** located at **476 South Road, Gabriola**.

The property subject to this application is located at 590 North Road (Unit 11 – Professional Centre), as shown on the map below. The subject property is zoned **Village Commercial Two (VC2)** zone where **retail sales is a permitted use**.



Copies of background documents may be inspected on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola/current-applications/> and at the Islands Trust Office, 700 North Road, Gabriola, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **January XX, 2020** and continuing up to and including **February 28, 2020**.

Written comments concerning the application may be delivered to:

1. the office of the Islands Trust by mail at 700 North Road, Gabriola Island, BC V0R 1X3, or by Fax 250-247-7514, prior to **XX p.m. February XX, 2020**; or
2. by delivery to the Local Trust Committee at the Community Information Meeting starting at **XX am February 28, 2020**.

Reasonable efforts will be made to provide email comments, if they are received and opened, to the Gabriola Island Local Trust Committee for consideration. However, the public should not rely on email as a means of providing written comment. Email submissions should be sent to northinfo@islandstrust.bc.ca.

Written submissions made in response to this notice will be available for public review.

Enquiries regarding the proposed application may be directed to Ian Cox, Planner 1 at (250) 247-2204 or icox@islandstrust.bc.ca, or for Toll Free access, request a transfer via Enquiry BC (in Vancouver 660-2421 and elsewhere in BC 1-800-663-7867).

The Gabriola Island Local Trust Committee may consider a resolution with a recommendation to the LCRB regarding this application during the regular business meeting immediately following the Community Information Meeting on February 28, 2020 at the Gabriola Arts and Heritage Centre.

File No.: GB-RZ-2019.1
(BC Ferries)

DATE OF MEETING: January 16, 2020

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: Application to amend the OCP and LUB for redevelopment of the Descanso Bay BC Ferries terminal

Applicant: John Steil (Stantec) on behalf of BC Transportation Financing Authority and BC Ferry Services Inc.

Location: DISTRICT LOT 2058 NANAIMO DISTRICT AS SHOWN ON PLAN VIP75537 (PID 025-798-090); and
LOT A SECTION 20 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP75538 (PID 025-798-103)

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee Bylaw No. 304 cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 2, 2019” be read a first time.
2. That Gabriola Island Local Trust Committee Bylaw No. 305 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019” be read a first time.
3. That Proposed Bylaw Nos. 304 and 305 be referred to the following First Nations, Local Governments and agencies for comment:
 - a. First Nations:

Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribe, Sechelt First Nation, Semiahmoo First Nation, Snaw’Naw’As Nation, Snuneymuxw First Nation, Stz’uminus First Nation, Te’Mexw Treaty Association.
 - b. Local Governments and Agencies:

Gabriola Advisory Planning Commission, Gabriola Ferry Advisory Committee, City of Nanaimo, Regional District of Nanaimo, Ministry of Transportation and Infrastructure, School District 68, Islands Trust Freshwater Specialist.
4. That the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 304 cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 2, 2019” is not contrary to or at variance with the Islands Trust Policy Statement.

5. That the Gabriola Island Local Trust Committee request staff to schedule a special meeting for a community information meeting on application GB-RZ-2018.1 (BC Ferries) and Proposed Bylaw Nos. 304 and 305 following the close of the bylaw referral period.

REPORT SUMMARY

This report introduces two draft bylaws, one to amend the Gabriola Island Official Community Plan Bylaw No. 166 (OCP) and one to amend the Gabriola Island Land Use Bylaw No. 177 (LUB), consistent with draft bylaw language endorsed by the Local Trust Committee (LTC) in October 2019 for the redevelopment of the Descanso Bay ferry terminal under application GB-RZ-2019.1 (BC Ferries). Staff are recommending first reading of the draft bylaws and referrals to First Nations, agencies and other organizations.

BACKGROUND

The LTC passed the following resolutions at the October 2019 regular business meeting:

GB-2019-107 It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee direct Staff to prepare a draft bylaw to amend Gabriola Island Official Community Plan Bylaw No. 166, 1997, consistent with draft bylaw language presented in Attachment 1, Table 1 of the Staff Report dated October 24, 2019 for GB-RZ-2019.1 (BC Ferries). CARRIED

GB-2019-108 It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee direct Staff to prepare a draft bylaw to amend Gabriola Island Land Use Bylaw No. 177, 1999, consistent with draft bylaw language presented in Attachment 1, Table 2 of the Staff Report dated October 24, 2019, for GB-RZ-2019.1 (BC Ferries). CARRIED

Draft Bylaw Nos. 304 (OCP) and 305 (LUB) have been prepared in accordance with the draft language endorsed by the LTC and in consultation with the applicant.

ANALYSIS

Staff have identified the following issues for LTC consideration:

- Summary of Draft Bylaw No. 304 (OCP)
- Summary of Draft Bylaw No. 305 (LUB)
- Bylaws consistent with Islands Trust Policy Statement
- Referrals to First Nations, Agencies and Others

Issues and Opportunities

Proposed Bylaw No. 304 (OCP)

Draft Bylaw No. 304 (Attachment 1), if adopted, would introduce new policy language in the OCP to recognize the new “Ferry Terminal” designation proposed to be applied to the land and marine based portions of the subject property. A new ferry terminal development permit area (DPA) is proposed, with justification and objectives in the OCP and guidelines in the LUB. The draft bylaw would also amend the land use designation map in Schedule B of the OCP and delineate the area for the new Development Permit Area map in Schedule D.

Proposed Bylaw No. 305 (LUB)

Draft Bylaw No. 305 (Attachment 2), if adopted, would introduce new parking, signage and zoning regulations to be applied to the marine and land based portion of a new site specific 'Ferry Terminal' zone to encompass the proposed redevelopment plan for the terminal. A comprehensive series of DPA guidelines have been drafted and would be applicable for new construction or redevelopment of the terminal.

Signage Regulations:

The applicant was advised that the recent installation of the electronic 'reader board' at the terminal contravenes the current LUB regulation which prohibits internally illuminated signage:

"B.4.8.1 Internally illuminated signs are prohibited, except where they occur as window signs for the purpose of displaying business hours of operation and opening, or for fuel price signs where only the numbers and symbols are illuminated."

The applicant maintains that the existing electronic reader board sited outside of the ferry terminal lounge, is required for information purposes to show the location of the vessel or display schedule changes. Staff notes that this ground mounted sign is also used for corporate advertising of vacation packages for BC Ferries and is not limited to information pertaining to the Gabriola ferry service. Although staff do not support a ground mounted exterior electronic sign in this location, the applicant has requested that the draft bylaw include language permitting such signage for local ferry information and advertising and be considered by the LTC. Draft Bylaw No. 305 includes a site specific provision for this form of signage in the "Ferry Terminal" zone and does not currently distinguish between third party or BC Ferry travel advertising. Staff anticipate Advisory Planning Commission (APC) and Ferry Advisory Committee (FAC) input on this matter to further inform the LTC on whether this form of signage is appropriate in this location.

Parking Regulations:

The applicant is proposing seven (7) public parking spaces in the new redevelopment plan and fourteen (14) spaces reserved exclusively for ferry crew parking. This is a reduction in the number of publicly available spaces currently allocated on site for use for up to 24 hrs at no charge. One of the seven proposed public spaces, is intended to be reserved as an accessible parking space for peoples with physical disabilities. This would result in a total of six (6) parking spaces available for the general public.

Staff have flagged this issue with the applicant as a significant concern in terms of accessibility and convenience of the travelling public. The applicant is requesting that seven public parking spaces be included in the draft bylaw for consideration by the LTC. Draft Bylaw No. 305 has been drafted with a site specific parking provision for a minimum of seven public parking spaces. Staff is anticipating significant APC, FAC and public interest and comment in the minimum number of public spaces being regulated in the new 'Ferry Terminal' zone. The LTC can consider this additional input to inform whether any changes to the bylaw are required at second reading to address the need for adequate public parking in this location.

Commercial Retail Use:

The applicant is proposing that limited commercial retail uses be permitted in the land based portion of the new 'Ferry Terminal' zone to accommodate a food and/or crafts vendor stall. This is a new proposed use and currently drafted as unregulated in terms of the size of floor area or percentage of lot coverage that could be allocated to the accessory use. Staff is concerned that due to the site constraints and vehicle/bicycle parking limitations of the subject property that commercial retail use may be inappropriate in this location. The movement of people and vehicles through the site should be the top priority design consideration vs. accommodating even a small percentage of lot coverage to a commercial retail space. The applicant has requested that the provision for accessory commercial retail space in the new 'Ferry Terminal' zone be considered by the LTC as presented in draft bylaw 305.

Bylaws Consistent with ITPS:

Draft Bylaw No. 304 (OCP) is consistent with the Islands Trust Policy Statement (Attachment 3). Until such a time that the applicant has submitted supportive documentation around the provincial approvals for the current water system servicing the site; environmental and archaeological impact assessment, staff is unable to complete the checklist for draft bylaw 305 (LUB). A completed checklist should be presented to the LTC prior to second reading.

Bylaw Referrals:

Staff is recommending that both bylaws be referred to the First Nations listed in the staff recommendation found on page 1 of this report; as well as the newly appointed Gabriola Advisory Planning Commission, Ferry Advisory Committee and several agencies and local governments. The referral period is 60 days and a community information meeting can be scheduled in late March to present the draft bylaws and referral responses to the public in time for the LTC to consider input during the April 2, 2020 regular business meeting.

Rationale for Recommendation

In consultation with the applicant, staff is recommending that both bylaws be given first reading as presented and referred to the First Nations and agencies listed in the staff recommendations, despite the signage, parking and accessory retail use deficiencies noted in this analysis section of this report. Staff anticipate significant public interest in these elements of the draft bylaws and recommends the LTC consider the input from the referrals and public prior to making any changes to the draft bylaws as presented. The staff recommendations are found on page 1 of this report.

ALTERNATIVES

1. Amend the draft bylaws

The LTC may amend the draft bylaw prior to consideration of first reading. If this alternative is selected, the following resolution may be considered:

"That the Gabriola Island Local Trust Committee amend draft Bylaw No. 30X, cited as "... with the following: (list amendments).

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will prepare bylaw referrals and scheduling of a community information meeting in March 2020 during a special meeting of the Local Trust Committee.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	January 2, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 2, 2020

ATTACHMENTS

1. Draft Bylaw 304 (OCP)
2. Draft Bylaw 305 (LUB)
3. Islands Trust Policy Statement Directives Only Checklist – Bylaw 304 (OCP)

DRAFT

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 304

A BYLAW TO AMEND GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN, 1997

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

1. Gabriola Island Local Trust Committee Bylaw No. 166, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997,” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 2, 2019”.

READ A FIRST TIME THIS _____ DAY OF _____ 202x

READ A SECOND TIME THIS _____ DAY OF _____ 202x

PUBLIC HEARING HELD THIS _____ DAY OF _____ 202x

READ A THIRD TIME THIS _____ DAY OF _____ 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 202x

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____ 202x

ADOPTED THIS

_____ DAY OF _____ 202x

Chair

Secretary

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 304
Schedule "1"

1. **Schedule "A"** of Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997 is amended as follows:

- 1.1 **A Preface, Map Schedules**, III. Schedule D is amended by replacing the words "and 9" with ", 9 and 10".
- 1.2 **Section 6 – Environmental, Marine and Heritage Resources**, Subsection 6.2 **Marine Resources, Marine Resource Policies**, clause "b)" is amended by inserting the words "ferry terminal;" before "and, marine transportation."
- 1.3 **Section 6 – Environmental, Marine and Heritage Resources**, Subsection 6.2 **Marine Resources, Marine Resource Policies**, clause "g)" is amended by inserting the words "or ferry terminal:" after "marine transportation".
- 1.4 **Section 6 – Environmental, Marine and Heritage Resources**, Subsection 6.2 **Marine Resources, Marine Resource Policies**, clause "g) i." is amended by replacing the words "BC Ferry Corporations" with "British Columbia Ferry Services Inc." and by making this replacement in every instance where it appears throughout the Bylaw.
- 1.5 **Section 7 – Transportation and Servicing**, Subsection 7.2 **Water Transportation, Water Transportation Policies**, clause "c)" is amended by removing the words: "Vancouver Island and/or".
- 1.6 **Section 7 – Transportation and Servicing**, Subsection 7.2 **Water Transportation, Water Transportation Policies**, clause "e)" is deleted in its entirety and replaced with "The ferry terminal at Descanso Bay operated by British Columbia Ferry Services Inc. provides an essential transportation service for the Gabriola Island community and visitors to and from Vancouver Island. Upgrading of the ferry terminal is strongly supported to improve the overall customer experience. The ferry terminal and adjacent marine area in Descanso Bay shall be subject to a Development Permit Area established for the protection of the natural environment, protection of development from hazardous conditions, regulation of the form and character of commercial development and promotion of energy and water conservation and greenhouse gas emission reduction. Ferry Terminal zoning shall regulate permitted uses, building and structures, signage and parking."
- 1.7 **Section 7 – Transportation and Servicing**, Subsection 7.2 **Water Transportation, Water Transportation Policies**, clauses "g), h) and i)" be deleted and replaced with the following, and all subsequent clauses re-numbered chronologically:

"f) British Columbia Ferry Services Inc. should continue to engage key stakeholders including the Islands Trust, Ministry of Transportation and Infrastructure, customers and the Ferry Advisory Committee on implementing the Terminal Development Plan for the ferry terminal at Descanso Bay."

- 1.8 **Section 9 – Development Permit Areas**, Subsection 9.4 **DP-9 Light Industrial Use Development Permit Area**, is corrected by replacing the reference to “Area 8” with “Area 9”.
- 1.9 **Section 9 – Development Permit Areas**, is amended by adding a new subsection 9.5:

“9.5 Development Permits to Establish Objectives for the Protection of the Natural Environment, Protection of Development from Hazardous Conditions, Form and Character of Commercial Development and Promotion of Energy, Water Conservation and Reduction of Greenhouse Gas Emissions.

DP-10 Ferry Terminal

Development Permit Area 10 (Schedule D) is designated according to Section 488(1)(a),(b),(f),(h),(i) and (j) of the *Local Government Act* and includes the only site designated ‘Ferry Terminal’ in the planning area. The area is also designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of a report from a registered professional biologist and/or another qualified professional may be required due to the special conditions and objectives described below. The Development Permit Area should not be interpreted as a prohibition on development activity but as identification of areas where professional assessment and specific development adaptation measures are required.

Justification

Descanso Bay represents an ecologically important marine environment and significant coastal setting with rich social and economic history. The bay maintains a strong sense of place and identity as the gateway to Gabriola Island. The ferry terminal represents the busiest traffic corridor on the island with critical infrastructure which may be damaged by future coastal flooding related to sea level rise. The designation of this area as a DPA will help ensure that environmental, social and cultural values are protected and future terminal redevelopment or expansion reflects the needs of the community and can adapt to a changing climate.

Objective

The objectives of this development permit area are as follows:

1. To enhance the natural shoreline and marine environment.
2. To manage development in areas exposed to future flooding from the combined effects of sea level rise and coastal storms.
3. To improve the maritime commercial character, safety and efficiency of the ferry terminal for local residents, visitors and service providers.
4. To encourage innovative building design and ecological and cultural interpretive signage for Descanso Bay in Hul’qumi’num and English languages.
5. To reduce energy and water consumption in buildings and encourage occupant comfort, health and safety.
6. To encourage pedestrian, bicycle and transit use.

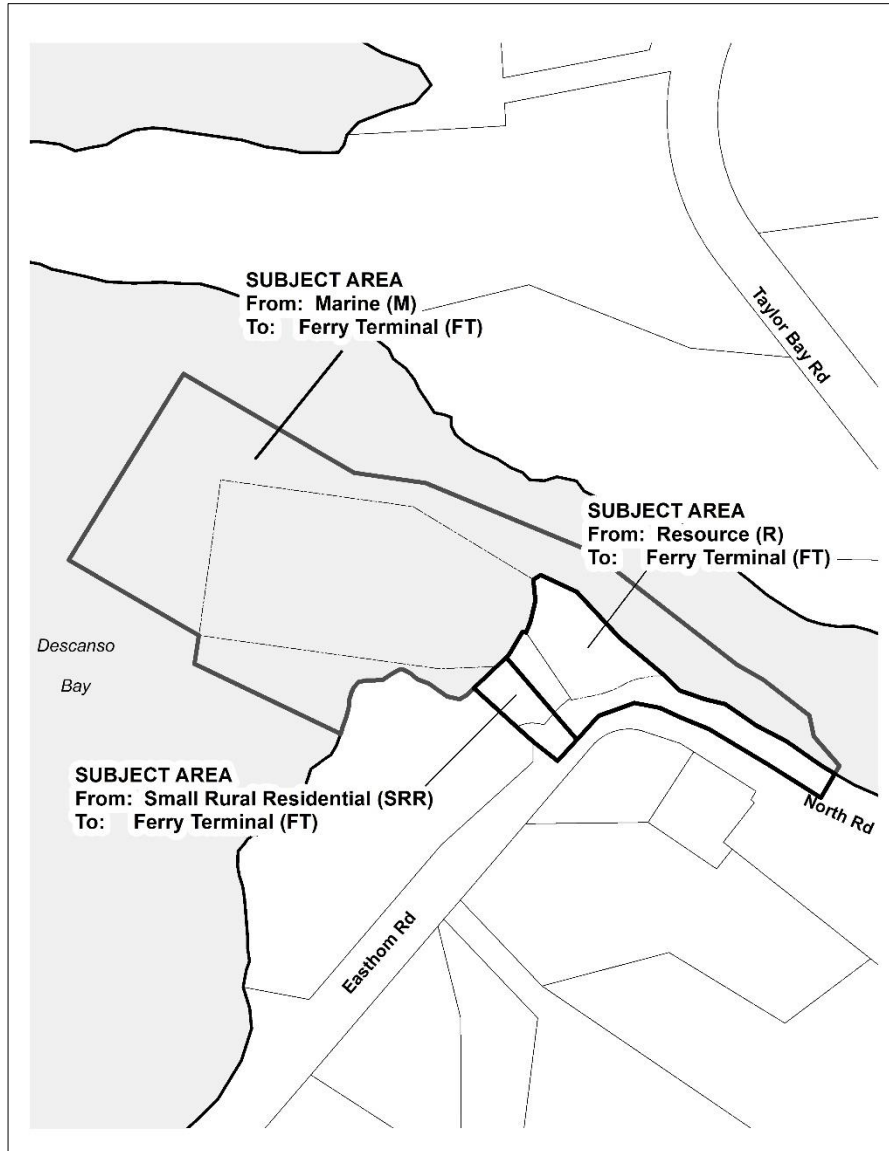
Information Note: Development Permit Area Guidelines for DP-10 Ferry Terminal are in the Gabriola Island Land Use Bylaw.”

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 304
Schedule "2"

1. Schedule "B" of Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997 is amended as follows:
 - 1.1 **Schedule "B" – Land Use Designations – North Sheet**, is amended as follows:
 - a. On those lands described as DISTRICT LOT 2058, NANAIMO DISTRICT, AS SHOWN ON PLAN VIP75537 (PID 025-798-090) the land use designation is changed from "Resource" and "Marine" to "Ferry Terminal" as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule "B" of Bylaw No. 166 as are required to effect this change.
 - b. On those lands described as LOT A, SECTION 20, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP75538 (PID 025-798-103) the land use designation is changed from "Resource" and "Small Rural Residential" to "Ferry Terminal" as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule "B" of Bylaw No. 166 as are required to effect this change.
 - c. On those marine areas on Plan No. 1 the land use designation is changed from "Marine" to "Ferry Terminal" as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule "B" of Bylaw No. 166 as are required to effect this change.
2. **Schedule "D" – Development Permit Areas - OCP D North Sheet**, is amended by designating a new Development Permit Area "DP 10 – Ferry Terminal" on those marine areas and lands described as DISTRICT LOT 2058, NANAIMO DISTRICT, AS SHOWN ON PLAN VIP75537 (PID 025-798-090); LOT A, SECTION 20, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP75538 (PID 025-798-103) and in those areas as shown on Plan No. 2 attached to and forming part of this bylaw and by making such alterations to Schedule "D" of Bylaw No. 166 as are required to effect this change.

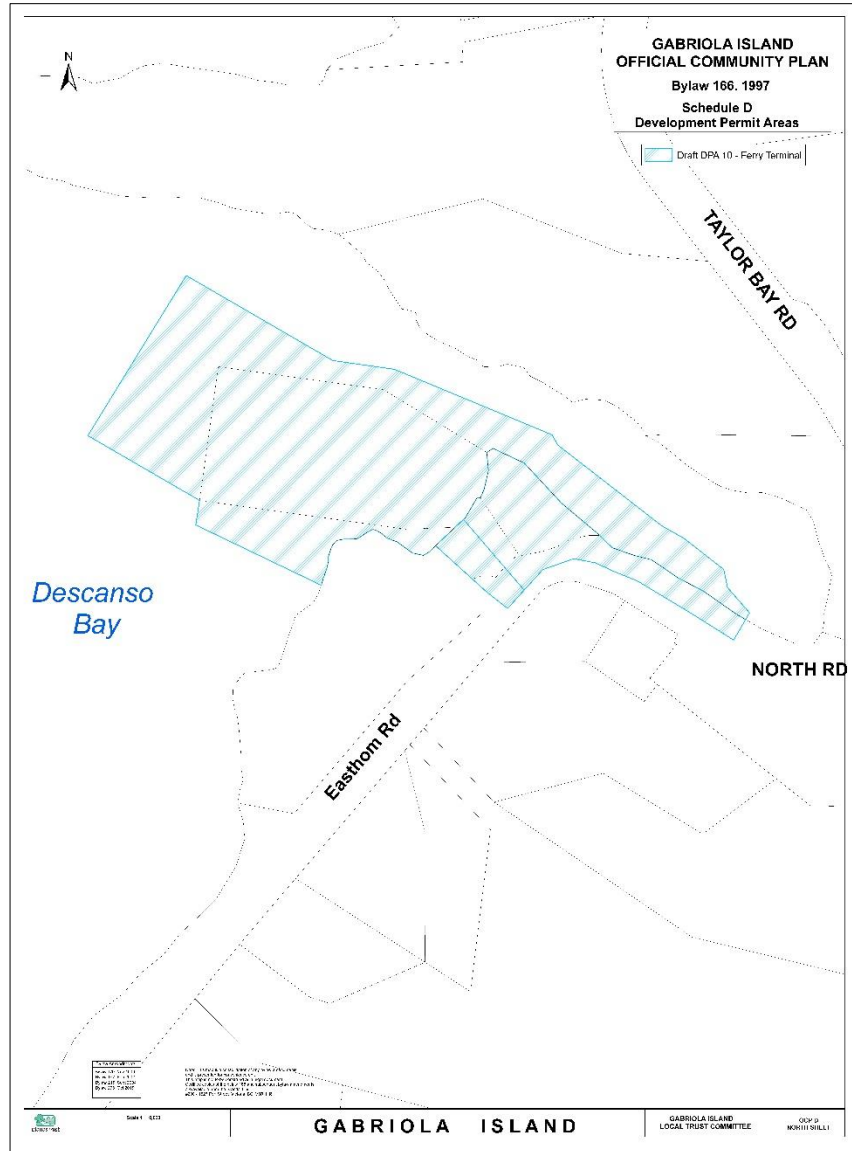
**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 304**

Plan No. 1



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 304**

Plan No. 2



DRAFT

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 305

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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

1. Citation

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

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

READ A FIRST TIME THIS _____ DAY OF _____ 202x

READ A SECOND TIME THIS _____ DAY OF _____ 202x

PUBLIC HEARING HELD THIS _____ DAY OF _____ 202x

READ A THIRD TIME THIS _____ DAY OF _____ 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 202x

ADOPTED THIS _____ DAY OF _____ 202x

Chair

Secretary

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 305**

Schedule “1”

1. **Schedule “A”** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

- 1.1 **Part B GENERAL REGULATIONS**, Section B.4 **SIGNS**, Subsection **B.4.1 Number and Total Sign Area**, Article **B.4.1.1 Table 1: Sign Regulations**, is amended by adding the following under “**Water Zones**”:

Column 1	Column 2	Column 3
Zone	Maximum Number of Signs Permitted	Maximum Total Sign Area Permitted
FT	No maximum number. Despite subsection B.4.8.1, one electronic ground oriented reader board sign to provide ferry schedule information and advertising shall be permitted at the terminal.	4.0 sq.m. (43 sq.ft.) per water <i>lot</i> or lease and 4.0 sq.m (43 sq.ft.) in the upland portion of the zone.

- 1.2 **Part B GENERAL REGULATIONS**, Section B.4 **SIGNS**, Subsection **B.4.2 Exempted Signs**, Article **B.4.2.1 b.**, is amended by adding “FT,” immediately after the words “interpretive signs in the”.

- 1.3 **Part B GENERAL REGULATIONS**, Section B.5 **PARKING**, Subsection **B.5.1 Minimum Number of Parking Spaces for Automobiles and Bicycles**, Article B.5.1.1 **Table 2: Parking Requirements, COMMERCIAL** is amended by adding the following:

Column 1	Column 2	Column 3	Column 4
Use	Standard Parking Requirements	Accessible Parking Requirements	Bicycle parking requirements
<i>Ferry terminal</i>	A minimum of 7 <i>parking spaces</i> for public use, plus 6 motorcycle and/or scooter <i>parking spaces for public use</i>	1 per 7 <i>parking spaces</i> for public use.	A minimum of 12 covered bicycle <i>parking spaces</i> .

- 1.4 **Part GENERAL REGULATIONS**, Section B.5 **PARKING**, Subsection **B.5.4 Location of Parking Spaces**, is amended by adding the following:

“B.5.4.4 Despite Article B.5.4.1, parking spaces for Ferry Terminal use may be permitted on a lot within the Ferry Parking (FP) zone.”

- 1.5 **Part C ESTABLISHMENT OF ZONES**, Section C.1 **DIVISION INTO ZONES**, Subsection **C.1.2 Water Based Zones**, insert new zone “FT Ferry Terminal” after “WG Water General” and before “WC1 Water Commercial 1 – Marina”.

- 1.6 **Part D ZONES**, Section D.5 **WATER ZONES**, insert new Subsection D.5.2 Ferry Terminal (FT) after Subsection **D.5.1 Water General (WG)** as shown on **Appendix 1** attached to and forming part of this bylaw; and renumber all subsequent subsections chronologically.

- 1.7 **Part F DEVELOPMENT PERMIT AREA GUIDELINES** is amended by adding a new Subsection **F.10 DP 10-Ferry Terminal** as shown on **Appendix 2** attached to and forming part of this bylaw.

- 1.8 **Part G DEFINITIONS**, Section G.1 **DEFINITIONS**, is amended by adding the following definition in alphabetical order:

“*ferry terminal* a marine and land-based facility that includes buildings or structures for the transportation of passengers, vehicles and goods; including passenger waiting room and amenities, storage areas, loading and unloading areas, and small scale commercial retail uses oriented to ferry users.”

2. **Schedule “B”** of Gabriola Island Land Use Bylaw, 177 is amended as follows:

- 2.1 Schedule “B” – North Sheet, is amended by changing the zoning classification of DISTRICT LOT 2058, NANAIMO DISTRICT, AS SHOWN ON PLAN VIP75537 (PID 025-798-090) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.
- 2.2 Schedule “B” – North Sheet, is amended by changing the zoning classification of LOT A, SECTION 20, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP75538 (PID 025-798-103) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.
- 2.3 Schedule “B” – North Sheet, is amended by changing the zoning classification on those land areas as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.
- 2.4 Schedule “B” – North Sheet, is amended by changing the zoning classification on those marine areas as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 305**

Appendix 1

D.5.12 Ferry Terminal (FT)

D.5.12.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Ferry Terminal (FT) zone:

a. Permitted *Principal* Uses

- i *ferry terminal*
- ii *ferry terminal* parking
- iii emergency dock
- iv marine navigation aids

b. Permitted *Accessory* Uses

- i retail sales, excluding the sale of liquor
- ii *limited public market*

D.5.12.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Ferry Terminal (FT) zone:

a. Permitted Land-Based *Buildings* and *Structures*

- i Buildings and structures for *ferry terminal* use.

b. Permitted Marine-Based *Buildings* and *Structures*

- i Marine-based structures for *ferry terminal* use.
- li No *buildings* are permitted in the marine-based area of this zone, except for mechanical, electrical, and other similar uses that are required for the operation of the ferry terminal.

D.5.12.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Ferry Terminal (FT) zone:

a. *Building* and *Structure* Height Limitations

- i The maximum *height* of land-based *buildings* or *structures* is 5.0 metres (16.4 feet).
- ii The maximum *height* of marine-based *structures* is:
 - 10.0 metres (32.8 feet) above the water surface for floating *structures*; and
 - 10.0 metres (32.8 feet) above the high water mark for *structures* fixed to the bed of the sea.

b. *Building* and *Structure* Siting Requirements

Draft Bylaw No. 305 (LUB)

- i The minimum *setback* for *buildings* and *structures* is 1.5 metres (4.9 feet) from any *lot line* or lease or extension of an upland side *lot line*, with the exception of a *lot line* or lease line that defines the boundary between the sea and adjacent upland in which case there is no minimum *setback*.
- ii Despite B.1.1.2.b, retaining walls are permitted in the Ferry Terminal zone, subject to Subsection B.2.6.
- iii Despite B.2.1.1.a, *buildings* and *structures* for the purpose of *ferry terminal use*, may be sited a minimum of 0.0 metres from and at a height above the *natural boundary* of the sea at a level certified appropriate by a professional engineer.

c. Lot Coverage Limitations

- i The maximum combined *lot coverage* by marine- and land-based *buildings* and *structures* is 60%.

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 305**

Appendix 2

F.10 DP-10 Ferry Terminal

F.10.1 Applicability

- F.10.1.1** The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.10.2.1:
- subdivision of land;
 - construction of, addition to, or alteration of a building or other structure; and
 - alteration of land.

F.10.2 Exemptions

- F.10.2.1** The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, property owners must meet any other local, provincial or federal requirements.
- temporary emergency repairs or emergency structural alterations;
 - building or structure painting, repairs, maintenance or structural alterations of a minor nature that do not require a building permit;
 - building interior renovations with no change to the external appearance of the premises;
 - installation of directional or interpretative signage; bicycle racks, bicycle or bus shelters, public art, or electric vehicle charging stations;
 - an application resulting in a lot consolidation; and
 - marine infrastructure necessary for the docking of ferry vessels.

F.10.3 Guidelines

Prior to undertaking any development activities within DP-10 that are not exempted by F.10.2.1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

Protection of the Natural Environment:

- F.10.3.1** Docks, piers, ramps and marine based structures should be designed and constructed to avoid or minimize and mitigate impacts to environmentally sensitive marine areas such as critical habitat of Species at Risk, eelgrass beds and fish habitat. Enhancement or restoration measures, such as creation of new habitat, are encouraged as a compensation tool.
- F.10.3.2** Minimize shading of the water by incorporating perforations, using large spacing between deck planks or by using an alternative deck surface such as metal mesh or grating.
- F.10.3.3** Following 'dark sky principles' all exterior lights should be directed and/or shielded to illuminate the ground only and to prevent unnecessary light pollution in the vicinity.

Draft Bylaw No. 305 (LUB)

- F.10.3.4 Native or indigenous vegetation should be retained wherever possible. If not possible, then ecological restoration should be incorporated into the development.
- F.10.3.5 All landscaping plans for new development must be prepared by a member of the B.C. Society of Landscape Architects or other qualified professional. All plant materials and contractor's work must meet or exceed the standards of the B.C. Nursery Trades Association or the B.C. Society of Landscape Architects.
- F.10.3.6 Additional conditions will be included in a development permit to incorporate any qualified professional recommendations within an environmental assessment.

Protection of Development from Hazardous Conditions:

- F.10.3.7 Development is supported by a specific flood construction level study prepared and stamped by a qualified professional engineer with demonstrated experience in coastal engineering.

Promotion of Energy and Water Conservation and Greenhouse Gas Emission Reduction:

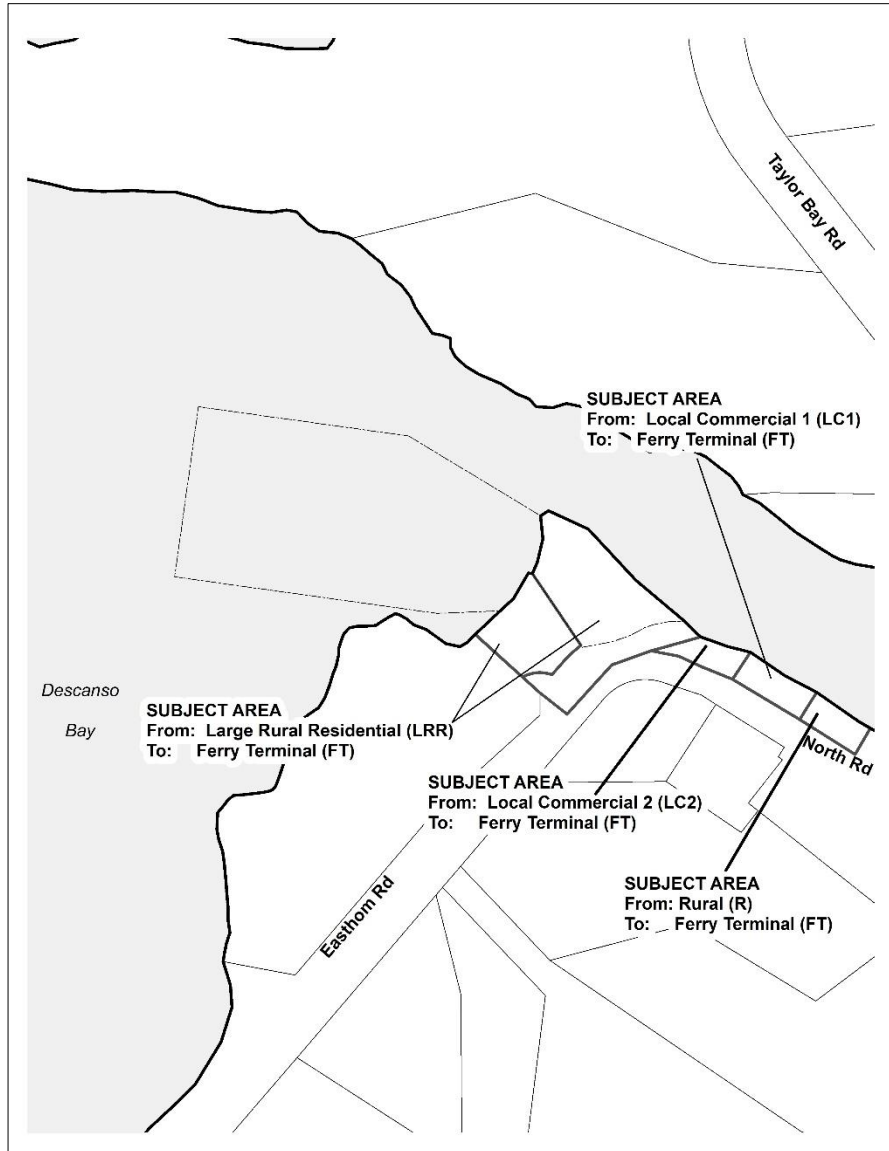
- F.10.3.8 A qualified professional retained by the applicant is required to provide a written report summarizing the proposed measures incorporated in the proposed development that address energy and water conservation.
- F.10.3.9 An integrated design process should be utilized to identify opportunities to reduce a building's energy and water consumption.
- F.10.3.10 Overall building energy performance and interior thermal comfort should be maximized through a combination of passive design strategies.
- F.10.3.11 The ferry terminal waiting room should include a potable water bottle filling station, if potable water is available
- F.10.3.12 An on-site integrated stormwater management plan prepared by a qualified professional should be required and implemented to reduce impervious surfaces, promote infiltration and capture and treat stormwater runoff from 90% of the average annual rainfall using acceptable best management practices. The plan should incorporate strategies for rainwater and storm water capture and reuse.
- F.10.3.13 Site design should minimize vehicle and pedestrian conflicts and clearly delineate pedestrian walkways throughout the site.
- F.10.3.14 Bicycle parking should be provided in a sheltered location and include a bike repair stand.
- F.10.3.15 Site design should prioritize safe and efficient public bus and school bus loading and off-loading at the terminal.

Form and Character

- F.10.3.16 Public access to the waterfront should be provided only in a location where it is safe and appropriate to do so. New waiting room and areas should be oriented to the waterfront providing good sightlines to arriving ferries and a sense of arrival to ferries arriving at Descanso Bay.
- F.10.3.17 Interpretive signage in the English and Hul'qumi'num languages pertaining to the ecological and cultural significance of Descanso Bay should be incorporated where possible into the site design.
- F.10.3.18 The ferry terminal waiting room should be universally accessible with a minimum indoor seating capacity for 16 occupants.
- F.10.3.19 Chain link fencing will generally be discouraged.
- F.10.3.20 Public art including interpretation panels, welcoming poles, and other opportunities should be incorporated into terminal design where possible.
- F.10.3.21 Large expanses of blank or unimproved walls lacking building details are discouraged. Building facades should be articulated and broken into smaller distinct visual units. A variety of materials, textures and scales including art, vegetation or other screening should be utilized to provide visual interest.

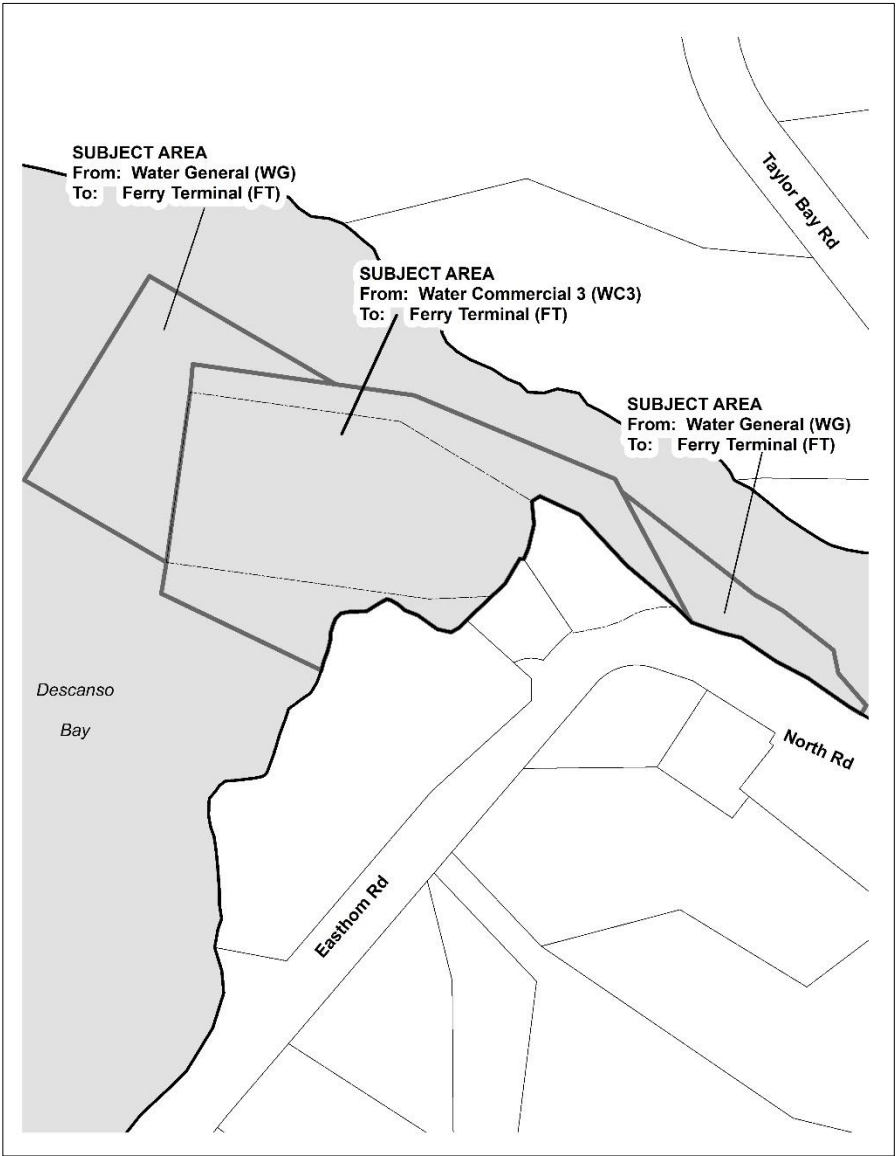
**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 305**

Plan No. 1



GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 305

Plan No. 2





ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: GB-RZ-2019.1 (BC Ferries)

File Name: Bylaw No. 304 (OCP)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.2	Forests
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
✓	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
✓	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
✓	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
✓	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
✓	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
✓	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

File No.: 6500-20
(GB Cannabis Regulations)

DATE OF MEETING: January 16, 2020
TO: Gabriola Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Local Planning Services
SUBJECT: Cannabis Regulations Project – Proposed Bylaw No. 303

RECOMMENDATION

1. That Gabriola Island Local Trust Committee Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019", be amended as follows:

a. Item 7. is deleted in its entirety and replaced with:

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

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

b. Item 3. is deleted in its entirety and replaced with:

3. Part G – DEFINITIONS, G.1 DEFINITIONS is deleted in its entirety and replaced with:

<i>“cannabis production</i>	to develop a cannabis product by any method or process, including by:
	a. manufacturing it,
	b. synthesizing it, or
	c. altering its chemical or physical properties by any means;
	d. growing it or any living thing from which it may be extracted or otherwise obtained
 <i>cannabis product</i>	 any article or substance that is manufactured or refined that includes cannabis or cannabis derivatives intended for personal use;”

2. That Gabriola Island Local Trust Committee Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019", be read a second time.

3. That the Gabriola Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019".

REPORT SUMMARY

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

BACKGROUND

The LTC gave first reading to Bylaw No. 303 (Attachment 1) on July 11, 2019 to amend the Gabriola Island Land Use Bylaw, 1999 (LUB), by adding definitions and regulations related to cannabis and cannabis production. Referrals to First Nations and provincial agencies were sent out following first reading. One referral response and one public response were received at the time of report preparation and are provided as an attachment to this report. At their October 24, 2019 meeting, the LTC requested staff prepare draft amendments based on discussion held at that meeting and bring back a track changes version of the bylaw for the Community Information Meeting.

ANALYSIS

Consultation

The LTC was asked to consider consultation with a limited number of agencies, First Nations and other affected persons given the intent of the bylaw is to ensure compliance with current legislation and policies. Islands Trust Bylaw Enforcement commented that if Proposed Bylaw No. 303 is adopted, the Bylaw Enforcement and Notification bylaw will need to be updated concurrently to include the revised regulations in the Gabriola Land Use Bylaw (Attachment 3). One piece of public correspondence was received at the time of report preparation (Attachment 4). The author identified the need for a correction to Item 7. of the bylaw, to correct an imperial measurement pertaining to a setback:

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

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

After reviewing the draft bylaw at their October 24, 2019 meeting, the LTC recommended amendments based on discussion at that meeting. One of the Trustees had also emailed comments about the draft bylaw to staff in regards to the definitions of cannabis production and products. Based on those comments, staff recommend the following amendments to the draft of bylaw 303 that received First Reading:

First Reading Language	Recommended 2 nd Reading Language	Comment
<i>cannabis production</i> the production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storage, distribution or scientific research of cannabis or cannabis	<i>cannabis production</i> to develop a cannabis product by any method or process, including by:	The recommended 2 nd reading language is consistent with the definition of cannabis production in the Federal Cannabis Act as well as the B.C. Provincial regulations related to Cannabis.

products as permitted by the <i>Cannabis Act</i> (Canada), and any subsequent regulations or acts which may be enacted henceforth, but excludes the growing of cannabis by an individual for their personal use and consumption;”	a. manufacturing it, b. synthesizing it, or c. altering its chemical or physical properties by any means; d. growing it or any living thing from which it may be extracted or otherwise obtained	
<i>cannabis products</i> plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human consumption;”	<i>cannabis product</i> any article or substance that is manufactured or refined that includes cannabis or cannabis derivatives intended for personal use;	1 st Reading language used “products” to define “products”

Rationale for Recommendation

The Cannabis Regulations project seeks to address current deficiencies in LTC regulations. Staff recommend the bylaw be amended at second reading and advanced to a community information meeting and public hearing. The staff recommendation is included on Page 1 of the report.

ALTERNATIVES

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

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

NEXT STEPS

Subject to concurrence with the staff recommendations, the bylaw will be amended and the Gabriola Island LTC website will be updated accordingly. A Community Information Meeting and Public Hearing will be advertised and scheduled at a date and time to be determined.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 8, 2020
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ATTACHMENTS

1. Proposed Bylaw No. 303
2. Track Changes version of proposed LUB amendments
3. Bylaw Enforcement Referral Response

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 303

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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

1. Citation:

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2019”.

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

READ A FIRST TIME THIS 11th DAY OF July , 2019

PUBLIC HEARING HELD THIS DAY OF , 20xx

READ A SECOND TIME THIS DAY OF , 20xx

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20xx

ADOPTED THIS _____ DAY OF _____ , 20xx

Chair

Secretary

Gabriola Island Local Trust Committee
Bylaw No. 303
Schedule 1

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

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

“, but excludes cannabis production;”

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

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

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

“cannabis production to develop a cannabis product by any method or process, including by:

- a. manufacturing it,
- b. synthesizing it, or
- c. altering its chemical or physical properties by any means;
- d. growing it or any living thing from which it may be extracted or otherwise obtained

“cannabis product any article or substance that is manufactured or refined that includes cannabis or cannabis derivatives intended for personal use;

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

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

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

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

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

“v Cannabis production;”

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

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

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

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

Track Changes Bylaw 303

Recommended 2nd Reading Changes

Part G Definitions:

agriculture

growing, rearing producing or harvesting agricultural crops, livestock and other animals for economic gain and includes the processing on a lot of primary agricultural products harvested, reared or produced on that lot, plus the storage of machinery, implements and agricultural supplies for the farm, but excludes cannabis production;

cannabis production

means to develop a cannabis product by any method or process, including by

- a. manufacturing it,
- b. synthesizing it, or
- c. altering its chemical or physical properties by any means.
- d. growing it or any living thing from which it may be extracted or otherwise obtained

cannabis product

any article or substance that is manufactured or refined that includes cannabis or cannabis derivatives intended for personal use;

Part B General Regulations

B.1.2 Prohibited Uses and Buildings

B.1.2.1 Prohibited Uses

The following uses are prohibited in any zone in Part D of this Bylaw:

- a. use of a secondary building or structure, other than an secondary suite or accessory single family dwelling, for human habitation, including cooking and/or overnight accommodation, except as permitted in Article B.6.4.1;
- b. rental of personal water craft;
- c. disposal of sewage and waste originating outside of the area of application for this Bylaw;
- d. use of a building or structure sited within a water area or a vessel anchored, moored, or docked within a water area as a residence, except as permitted in the Water Commercial 1 (WC1) Zone;

- e. use of land, buildings and structures for casinos, off-track betting or other gaming activities except for social occasion casinos or free-standing bingos as permitted in the relevant zone;
- f. use of land for the wrecking or storage of derelict vehicles or the operation of a junkyard or garbage dump;
- g. use of land, buildings or structures for the purpose of providing direct service to customers in their vehicles in a drive-through arrangement; and
- h. use of land, buildings or structures for game farming where animals are hunted in confined areas for sport.
- i use of land, buildings or structures to manufacture or research genetically engineered seeds, plants or animals.
- j. cannabis production except as permitted on land within the Agricultural Land Reserve.

B.2.3 Height

B.2.3.2 Unless specified in this Bylaw elsewhere, the maximum height of buildings and structures are:

- a. 9.0 metres (29.5 feet) for dwellings;
- b. 7.0 metres (23.0 feet) on lots 0.4 hectares (1 acre) or less for buildings and structures accessory to dwelling units;
- c. 9.0 metres (29.5 feet) on lots greater than 0.4 hectares (1 acre) for buildings and structures accessory to dwelling units; and,
- d. 12.0 metres (39.4 feet) for buildings used exclusively for forestry and agriculture.
- e. 15.0 metres (49 feet) for buildings used exclusively for cannabis production.

D.2.1 Agriculture (AG)

D.2.1.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Agriculture (AG) zone:

- a. Permitted Principal Uses
 - i agriculture, including the sale of agricultural products grown or raised on the lot
 - ii single family residential
 - iii golf course, on lands as shown on Schedule C, Map 3
 - iv intensive agriculture
 - v Cannabis production.

D.2.1.3 Regulations

a. Buildings and Structures Siting Requirements

...iii Despite items D.2.1.3a.i and D.2.1.3a.ii:

- the minimum setback of boarding and breeding kennels is 30.0 metres (98.0 feet) from any lot line or well head;
- the minimum setback for greenhouses on land in the AG zone is 7.5 metres from any lot line;
- the minimum setback for intensive agriculture is 30.0 metres (98.4 feet) from any lot line; and
- the minimum setback for agricultural waste storage is 30.0 metres (98.4 feet) from any lot line or well head; and
- the minimum setback for an agricultural produce stand in the Agriculture (AG) zone is 4.5 metres (14.7 feet) from the front lot line.
- The minimum setback for buildings, structures used for cannabis production is 60 metres (197 feet) from any lot line and 150 metres (492.13 feet) from any school, park or institutional zone."

b. Lot Coverage Limitations

...ii On land in the Agricultural Land Reserve:

- the maximum combined lot coverage of buildings and structures, excluding greenhouses, is 35 percent of the lot area in the Agricultural Land Reserve; and
- the maximum combined lot coverage of buildings and structures, including greenhouses, is 75 percent of the lot area.
- the maximum combined lot coverage of agri-tourism and/or agri-tourism accommodation including buildings, access and parking is one (1) percent of the lot area; and
- The maximum combined lot coverage of buildings and structures used for the purpose of cannabis production is 200 square metres (2152 square feet).

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reason(s) Outlined Below

☒

Approval Recommended Subject to Condition(s) Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason(s) Outlined Below

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

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

(Island)



(Signature)

11 September 2019

(Date)

Bylaw No. 303 (LUB Amendment)

(Bylaw Number)

Bylaw Enforcement & Compliance Manager

(Title)

Islands Trust Bylaw Enforcement &
Compliance

(Agency)