

REQUEST FOR DECISION

Zoning for Upper Squamish Valley, including Medical
Marihuana Regulations - Electoral Area D
Zoning Amendment Bylaw No. 1308-2014
Official Community Plan Amendment Bylaw No. 1312-2014

Meeting dates: July 28 2014

To: SLRD Board of Directors

RECOMMENDATION:

1. THAT Bylaw 1308-2014, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 540, 1994, Amendment Bylaw No. 1308-2014" be read a third time, as amended.
2. THAT Bylaw 1308-2014, cited as "Squamish-Lillooet Regional District Zoning Bylaw No. 540, 1994, Amendment Bylaw No. 1308-2014" be adopted.
3. THAT Bylaw 1312-2014, cited as "Squamish Lillooet Regional District Electoral Area D Official Community Plan Bylaw No. 1135-2013, Amendment Bylaw No. 1312-2014, a bylaw to amend the Area D Official Community Plan Bylaw No. 1135-2013 (to establish a form and character development permit area for regulation of medical marihuana production facilities) be read a third time.
4. THAT Bylaw 1312-2014, cited as "Squamish Lillooet Regional District Electoral Area D Official Community Plan Bylaw No. 1135-2013, Amendment Bylaw No. 1312-2014" a bylaw to amend the Area D Official Community Plan Bylaw No. 1135-2013 (to establish a form and character development permit area for regulation of medical marihuana production facilities) be adopted.

KEY ISSUES/CONCEPTS:

Bylaw 1308-2014 will amend Zoning Bylaw No. 540, 1994 which is one of three Electoral Area D zoning bylaws. The purpose of Bylaw 1308 is to establish agricultural zoning in the Upper Squamish Valley and provide regulations for medical marihuana production facilities. Bylaw 1312-2014 will amend the Electoral Area D OCP to address medical marihuana through the creation of a development permit area for form and character issues. The public hearing was held on Tuesday June 17, 2014 at the Sea to Sky Hotel in Squamish. The minutes from the hearing are attached to this report as Appendix 1. There are some additional text changes, outlined below, proposed in this version of Bylaw 1308-2014 by SLRD staff that do not alter use or density in accordance with post public hearing procedure as outlined by the *Local Government Act*.

RELEVANT POLICIES:

Zoning Bylaw No. 540, 1994

Electoral Area D Official Community Plan Bylaw No. 1135-2013

BACKGROUND:

The proposed Zoning Amendment Bylaw No. 1308-2014 will create a new Agriculture zone for the ALR lands in the Upper Squamish Valley, and also includes proposed changes to regulate medical marihuana production facilities. The purpose of Squamish-Lillooet Regional District Electoral Area D Official Community Plan Bylaw No. 1135-2013, Amendment Bylaw No. 1312-2014 is to include form and character requirements for medical marihuana production facilities to the Electoral Area D Official Community Plan. This report summarizes the public hearing and identifies proposed changes to Bylaw1308-2014.

PUBLIC HEARING SUMMARY:

The public hearing was held on Tuesday June 17, 2014 at the Sea to Sky Hotel in Squamish. The minutes from the hearing are attached to this report as Appendix 1. Twelve members of the public attended the hearing. There were five written submissions made at the hearing with no submissions received prior to the meeting. Four of those written submissions are included in Appendix 1 (the fifth submission is not included as it is not relevant to the bylaws). A summary of the comments and concerns from the public hearing is outlined below.

Concerns raised by verbal and written submissions included:

- The proposed 50 m setback from the front parcel line to the rear of the dwelling was identified by as a concern affecting existing property owners and one individual's plans for future dwellings.
- The proposed 40 ha minimum parcel size required before a second dwelling could be approved was also identified as a concern that could affect the viability of people to farm their land due to the need for extra workers. A proposed change to this provision, based on public hearing comments and further research is noted later in this report.
- The issue of grandfathering and existing uses, such as a sawmill, was another issue that was raised, and it was noted by staff that existing uses, including sawmills, are grandfathered as per Section 911 of the *Local Government Act*.
- The 100 ha minimum parcel size for medical marihuana production facilities was mentioned by one person as something that should be changed either to eliminate the possibility of the use entirely except through rezoning or to lower it to permit more parcels being able to establish the use.

ANALYSIS:

Following the second referral period and the public hearing some changes are proposed to the bylaw that do not change use or density and comply with section 894 of the *Local Government*

Act, noted as follows. As previously noted in the April and May 2014 reports, the bylaws were referred a second time to provincial agencies, local governments, and First Nations due to significant changes made to the proposed medical marihuana regulations following the initial readings given to the bylaw and after the first referral period.

Proposed Agriculture Zone – 50 m setback

The proposed 50 m setback from the front parcel line to the rear of the dwelling is recommended to be revised based on comments received at the public hearing. Staff had previously recommended this provision as part of a Provincial guide on best practices for farmland regulation in order to provide some control on siting of residential uses on farmland. It was noted that the Development Variance Permit process was available for people to pursue an application if their property and situation did not meet the proposed regulation.

Staff noted that it may be possible to relax the proposed setback though staff are not in favour of removing it entirely as all agricultural zones in the Regional District are being reviewed with the intent to incorporate best practices into new and existing agriculture zones.

Based on a desktop GIS review of the observable setbacks from front parcel lines for existing dwellings, staff have determined an average distance for two categories of parcel size: lots of 4 ha or less and lots greater than 4 ha. The average setback is 60 m for lots of 4 ha (~10 acres) or less, and the average setback is 75 m for lots greater than 4 ha. In accordance with this basic data the proposed maximum setback from the front parcel line to the rear of the dwelling has been revised. Please see the following table:

Section 14.2

.6	Maximum Setback for <i>single family dwelling or manufactured home</i> from the <i>front parcel line</i> to the rear of the <i>single family dwelling or manufactured home</i> <ul style="list-style-type: none"> • on parcels 4 ha or less • on parcels greater than 4 ha 	<p style="text-align: right;">60 m</p> <p style="text-align: right;">75 m</p>
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Proposed Agriculture Zone - Second Dwellings in the ALR with minimum 40 ha parcel size

In response to the concerns raised at the public hearing about establishing a minimum 40 ha minimum parcel size for a second dwelling, staff have considered some alternatives. Provincial best practices would indicate that some regulations around additional dwellings in the ALR are necessary. SLRD staff are incorporating regulations into Agriculture zones in new and revised bylaws in order to provide clarity and guidance on when second dwellings may be considered for properties in the ALR. For the Agriculture zone in the proposed bylaw, staff have removed the minimum parcel size for a second dwelling, however, there are still SLRD and ALC regulations regarding when a second dwelling may be considered and for what purpose.

Medical Marihuana

Comments and concerns were raised by the Vancouver Coastal Health Authority (VCHA) regarding the proposed medical marihuana regulations, specifically, with respect to the Industrial zoning and proposed maximum floor area and minimum parcel size for medical marihuana production facilities. The VCHA was concerned that the 0.5 ha minimum parcel size along with the 2,500 m² max floor area would not leave sufficient space on the lot for adequate water and septic facilities, especially in areas of poor quality soils.

Electoral Area D Zoning Bylaw No. 540, 1994 does not have any applicable Industrial zones that are being amended as part of the proposed bylaw. Only the Rural Resource zone and the newly created Agriculture zone will incorporate the medical marihuana provisions. The side setbacks included in the Resource zones have been adjusted to match the Ministry of Transportation & Infrastructure's 4.5 m setback from all of their rights of way.

The proposed 10 ha (24.7 acre) minimum parcel size for Resource zones and the 100 ha (247 acre) minimum parcel size in the Agriculture zones has been maintained in accordance with the Board's direction, where applicable, in all Electoral Areas. This direction was based on input gained from the Agricultural Advisory Committees, public information meetings held throughout the SLRD and previous Board discussions with respect to the need to protect agriculture lands from intensive, industrial-style development, reduce impacts on neighbourhoods and help to direct medical marihuana production facilities to Resource lands and Industrial lands. There is currently only one proposed AGR zoned property with over 100 ha in the Upper Squamish Valley, however such parcel sizes could also be achieved through lot consolidations. At this time, there are several unzoned parcels in the Upper Squamish Valley that will allow for the use, as well as many Resource Use zones in Electoral Area D that can accommodate the use. Unzoned properties in Electoral Area D are proposed to be zoned as part of the ongoing Area D zoning process. In cases where a property owner wishes to have a medical marihuana production facility use, the direction has been that this can be considered on a case by case basis, through a rezoning application process. In this way, neighbourhood input, as well as a number of other lot-specific issues can be considered by the Board for each application.

As noted in previous reports, the SLRD has been advised by SLRD legal counsel and various memos from other law firms that local governments may regulate medical marihuana production facilities within the Agricultural Land Reserve. This was most recently confirmed in July 2014. The Agricultural Land Commission has a long standing bulletin (January 2014) indicating that local governments may set out restrictions on land used for medical marihuana production. Many other local governments have already adopted bylaws that regulate and/or prohibit medical marihuana uses in the ALR. A table from March 2014 which outlines the ways in which other local governments have regulated or are proposing to regulate medical marihuana production facilities is attached as Appendix 2.

OPTIONS:

Option 1

Give the bylaws third reading and adopt the bylaws.

Option 2

Do not give the bylaws third reading, and refer back to staff for more information.

Preferred Option: Option 1

IMPLICATIONS

FOLLOW UP ACTION:

As per Board decision.

CONCLUSION:

The public hearing regarding Bylaws 1308-2014 and 1312-2014 and some issues were raised regarding proposed provisions in Zoning Amendment Bylaw No. 1308-2014. Staff have considered the issues and proposed some amended regulations as discussed in this report. Staff are supportive of OCP Amendment Bylaw No. 1312-2014 and Zoning Amendment Bylaw No. 1308-2014 being considered for third reading and adoption by the Board at this time.

ATTACHMENTS:

Appendix 1: Public Hearing Minutes of June 17, 2014

Appendix 2: Medical marijuana regulations in other communities

Appendix 3: Zoning Amendment Bylaw No. 1308-2014 (currently at 2nd reading)

Appendix 4: Electoral Area D OCP Amendment Bylaw No. 1312-2014 (currently at 2nd reading)

Prepared by: I. Holl, Planner

Reviewed by: K. Needham, Director of Planning and Development

Approved by: L. Flynn, Chief Administrative Officer

APPENDIX 1

PUBLIC HEARING Medical Marihuana & Zoning Amendments: Bylaw 1308-2014 and Bylaw 1312-2014 Area D Zoning Bylaw and Area D OCP Bylaw

SQUAMISH-LILLOOET REGIONAL DISTRICT

Minutes of a Public Hearing convened by the Squamish-Lillooet Regional District Board, held in the Sea to Sky Hotel, Squamish, BC on June 17, 2014, at 7:00 p.m.

Present were: M. Freitag, Electoral Area D Director; K. Needham, Director of Planning & Development (Recording Secretary); I. Holl, Planner; and 12 members of the public.

CALL TO ORDER

Director Freitag introduced himself as the Chair and Director of Area D Director along with Squamish-Lillooet Regional District ("SLRD") Board Chair and called the Public Hearing to order at 7:00 PM.

CHAIR'S INTRODUCTORY COMMENTS

Good evening, my name is Moe Freitag, and as the Electoral Area D Director for the Squamish-Lillooet Regional District Board, I will be chairing this public hearing. I would like to introduce Kim Needham, Director of Planning & Development, and Ian Holl, Planner.

I would like to note that we are on the traditional territory of the Squamish Nation and the Tsleil-Waututh Nation.

This public hearing is convened pursuant to Section 890 of the *Local Government Act* to allow the public to make representations to the Board respecting matters contained in the proposed bylaws.

Squamish-Lillooet Regional District Electoral Area D Official Community Plan Bylaw No. 1135-2013, Amendment Bylaw No. 1312-2014; and

Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 540, 1994, Amendment Bylaw No. 1308-2014

This public hearing was advertised in the June 5 & 12 issues of the Squamish Chief. Every one of you present who believes that your interest in the property is affected by the proposed bylaws shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw. None of you will be discouraged or

prevented from making your views known. However, it is important that you restrict your remarks to matters contained in the proposed bylaws.

When speaking please address the chair and commence your remarks by clearly stating your name and address.

Members of the Regional Board may ask or respond to questions following a presentation. However, the function of the Board representatives at this public hearing is to listen rather than to debate the merits of the proposed bylaws. After this public hearing has concluded, the Regional Board may, without further notice or hearing, adopt or defeat the bylaws, or alter and then adopt the bylaws, provided that the alteration does not alter the use or density.

May I remind you that tonight is your opportunity for input on the bylaws and that after the conclusion of this hearing, no further public comments can be received.

Prior to the public hearing, we received no written submissions regarding the proposed medical marihuana and zoning amendments and the public hearing.

I will now ask Ian Holl to introduce the bylaws. After Ian's presentation, the floor will be opened to members of the public, and you will be given the opportunity to speak to the bylaws. Kim Needham will give some introductory words.

PLANNER PRESENTATION

Kim Needham, Director of Planning and Development Services gave an overview of the bylaws. Ian Holl, Planner described the bylaws in detail using a power point presentation.

Ian Holl noted that the OCP bylaw will create definitions in the development permit area requirements for form and character, building style, landscaping, fencing, buffering, etc. He noted that the zoning bylaw acknowledges the medical marihuana use, provides a definition for this use and allows the use in the Resource Use and Agriculture zones. Ian described the minimum parcel size for a medical marihuana use – for Resource Use – 10 hectares, for Agriculture – 100 hectares.

David Johnston
(District Lot 990, Upper
Squamish Valley)

Asked about zoning in the ALR.

I. Holl noted that zoning was based on ALC and Ministry of Agriculture best practices.

K. Needham advised that rezonings would be considered on a case by case basis.

Ellie Scott
(DogHaven Lane)

Asked how the setbacks were determined.

I. Holl noted that these were established based on a recent Ministry of Agriculture best practices guide.

Rene Trudeau
(18 ½ Mile Squamish Valley
Road)

Asked where the 2 house regulations came from.

I. Holl explained that there is a minimum parcel size for a second home.

K. Needham explained that the ALC regulates second dwellings in the ALR.

Rene Trudeau

Noted that he does not agree with having a minimum parcel size for second homes.

Lauren Fraser
(Upper Squamish Valley)

Noted that she does not agree with having a minimum parcel size for second homes due to the need for having additional farm workers, etc.

David Johnston

Provided a written submission regarding his concerns about setbacks. He was not at the February community meeting and he'd like to see better outreach. He believes that a 50 m maximum setback will affect the planned construction of his house. He wants to build this house on existing structural fill that is further back on his property than 50 m. He provided a variety of options as to how the SLRD can address the issue, including more input, taking a break, pass the bylaw without the 50 m setback or grandfather his property.

I. Holl explained that zoning is not necessarily a “one size fits all” process. It is based on best practices for planning on agricultural land, in order to reduce the impacts of development on farm land, and to help to increase the usability of farmland. He noted that there is a variance process that can help to address those cases where a property does not comply with the zoning. He noted that it seems that Mr. Johnston’s property may be one where a variance could be justified.

David Lane (Upper Squamish Valley)

Discussed his concerns about variances. He noted that his property is near a cougar migration area and he doesn’t want his chickens to be pushed back into that area.

Sister Magdalen (Cloudburst Crescent)

Asked about the 50 m setback and whether it applied to the front yard only.

I. Holl confirmed that yes, the setback is meant to apply to the front of properties only. He explained the rationale for the setback.

Lauren Fraser

Noted her concerns about a 40 hectare minimum size for a second dwelling.

Jay Bicknell

Stated that he does not like that the 100 hectare minimum parcel size allows only a couple of properties in the Upper Squamish Valley to have medical marihuana production facilities. He was concerned about having to go through a zoning amendment or variance process with the SLRD Board making decisions for the Upper Squamish Valley. He would like the minimum parcel area to increase so that everyone has to apply for a rezoning, if most will have to under the proposed minimum parcel size.

David Lane

He feels that ALC setbacks are more suited to properties in the Fraser Valley. Noted that it is not important how much land you have, it is what you are doing with it that is important.

I. Holl explained that the public hearing is not meant to include a voting process. He noted that the input from the public hearing would be considered by staff who will prepare a staff report to the SLRD Board and that the Board will take the comments into consideration when making a decision.

David Johnston

Discussed his concerns about variances. He is concerned that there is no guarantee that he will be given one.

Ellie Scott

Discussed the new age of farming that is starting up. There are no combines in the Upper Squamish Valley. She thinks the rules are out of touch with this and things are being left out of the zoning.

Rene Trudeau

Asked who would make decisions about this bylaw.

M. Freitag explained how the Board makes decisions. He explained that he has been hearing requests for zoning since before he was elected. He noted that staff have met several times with the residents and have drafted the bylaws to try and address what they've heard.

Ellie Scott

Noted that intensive agriculture is loud and smelly and should not be on small acreages. It should be treated the same as medical marijuana. There are impacts on drinking water wells.

I. Holl noted that staff have less ability to regulate intensive agriculture due to ALC regulations as there is Right to Farm legislation in place.

Rene Trudeau

Stated that he thinks that there has been inadequate community input into the bylaws.

M. Freitag explained that there have been several meetings in the Upper Squamish Valley specifically on zoning issues. The information has been available on the website for some time. Staff are doing their best to try to draft bylaws based on what they've heard from

the community while also keeping bylaws in line with the provincial regulations.

Jay Bicknell

Spoke about zoning and wanting the ability to choose uses. He feels like the SLRD is restricting medical marihuana into a couple of 100 ha properties. He'd like to see the minimum parcel increase so that everyone has to apply for a rezoning.

I. Holl discussed the Federal medical marihuana legislation.

Sister Clare (Upper Squamish Valley)

Thanked staff for the work that they've been doing and noted that she's grateful to the SLRD for their work in trying to create a minimal impact. She stated that she doesn't want to get too professional but that even God can't please everybody. She is very impressed with her neighbours and the spirit of the neighbourhood.

M. Freitag stated that he cannot receive new information after a public hearing. He discussed the many implications of not having any zoning and how vulnerable that currently makes the Upper Squamish Valley. This meeting is for residents to have their say. He explained the need for having some zoning rules in place.

I. Holl described the ALC rules around second dwellings.

David Lane

Advised that these rules are more appropriate for the Fraser Valley.

M. Freitag outlined the need for zoning given the development pressure that he is seeing.

Rene Trudeau

Asked about sawmills.

I. Holl explained that existing sawmills would be grandfathered.

K. Needham explained the grandfathering provisions under the Local Government Act. She explained that in the case of a building burning down greater than 75%, the underlying zoning would then apply. She noted that variances might be granted if that were to happen as that is often considered to be a hardship situation.

Ellie Scott

Asked staff to revisit the 50 m setback and base it on the current setbacks in the valley.

TERMINATION

Director Freitag called three times for further comment. Five written submissions were received. There being no further comments, he thanked everyone for taking the time to attend the meeting, and terminated the meeting at 8:45 PM.

M. Freitag, Chair

K. Needham, Recording Secretary

11/7, 2014

60 Squamish Valley Rd

We are opposed to the zoning amendment bylaws that pertain to setbacks, secondary dwellings on agricultural land. Both of these proposed changes could greatly affect the ability of people to farm land.

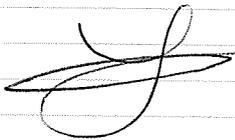
Free-range farming and other similar new farming models can be very labor intensive, and the proposed bylaws could inhibit these more planet-friendly models of farming.

Due to the fact that our community is going from unzoned to zoned, consideration should be given to those properties that may not fit with the proposed bylaws, i.e. those that currently have two dwellings.

Medicinal Marijuana operations are not agriculture, and should not be placed in agricultural land.

Thank you,

Lauren Fraser



David Lane



from Ellie Scott in regard to zoning changes

June
17
2014

↑ The reasoning behind the request for bylaws in the upper Squamish Valley was to protect the "rural residential" nature of the valley. ~~was~~ Recognising the features of the valley (small acres, hobby farming with homes close to each other) + the overwhelming expression by the residents that the request for zoning is to protect the residents from undue pollution from neighbours (sound, smoke, effluent, light etc) through commercial enterprises. (Intensive agriculture?!))

These proposed zoning changes don't address any of these primary concerns! Regulations that attempt to limit setbacks, floor areas etc are exactly why there has been great resistance to the whole concept of zoning in the first place.

✂

To: Moe Freitag, SLRD Electoral Area D Director
Alternate, Patricia Heintzman

At a Public Hearing regarding proposed Area D zoning and OCP bylaw changes, held June 17, 2014, at the Sea-to-Sky Hotel.

From: David & Susan Johnston, P.O. Box 23, Garibaldi Highlands, BC V0N1T0

Re: **Expressing concerns over the zoning changes, and the lack of public information and dialogue regarding the impact of these changes on landowners in the Upper Squamish River Valley.**

Introduction

We are long-time residents of Squamish, having lived, worked and raised our four children here for the past 23 years. On January 15, 2014, we became the enthusiastic new owners of a parcel of land at Mile 18 in the Upper Squamish. The land is presently mostly bare and forested, un-zoned, and within the jurisdiction of ALR. It does include a capped well, and an area of structural fill intended for a residence. Our plans include building a new residence there for our family, clearing and taming some open space for hobby farming, and enjoying the peaceful serenity, beauty and natural setting that the Upper Squamish valley has to offer. This purchase represents an important life change for us, and a significant financial investment.

For the record, the parcel of land in question has the legal description of Lot 1 District Lot 990 Group 1 New Westminster District Plan BCP45930; PID# 028-325-192.

Concerns

- 1) Having read the proposed bylaws 1308-2014, and 1312-2014, we are largely in agreement with the content of these changes. However, there is one specific component of the regulations that causes us a great deal of concern, and represents the potential for *significant hardship* to us. Specifically, we refer to "Squamish-Lillooet Regional District Zoning Bylaw No. 540, 1994, Amendment Bylaw No. 1308-2014" **Regulation 14.2.6** referencing a 50 meter maximum setback for a single family dwelling from the front of the parcel line to the rear of the dwelling.
- 2) Given the potential for this bylaw to impact our plans for our property, we would have welcomed the opportunity for discussion and input on these Bylaws while they were under development and consideration. Moreover, *had we been aware* of the pending changes, we would have finalized our residential plans and submitted our application for a building permit, which by now would have been approved. The District made a deliberate

decision to **NOT** engage the public in Area D in any public information sessions, very much to our personal detriment. We strongly object to this and wish to express our profound grievance over the District's handling of these proceedings.

Relevant Chronology

- January 15, 2014. Johnston purchase of Lot 1 DL990 Upper Squamish.
- February 6, 2014. There is reference in April 28, 2014 SLRD Director's meeting minutes of a public meeting that occurred in Area D to discuss the proposed changes. Unfortunately, I cannot find any other record of this meeting, who attended, nor how it was advertised or communicated to land owners in the Upper Squamish Valley. Inquiries with the local newspaper, The Squamish Chief, confirm that the SLRD did not post any public notices in that publication in the time frame in question.
- February 11 & 13, 2014. Electoral Area Directors' meeting minutes reflect that on February 11th, it was moved that Bylaw 1308-2014 be introduced and read a first time. It was also moved and seconded...
"THAT public information sessions be held **in each Electoral Area** (*emphasis mine*) prior to the Public Hearing process related to each Official Community Plan and rezoning bylaw".
The meeting was recessed at 1:57pm on the 11th, and reconvened at 10:40am on February 13th. At this meeting, it was moved and carried "THAT public information sessions be held in each Electoral Area, **other than Area D** (*emphasis mine*), prior to the Public Hearing process related to each Official Community Plan and rezoning bylaw".
- February 24, 2014. SLRD Board Meeting minutes reflect that Bylaw 1308-2014 was introduced and read a first time.

Questions, Observations & Discussion

- A) If, indeed, there was a public hearing meeting held on February 6, 2014 to discuss these changes, where was it held? Are minutes of the meeting available for review? Who was in attendance at this meeting? How was the meeting advertised and organized? The SLRD website section pertaining to Area D zoning says

How do I get involved?

Starting in late February and early March we will be holding meetings in the Upper Squamish and Paradise Valleys, as well as Ring Creek and the communities of Howe Sound East.

Watch for notices of these meetings on our website and ads in the newspaper. We also ask that people spread the word with their neighbours about the process and the opportunity to be a part of it.

We are unable to find any news item on the SLRD's website in regards to these meetings (plural). As noted earlier, the Squamish Chief confirms that no news items were commissioned by the SLRD in the time period in question. How were we to know of any such meeting?

- B) Why did the SLRD decide to *disengage* from a public information process in Area D (and *only* Area D) concerning these proposed changes, by specifying that no public information sessions should be held in Area D? What happened between February 11th and February 13th that caused the Board to change their strategy towards public engagement for Area D residents?
- C) How many individual landowners are registered in the presently un-zoned area of the Upper Squamish? Anticipating that this number is relatively small (i.e. fewer than 100?), why did the SLRD not engage in a mail-out informational campaign to all registered land-owners in the affected area in order to properly inform all those who may be impacted by these changes?
- D) What is the purpose and intent of Regulation 14.2.6 and why must a residence be no further back from the property line than 50 meters to the rear of the home? This particular regulation seems completely out of context for the Upper Squamish River Valley. This is not patchwork quilt farmland typical of the open plains. The Squamish River Valley is characterized by gullies, waterways, ponds, forests, natural contours and beautiful vistas that defy a cookie-cutter approach for optimized utility of the land. Has this regulation simply been borrowed from other areas where it may make more sense to apply?

Recommendations

Having noted the foregoing concerns and questions, we respectfully submit that the District should have been more proactive in properly engaging affected landowners in dialogue concerning these proposed changes. We feel that with proper consultation and discussion, all parties to these changes could find a meeting of the minds with suitable changes made and a solid consensus achieved. Accordingly, we ask that you consider the following courses of action:

- The District should deliberate on this information and consider how their actions will have potential to impact the ability of landowners in the Upper Squamish to enjoy the optimal use of their land, in full keeping with the rural and agricultural nature of the valley
- The District should postpone third reading of Bylaw 1308-2014 until proper Public Information and dialogue takes place with said landowners.

In the alternative,

- The District should put forward an amended Bylaw 1308-2014 for third reading, but with Regulation 14.2.6 omitted entirely.

Or, in the alternative,

- The District should put forward Bylaw 1308-2014 for third reading as is, but with the provision that any existing landowner in the Upper Squamish River Valley, as of one day prior to third reading, be allowed temporary exemption from Regulation 14.2.6 in regards to application for a Building Permit for a period of one full year post-implementation of the zoning changes. This would reflect a partial and short time-framed “grandfathering” in order to allow those who have made recent investments in the area a fair chance to solidify their plans and file for the necessary permits.

Respectfully submitted, we thank you for your consideration.

Regards,

David & Susan Johnston

REWE TRUDAU	14.1
NO	14.2
18 3/4 MILE SQUAMISH	

APPENDIX 2

Master Matrix: Medical Marihuana Zoning Bylaw Amendments (British Columbia)

Community	Zoning TA Adopted	Date of Zoning TA	Farm Bylaw	Agriculture Definition excludes MM	Use Permitted (Zones)						Setbacks (m)					Building Permit	Business License	Other Requirements
					Rural (non-ALR)	Rural (ALR)	Residential (ALR)	Commercial	Industrial	Home Occupation	Front	Side	Back	Residential	Institutional (i.e. school)			
North Okanagan																		
City of Armstrong	No	Feb 17, 2014	No	Yes	No	Yes (Min=1 ha)	No	No	No	No	30	30	30	60		Yes	Yes	Height max.=12 m
District of Coldstream																Yes	Yes	Approach forthcoming in near future
City of Enderby	No	Council Direction	No		No	Yes	No	No	No	No						Yes	Yes	Restrictions in the ALR have not been specified
Village of Lumby	No	2nd Rding Mar 3, 2014	No	No	No	No	No	No	Yes (I2)	No	15	15	15	30		Yes	Yes	
Township of Spallumcheen				No	No	No	No	No	Yes (I2)	No	8	8	8	8		Yes	Yes	
City of Vernon																Yes	Yes	Approach forthcoming in near future
Southern Interior																		
District of West Kelowna	No		No	Yes	No	No	No	No	Yes	No						Yes	Yes	Two site specific multi-tenant Industrial properties have been permitted - due to application in process with Health Canada
City of Kelowna	No	Feb 24, 2014	Yes	Yes	No	No	No	No	Yes (I2, I3, I4)	No	6	0	0	6	6			
District of Lake Country	No	Council Direction	No	Yes	No	No	No	No	Yes (I2, I3)	No								
District of Peachland			No															
City of Kamloops	Yes	July 10, 2013	No	Yes	No	No	No	No	Yes	No	6	4.5	4.5	150	150	Yes	Yes	A ventilation plan must be filed with the City, CO2 diversion not permitted, decommission at owners
RDOS	No	Nov 7, 2013	No	No	Yes*	Yes	No	No	Yes	No								Board direction on policy development
Town of Oliver	No	Feb 25, 2013	No	No	Yes*	Yes	No	No	No	No						Yes	Yes	For all other zones, require site specific zoning application for consideration
Town of Osoyoos		Nov 4, 2013	No	No														Council will be debating the zoning bylaw amendment options on December 4, 2013
District of Summerland	No	N/A	No	No	Yes*	Yes	Yes	No	Yes	No						Yes	Yes	Operational Policy
RDCO	No	Dec 24, 2013	No	No	Yes (Min=30 ha)	Yes (Min=30 ha)	No	No	No	No	100	100	100	100	100	Yes	Yes	
TNRD	No		No	No	No	YES (8 ha minimum)	No	No	Yes (4 ha minimum)	No	50	50	50	50	50	If required	If Required	
CSRD	No	Aug 15, 2013	No	Yes	No	Yes (Min=30 ha)	Yes (Min=30 ha)	No	Yes (ID2) (Min=30 ha)	No	50	50	50	50		Yes	Yes	Special Industrial Zone (ID2) for Medical Marihuana production, Minimum parcel size of 30 ha

Source: Association of Regional District Planning Managers - March, 2014 survey

Community	Zoning TA Adopted	Date of Zoning TA	Farm Bylaw	Agriculture Definition excludes MM	Use Permitted (Zones)						Setbacks (m)					Building Permit	Business License	Other Requirements
					Rural (non-ALR)	Rural (ALR)	Residential (ALR)	Commercial	Industrial	Home Occupation	Front	Side	Back	Residential	Institutional (i.e. school)			
District of Kent	No	Sept 4, 2013	No	Yes	No	No	No	No	Yes (M3)	No	6	6	6	6	6	Yes	Yes	Created Special Industrial Zone (M3) specifically for medical marihuana facilities
City of Chilliwack	Yes	Aug 20, 2013	No	Yes	No	No	No	No	Yes (M6)	No	7.5/15**	7.5/15**	7.5/15**	7.5/15**		Yes	Yes	No additional requirements
District of Mission	Yes	Oct 14, 2013	No	Yes	No	No	No	No	No	No						Yes	Yes	General prohibition - consider on a case-by-case basis (Operational Policy)
City of Abbotsford	No	Oct 21, 2013	Yes	Yes	No	No	No	No	No	No								General prohibition
District of Hope	Yes	Jan 2014	No	Yes	No	No	No	No	No	No	15	15	15	100	500	Yes	Yes	New Zone: Medical Marihuana Facilities Preliminary Board direction. If adjacent to a non-agricultural or industrial use, a solid view-obstructing fence or vegetation between 1.8m and 8.2m in height required along adjacent lot line.
FVRD	No	Nov 13, 2013	No	No	No	Yes	No	No	Yes	No	30***	30***	30***	30***		Yes	Yes	
District of Hope	No	Oct 28, 2013	No	No	Yes	Yes	No	No	No	No						Yes	Yes	Council direction regarding policy development
Lower Mainland																		
District of Maple Ridge	No	July 22, 2013	No	No	No	Yes	Yes	No	No	No	60	30	30	30	200	Yes	Yes	Minimum 100 m separation from another medical marihuana facility
City of Coquitlam	Yes	July 30, 2012	No	Yes	No	No	No	No	Yes (M3)	No	7.6	7.6	7.6	7.6		Yes	Yes	MM Facilities limited to 5 parcels adjacent to Highway 1
City of Langley	Yes	Apr 22, 2013	No	Yes	No	No	No	No	No	No								General prohibition
Township of Langley	No	Oct 28, 2013	Yes	No	No	No	No	No	Yes	No						Yes	Yes	Council direction regarding policy development
City of Burnaby	No	Oct 24, 2013	No	Yes	No	No	No	No	Yes	No						Yes	Yes	Council direction regarding policy development
City of Richmond	No	Nov 8, 2013	No	No	Yes (min=100 ha)	Yes (min=100 ha)	No	No	No	No	50	15	15	200	200	Yes	Yes	Definition of 'Agriculture' excludes 'Research and Development Facilities', OCP amendment to address medical marihuana, 100 acres (40.5 ha) minimum lot area.
City of Surrey	Yes	Jan 28, 2013	No	Yes	Yes	No	No	Yes (C-8B)	No	No	7.5	7.5	7.5	7.5		Yes	Yes	All proposals would have to undergo a full rezoning process, including a public hearing (Comprehensive Development Zone)
Kootenays/Northern BC																		
RDCK	Yes	May 16, 2013	No	No	Yes*	Yes	Yes	No	No	No	30	30	30	30		Yes	No	Board resolution, no amendments to Zoning Bylaw
Regional District of Fraser Fort George	No	3rd Rding Feb 12, 2014	No	No	Yes (Min=16 ha)	Yes (Min=16 ha)	No	No	Yes (M5)	No	30	60	60	60		Yes	No	Intensive Agricultural Use - Rural and Agricultural Industrial (M5) Zones only
Cariboo Regional District	No	Sept 13, 2013	No	No	No	Yes	Yes	No	Yes	No						Yes	No	Setbacks are to further explored

Community	Zoning TA Adopted	Date of Zoning TA	Farm Bylaw	Agriculture Definition excludes MM	Use Permitted (Zones)						Setbacks (m)					Building Permit	Business License	Other Requirements
					Rural (non-ALR)	Rural (ALR)	Residential (ALR)	Commercial	Industrial	Home Occupation	Front	Side	Back	Residential	Institutional (i.e. school)			
Vancouver Island																		
Municipality of North Cowichan	No	Aug 21, 2013	No	Yes	No	No	No	No	Yes	No	8/18^	0/18^	0/18^	0/18^		Yes	Yes	
Cowichan Valley RD	No	Sept. 3, 2013	No	No	No	Yes (min=10 ha)	No	No	Yes (1A & 1B Zones)	No	30	30	30	30		Yes	Yes	
Regional District of Nanaimo	No	Public Hearing Jan 9, 2014	No	Yes (outside of ALR)	No	Yes	No	No	Yes	No	30	30	30	30		Yes	Yes	Limited to A1 (Agriculture) Zone
City of Nanaimo	Yes	July 8, 2013	No	No	No	Yes	No	No	Yes (I4)	No	7.5	7.5	7.5	7.5		Yes	Yes	
District of North Saanich	No		No	No	No	No	No	No	No	No						Yes	Yes	Council direction regarding policy development - Prohibition of use in all zones.
City of Port Alberni		Sept 30, 2013	No	No	No	No	No	No	No	No						Yes	Yes	Site-specific approach which requires a Rezoning Application, with public consultation requirements
Regional District of Alberni-Clayoquot	No	Oct 9, 2013	No	No	Yes	Yes	No	No	Yes	No						Yes	Yes	Board direction to staff
Sunshine Coast Regional District	No	Oct 17, 2013	No	No	No	Yes	Yes	No	No	No						Yes		Board direction to staff
Kootenays/Northern BC																		
RDCK	Yes	May 16, 2013	No	No	Yes*	Yes	Yes	No	No	No	30	30	30	30		Yes	No	Board resolution, no amendments to Zoning Bylaw
Regional District of Fraser Fort George	No	3rd Rding Feb 12, 2014	No	No	Yes (Min=16 ha)	Yes (Min=16 ha)	No	No	Yes (M5)	No	30	60	60	60		Yes	No	Intensive Agricultural Use - Rural and Agricultural Industrial (M5) Zones only
Cariboo Regional District	No	Sept 13, 2013	No	No	No	Yes	Yes	No	Yes	No						Yes	No	Setbacks are to further explored

* Permitted in all Rural Zones that allow agricultural uses

** Accessory dwelling unit/all other buildings and structures

*** 60 metres (196.85 feet) for buildings greater than 1858 square metres (20,000 square feet)

^ General Setback/Setback when adjacent to Rural or Residential Zones

APPENDIX 3

**SQUAMISH-LILLOOET REGIONAL DISTRICT
ZONING AMENDMENT BYLAW NO. 1308-2014**

**A bylaw to amend Electoral Area D Zoning Bylaw No. 540, 1994 to regulate
Medical Marihuana Production Facilities**

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Electoral Area D Zoning Bylaw in order to regulate medical marihuana;

NOW THEREFORE the Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

- 1) This bylaw may be cited for all purposes as the "Squamish-Lillooet Regional District Zoning Bylaw No. 540, 1994, Amendment Bylaw No. 1308-2014".
- 2) Squamish-Lillooet Regional District Zoning Bylaw No. 540, 1994 is hereby amended as follows:

- a) The definition of MEDICAL MARIHUANA PRODUCTION FACILITY is inserted after the definition of "INTERPRETIVE CENTRE" as follows:

MEDICAL MARIHUANA PRODUCTION FACILITY means the growing, cultivation, storage, distribution or destruction of marihuana as lawfully permitted and authorized pursuant to the *Federal Marihuana for Medical Purposes Regulations*, as amended from time to time.

- b) The definition of HOME INDUSTRY is amended by deleting the final semi-colon and adding the words "and excluding a medical marihuana production facility."
- c) Section 4- GENERAL REGULATIONS is amended by inserting sections 4.12.1 - 4.13.3 after section 4.11 as follows:

Split Zoned Parcels

- 4.13.1 In the event that a parcel lies within more than one zone, uses, buildings and structures may be located only within a zone in which they are permitted, and the permissible density of uses, buildings, and structures must be calculated on the basis on the area of the parcel that is within the zone in which the use, building, or structure in question is permitted.
- 4.13.2 In the event that a parcel lies within more than one zone and this bylaw specifies minimum lot sizes for those zones, no lot may be created by subdivision of such lot that is smaller than the minimum specified for the zone in which the new lot lies.
 - .1 Whenever practicable the creation of a lot lying within two or more zones must be avoided.
 - .2 Where the creation of a lot lying within two or more zones is unavoidable, the lot must have an area equal to or greater than the minimum specified

for that zone in which the greatest portion of the lot lies.

4.13.3 In the event that a parcel lies within more than one zone, the maximum number of dwellings that may be permitted on the entire parcel will be one regardless of parcel size.

d) Section 6 (Resource Use Zone - RU) is amended by inserting a new section 6.1.1.10 after section 6.1.1.9 as follows:

6.1.1.10 On parcels 10 hectares or greater the additional permitted uses are:

(a) Medical marihuana production facility

e) Section 6 (Resource Use Zone - RU) is amended by deleting section 6.1.2 and replacing it as follows:

6.1.2 On a parcel located in an area designated as RU, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below.

COLUMN 1 Matter to be Regulated	COLUMN 2 Regulations
Maximum number of dwellings	1
Minimum parcel area	15 ha
Maximum floor area	2,500 m ²
Minimum parcel area zoned to allow for a medical marihuana production facility	10 ha
Minimum setback of a principal building from:	
- front parcel line	7.5 m
- rear parcel line	7.5 m
- interior side parcel line	1.5 m
- exterior side parcel line	4.5 m
- watercourse (natural boundary)	25 m
Minimum setback of an accessory building from:	
- front parcel line	7.5 m
- rear parcel line	4.5 m
- interior side parcel line	1.5 m
- exterior side parcel line	4.5 m
- watercourse (natural boundary)	15 m
Minimum setback of a medical marihuana production facility from:	
- all parcel lines	15 m
Maximum height	

- principal building	11 m
- accessory building	7 m
- medical marihuana production facility	10 m

The setback and height regulations in section 6.1.2 shall not apply to an existing building that is re-purposed for a medical marihuana production facility, so long as that building has been issued a valid building permit.

f) Section 14.1 is inserted after section 13.2 as follows:

AGRICULTURE 1 (AGR1) ZONE

Permitted Uses

14.1 In the AGR1 Zone the *use* of land, *buildings* and *structures* is restricted to:

- *agriculture, including intensive agriculture*
 - *aquaculture*
 - *single family dwelling*
 - *secondary suite*
 - *manufactured home, only as per sections 14.2.2, 14.2.4 and 14.2.6*
 - *bed and breakfast*
 - *home occupation*
 - *home industry*
 - *accessory buildings and accessory uses*
- .2 On parcels of 2 ha or greater, the additional permitted uses are:
- Operation of a temporary sawmill if at least 50% of the volume of the timber is harvested from the farm or parcel on which the sawmill is located.
- .3 On parcels of 100 ha or greater, the additional permitted uses are:
- *medical marihuana production facility*

Regulations

14.2 On a parcel located in the AGR1 Zone, no *building* or *structure* shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I Matter to be Regulated		COLUMN II Regulations
.1	Minimum <i>Parcel Area</i> for New Subdivisions where land is: a) excluded from the ALR; or b) approved for subdivision within the ALR pursuant to the Agricultural Land Commission Act, Regulations thereto, or Orders of the Commission; or c) exempted by the Agricultural Land Commission Act, Regulations thereto, or Orders of the Commission.	40 ha
.2	Maximum Number of <i>Dwellings</i> per Parcel	<p>1 single family dwelling</p> <ul style="list-style-type: none"> • an additional dwelling may be permitted based on one of the following conditions: • For immediate family members only – a <i>manufactured home</i> (9 m wide) may be installed in accordance with ALC guidelines and the issuance of an SLRD Building Permit • For farm help – a second dwelling may be built provided the property has farm status as per the <i>BC Assessment Act</i> and the <i>Classification of Land as Farm Regulation</i>. The SLRD also requires an assessment report from a Professional Agrologist stating that there is a need for a second dwelling commensurate with the present level of agriculture occurring on the property. • If the second dwelling is for non-farm use (also includes non-immediate

COLUMN I Matter to be Regulated		COLUMN II Regulations
		family members), then a non-farm use application to the ALC would be required prior to submitting a building permit application.
.3	Maximum Number of <i>Secondary Suites</i> per <i>Single Family Dwelling</i>	1
.4	Maximum floor area for second <i>single family dwelling</i> or <i>manufactured home</i> authorized under Section 7.2.2	180 m ²
.5	Minimum <i>Setback</i> • from <i>all parcel lines</i>	7.5 m
.6	Maximum <i>Setback</i> for <i>single family dwelling</i> or <i>manufactured home</i> from the <i>front parcel line</i> to the rear of the <i>single family dwelling</i> or <i>manufactured home</i> • on parcels 4 ha or less • on parcels greater than 4 ha	60 m 75 m
.7	Minimum setback for <i>medical marihuana production facility</i> (from all parcel lines)	15 m
.8	Maximum building height	10 m
.9	Maximum floor area for a <i>medical marihuana production facility</i>	2,500 m ²

.9 The setback and height regulations in section 14.2 (7-8) shall not apply to an existing building that is re-purposed for a *medical marihuana production facility*, so long as that building has been issued a valid building permit.

g) The lands shown outlined shaded on the attached Schedule A to this bylaw are hereby rezoned from “Unzoned” to Agriculture 1 (AGR1).

h) Section 5 – Establishment of Zones is amended as follows:

By adding the following to Table 1:

Column I	Column II
BC1	Backcountry Commercial 1 (<i>Amendment By-Law 1240</i>)
AGR1	Agriculture 1 (<i>Amendment By-law 1308</i>)

i) The Table of Contents, Section 6, is amended as follows:

By inserting the following after BC1 - BACKCOUNTRY COMMERCIAL 1.....55

AGR1 - AGRICULTURE 1.....58

j) The definition of AGRICULTURE is inserted after the definition of ACCESSORY USE as follows:

AGRICULTURE means the *use* of land, buildings, and structures for the growing, producing, raising or keeping of animals and plants, including apiculture, and the primary products of those plants or animals. It includes the harvesting and processing of agricultural products, including the storing of agricultural products, the sale of agricultural products produced from the same parcel or same farm, the repair of farm machinery and related equipment used on the same farm. It also includes agroforestry, greenhouse and nursery *uses*, but does not include kennels, or a *medical marijuana production facility*.

k) The definition of AQUACULTURE is inserted after the definition of APARTMENT as follows:

AQUACULTURE means the growing and cultivation of aquatic plants, or fish, for commercial purposes, in any water environment or in man-made containers of water, and includes the growing and cultivation of shellfish on, in, or under the foreshore or in the water.

l) The definition of INTENSIVE AGRICULTURE is inserted after the definition of HOME OCCUPATION as follows:

INTENSIVE AGRICULTURE means a use of land, buildings, or structures for confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms.

m) The definition of MANUFACTURED HOME is inserted after the definition of INTERPRETIVE CENTRE as follows:

MANUFACTURED HOME means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use by a single family. The structure conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes.

- 3) If any section, subsection, clause or phrase of this bylaw is held to be invalid for any reason by a court or competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the bylaw.

READ A FIRST time this 24th day of FEBRUARY, 2014

READ A SECOND time this 28th day of APRIL, 2014

PUBLIC HEARING HELD on 17th day of JUNE, 2014

READ A THIRD time this 28th day of JULY, 2014

ADOPTED this 28th day of JULY, 2014

Patricia Heintzman
Chair

Peter DeJong
Secretary

APPENDIX 4

**SQUAMISH-LILLOOET REGIONAL DISTRICT
ZONING AMENDMENT BYLAW NO. 1312-2014**

**A bylaw to amend Electoral Area D Official Community Plan Bylaw No.1135-2013 to
regulate Medical Marihuana Production Facilities**

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Electoral Area D Official Community Bylaw 1135-2013 in order to regulate Medical Marihuana Production Facilities;

NOW THEREFORE the Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

- 1) This bylaw may be cited for all purposes as the “Squamish-Lillooet Regional District Electoral Area D Official Community Plan Bylaw No. 1135-2013, Amendment Bylaw No. 1312-2014”.
- 2) Electoral Area D Official Community Plan Bylaw No. 1135-2013 is hereby amended as follows:
 - a) By inserting section 7.8 after section 7.7 on the Table of Contents as follows:
“7.8 MEDICAL MARIHUANA PRODUCTION FACILITY DEVELOPMENT PERMIT AREA.....67”
 - b) By inserting a “Summary of Amendments” table after the Table of Contents and including this amendment table therein as follows:

BYLAW NO.	SUMMARY OF BYLAW AMENDMENTS	DATE OF ADOPTION
1312 – 2014	Creating a Medical Marihuana Production Facility Development Permit Area	_____, 2014

- c) By inserting a definition of Medical Marihuana Production Facility in section 1.1 Definitions, after “Marine Foreshore” as follows:

“Medical marihuana production facility means the growing, cultivation, storage, distribution or destruction of marihuana as lawfully permitted and authorized pursuant to the *Federal Marihuana for Medical Purposes Regulations*, as amended from time to time.”

- d) By inserting a new Section 7.8 on page 67 as follows:

“7.8 MEDICAL MARIHUANA PRODUCTION FACILITY DEVELOPMENT PERMIT
AREA

Category

Pursuant to Section 919.1 (1) (f) of the *Local Government Act*, the Medical Marihuana Production Facility Development Permit Area is designated for the establishment of objectives for the form and character of medical marihuana production facilities.

Area

All land within Electoral Area D of the Squamish-Lillooet **Regional District** has been designated as appropriate for a Medical Marihuana Production Facility Development Permit where such a use is proposed.

Justification and Special Conditions

The purpose of the designation of lands in Electoral Area D for a Medical Marihuana Production Facility Development Permit Area is:

- Electoral Area D contains many areas having high scenic values. The purpose of the Medical Marihuana Production Facility Development Permit Area is to set out guidelines to help ensure that development of medical marihuana production facilities is well suited to the environment, and does not result in buildings and structures that are at odds with the natural beauty and serenity of Electoral Area D.

Applications shall be accompanied by plans indicating the following:

- Location of all existing and proposed buildings & structures, parking areas, and driveways.
- Extent and nature of existing and proposed landscaping and surfacing, including details of trees, ground cover, and other permeable and impermeable surfaces.
- The exterior materials of existing and proposed structures.

Application

A Medical Marihuana Production Facility Development Permit is required prior to the commencement of construction or erection of new buildings or structures.

Exemptions

A Medical Marihuana Production Facility Development Permit is not required for the following:

- Existing buildings and uses;
- Renovations within an existing building that do not involve any exterior modifications or any additional parking;
- Replacement of a sign face;
- Additions to existing buildings that are less than 50 m².

Guidelines

Applications for a development permit shall be accompanied by plans, including but not limited to survey plans, site development plans, grading plans, building plans, storm water management plans, landscape plans, lighting plans, and a written description of the proposal, to indicate how the proposed development is meeting the following guidelines:

1. Building Form & Character:

- a) Buildings shall be constructed of materials and colours that blend in well with the surrounding natural environment, suit the physical character and terrain of the site and reflect the mountain pastoral character.
- b) Wood or hardi-panel should feature predominantly in the finishing treatments.
- c) Traditional barn-like architecture, with gable, gambrel, raised or lean-to roof styles and cross-braced door finishings is encouraged.
- d) Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing and detailing that creates a rhythm and visual interest along the line of the building (e.g. use of false or real hinged barn-style window or door elements)
- e) Utilize landscaping treatments to further soften the mass of building form (e.g. strategic placement of trees).
- f) Box-shaped tilt-up concrete or metal structures are not supported.

2. Landscaping and Buffering:

- a) Buffering of medical marijuana production facilities is important in order to ensure that these uses are not at odds with adjacent uses.
- b) Any federally required metal fencing shall be buffered with native planting.
- c) Top soil deep enough to allow for well-rooted planting and reduce irrigation requirements should be utilized.
- d) Use native species of trees or shrubs and utilize the planting of conifers to block winter winds and deciduous trees to create shade in the summer.
- e) Utilize cisterns to store water and provide irrigation.

3. Lighting and Signage:

- a) Minimize the amount of lighting on signs. Installation of video, reader board, and neon or LED signs is discouraged. Signs should be non-illuminated from within.
- b) Exterior lighting, including within a parking area, should be low intensity and not cause excessive night-time glow or glare.
- c) Use energy efficient exterior lighting systems with timers and sensors to provide light only when required. Ambient lighting should be minimized.
- d) Signage should be pedestrian oriented in scale. Large vehicular-based signage should be avoided. Appropriate forms of signage include:
 - i) Signs mounted flush with building facades;
 - ii) Wood carved and/or hand painted hanging signs above pathways.”

- 3) If any section, subsection, clause or phrase of this bylaw is held to be invalid for any reason by a court or competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the bylaw.

READ A FIRST time this 24th day of FEBRUARY, 2014

READ A SECOND time this 28th day of APRIL, 2014

PUBLIC HEARING HELD on 17th day of JUNE, 2014

READ A THIRD time this 28th day of JULY, 2014

ADOPTED this 28th day of JULY, 2014

Patricia Heintzman
Chair

Peter DeJong
Secretary