



BOARD REPORT

TO: Chair and Directors **File No:** A-71 & 0430 20 53

SUBJECT: Proposed Cannabis Related Business Policy (A-71)

DESCRIPTION: Report from Jan Thingsted, Planner, dated June 18, 2018.

RECOMMENDATION #1: THAT: the Board adopt Cannabis Related Business Policy (A-71).

RECOMMENDATION #2: THAT: the Board direct staff to prepare amendments to Development Services Application Fees Bylaw No. 4000 to include fees for cannabis related business applications.

SHORT SUMMARY:

Bill C-45, the Cannabis Act is expected to come into force as early as August 2018. This federal legislation will legalize the cultivation, processing, and retail sale of recreational cannabis across the country, subject to provincial legislation and local government regulations.

On April 19th, 2018 the CSR D Board directed staff to develop a policy which will address cannabis production and retail sale in all six CSR D electoral areas.

- see attached Board Report:
"2018-04-19_Board_Report_DS_0430_20_53_cannabis_legalization.pdf"

As a follow-up at the June 7th, 2018 Electoral Area Director's (EAD) Committee meeting, staff presented a draft policy along with public input gathered through an on-line comment form.

- see attached EAD Report: "2018-06-07_EAD_Report_DS_Cannabis_Policy.pdf"
- see attached "2018-06-21_Board_Cannabis_Comment_Results.pdf."

The EAD Committee voted in favour to direct staff to bring forward a report and final version of the Policy to be considered for adoption at the June 21st, 2018 regular Board meeting

- see attached Cannabis Related Business Policy (A-71): "2018-06-21_A-71_Cannabis_Policy_A-71"

VOTING:	Unweighted Corporate	☒	LGA Part 14 (Unweighted)	☐	Weighted Corporate	☐	Stakeholder (Weighted)	☐
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BACKGROUND:

While the Federal and Provincial governments are responsible for many aspects of the legalization framework, local government will still play a key role in the area of land use planning for cannabis retail stores and production facilities.

The Province of British Columbia will regulate the retail and wholesale framework and has determined that cannabis retail stores will be licensed through the Liquor Control and Licensing Branch (LCLB). Local governments have been given the option to provide comments and recommendations on all licence applications but must first gather the views of residents before responding to the LCLB with a formal recommendation of support or non-support.

The Government of Canada licenses all cannabis production facilities (cultivation and processing) and is currently reviewing their licensing process to determine how local governments and other agencies will be engaged.

At the April 19th, 2018 Board meeting, staff presented both regulatory and non-regulatory options to address cannabis legalization in the CSRD Electoral areas. The Board chose the non-regulatory approach and directed staff to develop a standalone cannabis policy.

A draft policy was presented to the EAD Committee on June 7th, 2018 at which time the Committee recommended that a final version of the Policy to be considered for adoption at the June 21st, 2018 regular Board meeting. A legal counsel review of the Policy was conducted to ensure consistency with any applicable legislation.

It should be noted that at the time of writing this report, both the Provincial and Federal government have yet to reveal all the details regarding how local governments will be engaged during the licence application process. Future amendments may be required to the policy once more details are revealed.

POLICY:

A summary of CSRD land use regulation and how they pertain to cannabis legalization was provided in the April 19th, 2018 Board Report. While some Electoral Areas have cannabis specific land use regulations in place, other areas have no land use regulation or no regulations at all. The intent of this policy is to "fill the gaps" and provide clear location guidelines for areas with or without land use regulations.

FINANCIAL:

Staff are recommending that Development Services Application Fees Bylaw No. 4000 be amended to include fees for cannabis related business referrals. The intent of this amendment is to ensure that any costs incurred by the CSRD when processing cannabis related business referrals will be recovered. The fees charged for processing cannabis related referrals will align with the existing fee structure in Bylaw No. 4000. More details on this proposed amendment will be covered in a subsequent Board report.

KEY ISSUES/CONCEPTS:

The proposed Cannabis Related Business Policy includes:

- Policy statements to deter cannabis related businesses from operating in residential areas and on ALR land.
- Locational guidelines for cannabis production facilities, and cannabis retail sales. The guidelines establish:

- 300 metre minimum distances between cannabis related business, and sensitive locations such as schools, parks, playgrounds, day cares, and health care facilities, etc.
- minimum setbacks to separate cannabis production facility buildings and structures from parcel boundaries (90 m setback to front lot line, 60 m setback to exterior lot line, 30 m setback to other lot lines).
- The process and procedures for receiving and reviewing referrals and applications for cannabis production facilities, and cannabis retail sales. For example, the policy specifies:
 - information that needs to be included in a referral package submitted to the CSRD.
 - the method for gathering public feedback (e.g., conducting a survey or public meeting).

What the policy does not address:

- cannabis production for personal medical purposes (Federally regulated)
- age limits (Provincially regulated)
- distribution and wholesale (Provincially regulated)
- retail/wholesale framework (Provincially regulated)
- additional rules regarding personal cultivation of cannabis (the Federal Government is proposing four plants maximum per residence)
- additional rules regarding public consumption of cannabis (the Province will prohibit cannabis smoking and vaping in regional parks, public places, and any outdoor area established by a local government for purposes of community recreation)
- capping the number of cannabis related business in a particular neighbourhood, community or Electoral Area (will be controlled by market demand)

- see attached Cannabis Related Business Policy (A-71): "2018-06-21_A-71_Cannabis_Policy_A-71"

IMPLEMENTATION:

Should Cannabis Related Business Policy (A-71) be adopted, the Policy will be made available on the CSRD website. When staff are made aware of any proposal or inquiry for a cannabis related business in the CSRD, a copy of the Policy will be provided to the proponent. Development Services staff will review all cannabis related business application referrals for consistency with the Policy guidelines and compliance with relevant land use regulations. CSRD comments will be provided to the proponent and applicable government agency in respect of such guidelines and regulations.

COMMUNICATIONS:

Public input regarding a proposed cannabis policy was gathered from May 3, 2018 to June 5th, 2018 via an on-line comment form available on the CSRD's website. Paper copies were also available at the front counter and by mail upon request. Public notification of the comment form was advertised in local newspapers and through social media.

In summary, 15 comment forms were submitted from the following Electoral Areas:

- Electoral Area B – 1 response
- Electoral Area C – 5 responses
- Electoral Area D – 4 responses
- Electoral Area F – 5 responses

There was no opposition to a cannabis policy mentioned in any of the comments. Several individuals stated that cannabis should be treated no differently than alcohol while others raised the issue of odour and needing to locate cannabis operations away from daycares, places where children congregate, and other public spaces. Several respondents felt that cannabis legalization would create new tourism opportunities.

- see comments: "2018-06-21_Board_Cannabis_Comment_Results.pdf."

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

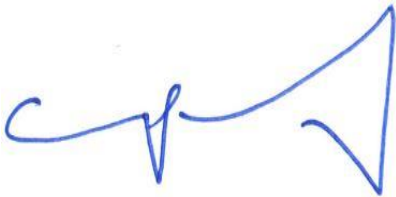
BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

Report Approval Details

Document Title:	2018-06-21_Board_DS_Cannabis_Policy_A-71_0430_20_53.docx
Attachments:	- 2018-04-19_Board_Report_DS_0430_20_53_cannabis_legalization.pdf - 2018-06-07_EAD_Report_DS_Cannabis_Policy.pdf - 2018-06-21_Board_Cannabis_Comment_Results.pdf - 2018-06-21_A-71_Cannabis_Policy_A-71.pdf
Final Approval Date:	Jun 19, 2018

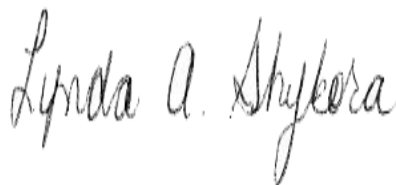
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Jun 19, 2018 - 12:39 PM



Gerald Christie - Jun 19, 2018 - 12:48 PM



Lynda Shykora - Jun 19, 2018 - 2:36 PM



Charles Hamilton - Jun 19, 2018 - 3:42 PM