



BOARD REPORT

TO: Chair and Directors

File No: 0430 20 53 & PR 32

SUBJECT: All Electoral Areas: Procedure to address Cannabis Retail and Production Referrals

DESCRIPTION: Report from Jan Thingsted, Planner, dated November 23, 2018

RECOMMENDATION: THAT: the Board adopt Cannabis Related Business Referral Procedure (PR-32), this 7th day of December, 2018.

SHORT SUMMARY:

On October 17, 2018, the Cannabis Act came into force which legalized the cultivation, processing, and retail sale of recreational cannabis across Canada. In the lead up to cannabis legalization, the Columbia Shuswap Regional District (CSR D) Board adopted Cannabis Related Business Policy (A-71) which provides guidance and a set of criteria on how to address both retail cannabis sales and cannabis production facility proposals in the six electoral areas of the CSR D.

See attached Cannabis Related Business Policy (A-71): "2018-06-21_ Cannabis_Policy_A-71.pdf"

The proposed Cannabis Related Business Referrals Procedure (PR-32) supplements Policy A-71 by providing a procedure for how referrals for cannabis retail sales and cannabis production are processed by the CSR D.

See attached Cannabis Related Businesses Referrals Procedure (PR-32): "2018-12-07_Cannabis_Procedure_PR-32.pdf"

VOTING:	Unweighted Corporate	<input checked="" type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

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

The Provincial Liquor and Cannabis Regulation Branch (LCRB) manages both the cannabis wholesale framework and the licensing framework for cannabis retail stores. 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 LCRB with a formal recommendation of support or non-support. Cannabis retail licences will not be issued unless the local government for the area in which the establishment is proposed to be located supports the issuance of the licence. Since it is mandatory for local governments to conduct public consultation before responding to a retail licence application, fees can be charged to recover the cost of consultation. The process for reviewing a retail cannabis sales licence will be similar to how the CSR D processes other development applications, such as Temporary Use Permits.

In the case of cannabis production facility licences, Health Canada is responsible for providing the licensing and oversight framework for legal production of cannabis. Through the licensing process, local governments are provided with a letter of notification by a proponent who has applied to become a licensed producer. Prior to issuing a licence, Health Canada does not require that local governments provide a formal recommendation of support for a proposal, nor does it require that public consultation be conducted. For these reasons, the CSRD will not require an application to be made to the CSRD, nor will any fees be charged. The CSRD will, however, respond to letters of notification in the same way that land use referrals are reviewed. The only difference is that the CSRD will forward the letter of notification to other agencies that may have interests affected by the proposal. These agencies may include the Agricultural Land Commission, Interior Health and Ministry Of Transportation and Infrastructure.

POLICY:

A summary of CSRD land use regulations and how they pertain to cannabis legalization was provided in the June 21, 2018 Board Report pertaining to Cannabis Policy A-71. While some Electoral Areas have cannabis specific land use regulations in place, other areas have no land use regulation or no regulations at all. Policy A-71 "fills the gaps" by providing clear location guidelines for areas with or without land use regulations.

See attached Board report: "2018-06-21_Board_DS_Cannabis_Policy_A-71_0430_20_53.pdf"

See attached Cannabis Related Business Policy (A-71): "2018-06-21_Cannabis_Policy_A-71.pdf"

See attached Board report: "2018-04-19_Board_Report_DS_0430_2053_cannabis_legalization.pdf"

It is important to note that a cannabis related business referral may also trigger a separate development application review and approval process (e.g., rezoning or Temporary Use Permit). The procedures by which the CSRD processes these development applications is established in Development Services Procedures Bylaw No. 4001.

FINANCIAL:

Development Services Application Fees Bylaw No. 4000 was amended in July 19, 2018 to include fees for cannabis related business referrals. The intent of these fees are to recover costs incurred by the CSRD when processing cannabis related business referrals. The fees charged for processing cannabis related referrals aligns with the existing fee structure in Bylaw No. 4000.

See July 19, 2018 Board report: "2018-07-19_Board_DS_BL4000-4_Cannabis_Fees.pdf"

See Development Services Application Fees Bylaw No. 4000: "2018_BL4000-4_Adoption.pdf"

KEY ISSUES/CONCEPTS:

The proposed Cannabis Related Businesses Procedure establishes the procedure for how cannabis retail and cannabis production referrals are received and processed by the CSRD.

The Procedure specifies the:

- information to be included in a referral package or application submitted to the CSRD.
- steps required by CSRD staff when processing a cannabis related business referral or application.
- information to be included by staff in a CSRD referral package.

- role of the Electoral Director in the application review process (providing comments and choosing the method of public consultation).
- method for gathering public feedback (e.g., conducting a survey/public meeting) prior to the Board making a recommendation on a cannabis retail proposal
- notification requirements for surveys and public meetings.

See attached Cannabis Related Business Procedure (PR-32): "2018-12-07_Cannabis_Procedure_ PR-32.pdf"

IMPLEMENTATION:

Should the Board adopt Cannabis Related Business Referrals Procedure (PR-32), staff will follow the Procedure when a cannabis related business referral is received. A copy of Procedure PR-32 and Policy A-71 will also be made available to anyone inquiring about starting a cannabis related business in the CSRD.

COMMUNICATIONS:

Should the Board adopt Cannabis Related Business Procedure (PR-32), the Procedure will be made available on the CSRD website and at the front counter.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

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

Report Approval Details

Document Title:	2018-12-07_Board_DS_Cannabis_Referral_Procedure.docx
Attachments:	<ul style="list-style-type: none">- 2018-12-07 _Cannabis_Procedure_ PR-32.pdf- 2018-07-19_Board_DS_BL4000-4_Cannabis_Fees.pdf- 2018_BL4000-4_Adoption.pdf- 2018-06-21_Cannabis_Policy_ A-71.pdf- 2018-06-21_Board_DS_Cannabis_Policy_ A-71_0430_20_53.pdf- 2018-04-19_Board_Report_DS_0430_20_53_cannabis_legalization.pdf
Final Approval Date:	Nov 27, 2018

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



Corey Paiement - Nov 26, 2018 - 11:27 AM



Gerald Christie - Nov 26, 2018 - 11:45 AM



Jodi Pierce - Nov 26, 2018 - 1:37 PM

No Signature - Task assigned to Lynda Shykora was completed by assistant Jennifer Sham

Lynda Shykora - Nov 26, 2018 - 4:04 PM

A handwritten signature in black ink, appearing to read "C. Hamilton", with a stylized flourish at the end.

Charles Hamilton - Nov 27, 2018 - 9:13 AM