

**Relevant Excerpts from
Cannabis Related Business Policy A-71, and
Cannabis Related Business Referrals Procedure PR-32**

(See Policy A-71 and Procedure PR-32 for all applicable policies, procedures and regulations)

**POLICY A-71
CANNABIS RELATED BUSINESSES POLICY**

PREAMBLE

Since the legalization of cannabis in Canada, the Columbia Shuswap Regional District has begun receiving licence application notifications and referrals for cannabis related businesses. This policy establishes a clear procedure and set of siting criteria for the CSRD to follow when reviewing cannabis related business proposals in the CSRD.

PURPOSE

The intent of Policy A-71 is to ensure that:

- cannabis related business are located in such a manner that they comply with CSRD land use regulations and are sensitive to potential impacts on the surrounding community;
- the CSRD is provided sufficient information in the cannabis licence application referral package; and
- adequate public consultation is conducted when the Board provides a recommendation on a cannabis related business application.

DEFINITIONS

CANNABIS means all parts of the genus cannabis whether growing or not, the seed or clone of such plants, including derivatives and products containing cannabis.

CANNABIS PRODUCTION FACILITY means the use of land, buildings or structures for: research and development; testing; cultivation; production; processing; storage; packaging; labeling; or distribution of cannabis and related substances, as lawfully permitted and authorized under the Cannabis Act.

CANNABIS RETAIL SALES means a business that sells cannabis as lawfully permitted and authorized under the Cannabis Control and Licensing Act.

POLICY

This Policy will remain in effect until it is repealed or replaced.

This Policy is in effect for the following geographic areas: all of the lands within the CSRD that lie outside of municipal boundaries, Indian Reserves and National Parks.

For the purpose of this policy, cannabis production facilities and retail cannabis sales are collectively referred to as “cannabis related business.”

Part One: Licence Application Procedure

1. Preliminary Consultation

Proponents of cannabis related businesses are strongly encouraged to contact the CSRD in writing before making any final site selection decisions in order to discuss their plans with staff before making any final decisions on site selection and construction.

Cannabis Related Business Referrals Procedure (PR-32) establishes the steps to be taken by CSRD Development Services Department staff upon receiving a notification that an application has been made for either a cannabis retail license, or a cannabis production license in the CSRD. PR-32 should be consulted for more details on this procedure.

2. Description of Proposed Cannabis Related Business

Referral packages provided to the CSRD for cannabis related businesses will be expected to provide the following information:

- Type of license(s) applied for;
- Name, address, and signature of owner(s) or agent acting on the owner’s behalf;
- Current Certificate of Title dated within thirty (30) days of the date of the notification for all affected properties;
- Legal description and civic address of the property(s);
- Plans and details of the proposal, including a site plan, building footprints, building setbacks from parcel boundaries, floor plan, signage details, number of parking stalls, and hours of operation;
- A listing of schools, parks, public beaches, or other public meeting spaces within *100 m of the subject property;
- A community impact statement that outlines the cannabis related business’ positive impacts on the community, potential negative impacts on the community, and measures taken to address the facility’s potential negative impacts (including glare and odour);
- Location of existing access roads, driveways, rights of way, easements, covenant areas, wells, septic fields, vehicle parking spaces, screening and fencing;
- Location, volume and area of any fill placement or soil removal from the property (if located in the Agricultural Land Reserve); and
- Location of any physical or topographical constraints (such as watercourses, shorelines, ravines, wetlands, steep slopes, bedrock outcrops, etc.).

3. Agency Referrals

- A referral information package will be prepared by staff and distributed to the local Electoral Area Director, CSRD Operations Department, RCMP, Interior Health

Authority, Agricultural Land Commission (if applicable) and any other relevant stakeholders for review and feedback.

Part Two: Siting Criteria for Cannabis Related Businesses

Notwithstanding the following, the CSRD Board may modify these criteria on a site by site basis, in consideration of local factors.

1. Location

a. In cases where land use zoning exists:

- cannabis retail sales may only be permitted in zones that allow retail sales
- cannabis cultivation may only be permitted in zones that allow agriculture or cannabis production
- cannabis processing (in which more than 50% of the farm product is sourced off-site) is preferred in areas where processing or cannabis production is an established use

b. In locations where land use zoning does not exist:

- cannabis retail sales are preferred at, or near existing retail businesses
- cannabis cultivation is preferred in areas with existing agriculture
- cannabis processing (in which more than 50% of the farm product is sourced off-site) is preferred in areas where processing or cannabis production is an established use

2. Minimum Separation Distance

a. Minimum separation distance* for cannabis production facilities (includes all buildings, structures, and outdoor cultivation areas) for both zoned and un-zoned areas:

- 100 m to any residential dwelling (not including any residential dwelling on the parcel on which the facility is located)
- 100 m to any school, park, public beach, or other public meeting space

*Separation distance is a horizontal distance measured from the nearest part of the cannabis production facility to the:

- nearest exterior wall of a residential dwelling
- nearest lot line of any school, park, public beach, or other public meeting space

Refer to page 4 of the Policy for a diagram showing the minimum separation distance.

3. Minimum Setbacks

a. Minimum setbacks* for cannabis production facilities (includes all buildings, structures, and outdoor cultivation areas) for both zoned and un-zoned areas:

- 15 m setback to all lot lines for cannabis production facilities that are 500 m² or less in area (total footprint of all buildings, structures and cultivation space required for the facility)
- 30 m setback to all lot lines for cannabis production facilities that are greater than 500 m² in area (total footprint of all buildings, structures and cultivation space required for the facility)

*Setbacks are a horizontal distance measured from the nearest part of the cannabis production facility to the lot line of that parcel.

Refer to page 4 of the Policy for a diagram showing minimum setbacks.

b. Minimum setbacks for cannabis production facilities includes all buildings, structures, and cultivation areas) from watercourses:

- 30 m setback

PROCEDURE PR-32

CANNABIS RELATED BUSINESS REFERRALS

PREAMBLE

The following procedure outlines the steps to be taken by Columbia Shuswap Regional District (CSRD) Development Services Department staff upon receiving a notification that an application has been made for either a cannabis retail licence, or a cannabis production licence in the CSRD. This Procedure complements Cannabis Related Business Policy A-71.

LEGISLATIVE AUTHORITY

The process of issuing licences for cannabis retail and cannabis production is the sole jurisdiction of the provincial and federal government. In the Province of BC, the Liquor and Cannabis Regulation Branch (LCRB) is responsible for licensing and monitoring the private retail sale of non-medical cannabis under the Cannabis Control and Licensing Act. Health Canada is the approval authority for all cannabis cultivation and processing (production) licenses under the Access to Cannabis for Medical Purposes Regulations (ACMPR) and Cannabis Act.

Local governments have been provided an opportunity to provide recommendations on all cannabis retail sale license applications and must provide an opportunity for community feedback prior to making 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.

In the case of cannabis production 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 local government support of a proposal, nor does it require that public consultation be conducted. The CSRD will, however, respond to letters of notification in the same way that land use referrals are dealt with.

RESPONSIBILITY

The Manager and Team Leader of Development Services, are responsible for assigning cannabis retail and production referrals to Development Services Staff (staff).

PROCEDURE

Cannabis Production Referrals:

1. The referral process starts once the CSRD receives a formal letter of notification from an applicant who has applied to Health Canada to become a licensed producer of cannabis.

2. Staff will conduct a preliminary review of notification letter to ensure that the description of the proposed production facility includes the following information:
 - a. Name, address, and signature of owner(s) or agent acting on the owner's behalf;
 - b. Applicable fee, as set out in *CSRD Development Services Application Fees Bylaw No. 4000*, as amended from time to time;
 - c. Current Certificate of Title dated within thirty (30) days of the date of application for all affected properties;
 - d. The legal description and street address of the property(s);
 - e. Plans and details of the proposal, including a site plan, floor plan, signage details, number of parking stalls, and hours of operation;
 - f. A community impact statement that outlines the cannabis production facilities positive impacts on the community, potential negative impacts on the community, and measures taken to address the store's potential negative impacts;
 - g. A map showing day cares, health care facilities, etc. (list from 1.c. in Policy A-71) within 500 m of the subject property;
 - h. Any other information requested by the Manager of Development Services or his or her designate.

3. If it is determined that the proposal does not conform to relevant CSRD bylaws, staff will discuss with the applicant if the non-conformity(s) can be considered through the approval of a land use amendment, issuance of a temporary use permit, development variance, or development permit. In situations where the proposal does not conform with Policy A-71, staff will advise the applicant to make a written request to the Board to consider modifying the criteria of the Policy to allow the proposal. The request will need to provide rationale for why a variance of the Policy is necessary.

4. Development Services staff will evaluate the information received for compliance with relevant CSRD bylaws and policies; including Official Community Plan; Zoning; and Cannabis Related Businesses Policy A-71.

5. A referral information package will be compiled by staff for review by the local Electoral Area Director, CSRD Operations Department, local RCMP, Agricultural Land Commission (if applicable) and any other relevant stakeholders. The referral package will include a site plan, description of the proposed cannabis production facility, and other relevant information obtained from the applicant. The referral response period will be thirty (30) days.

6. Following the referral period, staff will provide a written response to the applicant, Health Canada and any other agencies or individuals included in the referral process. The letter will convey how the proposal corresponds with relevant CSRD bylaws and policies and provide a summary of all input received on the application.