

PROCEDURE

CANNABIS RELATED BUSINESSES 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 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 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, Development Services (staff), are responsible for assigning cannabis retail and production referrals to Development Services Staff.

PROCEDURE

Cannabis Retail Referrals:

1. Once the CSRD receives a Cannabis Retail Referral from the LCRB, staff will conduct a preliminary review of the referral with the Electoral Director of the area in which the proposal is located to determine which type of public consultation is required (public survey or public meeting).
2. The applicant will be contacted by staff and instructed to submit a Cannabis Retail Application form to the CSRD.
3. An application must be made to the CSRD on a form as prescribed by the Manager of Development Services and shall include:
 - 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 retail cannabis store's potential 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. (complete list from 1.c. in Policy A-71) within 500 m of the subject property;
 - h. A copy of the completed LCRB application form and any supporting documents submitted with the form; and,
 - i. Any other information requested by the Manager of Development Services or his or her designate.
4. Application process:
 - a. Upon receipt of a completed retail cannabis sales application, staff will open a file and issue a fee receipt to the applicant;
 - b. Staff will conduct an evaluation of the proposal for compliance with relevant CSRD bylaws;
 - c. If it is determined during staff's review of the application that the proposal does not conform to relevant CSRD bylaws, the applicant will be notified in writing. Staff will discuss with the applicant if the non-conformity(s) can be considered through the application, review, and 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 support the proposal. The request will need to provide the rationale for why a variance of the Policy is justified;

- d. A referral information package will be compiled by staff for review by the local Electoral Area Director, CSRD Operations Department, local RCMP, adjacent property owners and tenants (of all parcels within 100m of the proposed retail facility). The referral package will include a copy of the application as outlined in Section 3 of this Procedure, and other relevant information obtained in the application. The referral response period will be thirty (30) days;
 - e. The CSRD will gather the views of residents that may be impacted by the proposal as follows:
 - i. Public Survey (primary method of gathering feedback): A survey will be made available for any individual who believes their interests will be affected by the proposed cannabis retail store. The survey will be accessible for thirty (30) days.
 - ii. Public Survey and Public Meeting (only to be conducted if staff are directed to do so by the Electoral Director of the area in which the proposal is located): Staff will arrange a meeting to present information about the proposed cannabis retail store and to gather community feedback. Community feedback at the public meeting will be in the form of verbal presentations or submission of written comments. The applicant will be invited to the meeting and expected to attend to present relevant information and to answer questions.
 - f. Following the referral and public consultation period, staff will prepare a report to be considered by the Board. The report will include:
 - i. a description of the proposal and how it corresponds with relevant CSRD bylaws and policies;
 - ii. a copy of all input received on the application;
 - iii. a summary of key issues and concerns with a brief analysis of each; and,
 - iv. information about how the applicant has chosen to address (or not) the concerns.
 - g. Preference will be provided for proposals that:
 - i. conform with relevant CSRD bylaws and policies; including Official Community Plan zoning; Cannabis Related Businesses Policy A-71; and,
 - ii. demonstrate that community concerns have been adequately addressed.
5. Public Notification Requirements:
- a. Staff will make all arrangements for public notification;
 - b. Notice of the public survey will be advertised at least once in the print edition of a local newspaper not less than three (3) and not more than ten (10) days before the survey is posted;
 - c. Notice of public meeting will be advertised at least once in the print edition of a local newspaper not less than three (3) and not more than ten (10) days before the public meeting; and,
 - d. Notice of both the public survey and public meeting will be made available on the CSRD's website and social media platforms.
6. The Board may decide to support the application, not support the application, or request that the applicant provide additional information prior to determining its support or not support.

7. Once the Board minutes have been prepared, the applicant and the appropriate approval authority will be notified in writing of the outcome.

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 facility includes the following information:
 - a. Name, address, and signature of owner(s) or agent acting on the owner's behalf;
 - b. Current Certificate of Title dated within thirty (30) days of the date of the notification for all affected properties;
 - c. The legal description and street address of the property(s);
 - d. Plans and details of the proposal, including a site plan, building setbacks from parcel boundaries, floor plan, signage details, number of parking stalls, and hours of operation;
 - e. A community impact statement that outlines the cannabis production facility's positive impacts on the community, potential negative impacts on the community, and measures taken to address the facility's potential negative impacts;
 - f. A map showing day cares, health care facilities, etc. (list from 1.c. in Policy A-71) within 500 m of the subject property;
 - g. 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 support the proposal. The request will need to provide the rationale for why a variance of the Policy is justified.
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.

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