



REPORT

To: Chair and Directors

Report Number: ADM-BRD-014

From: Crystal Brown, Electoral Area Manager

Date: April 28, 2020

Subject: April 16, 2020 Electoral Area Directors Committee Recommendation

The following recommendation from the April 16, 2020 Electoral Area Directors Committee meeting is presented to the Regional Board for its consideration:

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board remove the current definition for “cannabis related business” and the prohibition of all cannabis related businesses from all zoning bylaws, and insert the following definitions:

- 1) **Cannabis** means cannabis as defined in the federal *Cannabis Act*.
- 2) **Cannabis Processing Facility** means cultivating, growing, processing, testing, producing, packaging, storing, distributing, or dispensing of cannabis or any products containing or derived from cannabis as lawfully permitted and authorized under the federal *Cannabis Act*.
- 3) **Cannabis Retail Store** means the retail sale of cannabis, cannabis products, cannabis accessories, or any product containing or derived from cannabis as lawfully permitted and authorized under the Provincial *Cannabis Control and Licensing Act*.

Further, that the Regional Board permit cannabis retail and cannabis processing facilities in the zones noted below:

Zoning Bylaw	Recommended Zones for “Cannabis Retail Store”	Recommended Zones for “Cannabis Processing Facility”
Bylaw 479, 1986	C-1 Local Commercial	M-2 General Industrial M-3 Agricultural Industrial
Bylaw 506, 1986	C-1 Local Commercial	M-2 General Industrial
Bylaw 1000, 1996	NC Neighbourhood Commercial Zone	1-2 General Industrial Zone
Bylaw 1343, 2001	C-1 Local Commercial Zone C-2 General Commercial Zone	I-2 General Industrial Zone I-3 Agricultural Industrial Zone

On properties that are not located within:

- a) 200 m from a parcel containing a school or day care; and
- b) 100 m from any parcel containing a park, place of worship, medical clinic, rehabilitation centre, or other cannabis-related business.

BACKGROUND/RATIONALE:

The draft minutes of the April 16, 2020 Electoral Area Directors Committee meeting are on the Consent Calendar.

ALTERNATIVE OPTIONS:

1. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- Organizational Effectiveness
- Comprehensive Policy Review

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

Any changes to cannabis regulations in the PRRD's zoning bylaws as a result of the Regional Board's decision will be communicated to the general public and potential applicants through the web page and correspondence.

OTHER CONSIDERATION(S):

Provincial Licensing: The Federal and Provincial Governments have strict regulations in place for the approval and operation of cannabis facilities. A provincial license from the Liquor & Cannabis Regulation Branch (LCRB) is required for each business, and must be accompanied by a recommendation from the applicable local government for each cannabis license application. When making comments and recommendations to the LCRB, a local government is required to gather views of residents, which must be gathered in one or more of the following methods:

- a) by receiving written comments in response to a public notice of the application;
- b) by conducting a public hearing in respect of the application;
- c) by holding a referendum; or
- d) by using another method that the local government considers appropriate.

The local government may choose to not make a recommendation for the cannabis license application – in that event, the license application progress would end.

The local government recommendation must:

- a) be in writing (this may or may not be in the form of a resolution);
- b) show that the local government has considered the location of the proposed store;
- c) include the views of the local government on the general impact on the community if the application is approved;
- d) include the views of residents and a description of how they were gathered; and
- e) include the local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

The local government should also provide any supporting documents referenced in their comments.

The LCRB licensing process gives the Regional Board a similar level of control to the current zoning regulations, as all applications are referred to the PRRD and the LCRB will not proceed with licensing without a positive recommendation from the PRRD. Retail cannabis businesses will still require this approval, even if listed as a permitted use in the zone where they are to be located. It is noted that a positive recommendation from the PRRD does not guarantee that the license is granted to an applicant. An applicant must have both a license granted by the Province and an appropriately zoned parcel in order to open a cannabis-related business in a local government.

Attachments:

1. Cannabis Zoning Regulation Review