



REPORT

To: Chair and Directors

Report Number: ADM-BRD-079

From: Kelsey Bates, Deputy Corporate Officer

Date: September 23, 2020

Subject: Zoning Amendment Bylaw No. 2377 (Cannabis), 2020.

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board give Zoning Amendment Bylaw No. 2377 (Cannabis), 2020, which amends all current Peace River Regional District Zoning Bylaws to permit and regulate cannabis retail stores in select commercial zones, first two readings; further, that a Public Hearing be held immediately prior to the November 26, 2020 Board meeting, pursuant to Section 464 of the *Local Government Act*.

BACKGROUND/RATIONALE:

In 2020, the Regional Board considered cannabis activity zoning regulations on a number of occasions:

January 23, 2020

MOVED, SECONDED, and CARRIED

That the Regional Board respectfully refuse Zoning Amendment Bylaw No. 2394, 2020, to amend Section 27(b) of PRRD Zoning Bylaw No. 1343, 2001 to allow a cannabis-related business on the property identified as PID 017-656-010.

February 13, 2020

MOVED, SECONDED, and CARRIED

That the report dated January 28, 2020 from the Regional Board Chair titled 'Regulation of Cannabis Retail Establishments in Rural Areas' be referred to the Electoral Area Directors' Committee.

March 12, 2020

(Based on the February 20, 2020 recommendation from the Electoral Area Directors Committee (EADC)):

MOVED, SECONDED, and CARRIED

That the Regional Board review guidelines from surrounding municipalities applicable to cannabis production and retail establishments; further, that a report identifying potential harmonized guidelines for potential inclusion in Regional District Zoning bylaws applicable to rural areas be provided to the Electoral Area Directors' Committee.

May 7, 2020

(based on the April 16, 2020 recommendation from EADC):

MOVED, SECONDED, and CARRIED

That the Regional Board defer consideration of Resolution No. RD/20/05/15 (Cannabis Related Business) from its May 7, 2020 meeting until it has received clarification on Liquor and Cannabis Regulation Branch (LCRB) regulations as they pertain to carte blanche approval of Cannabis Processing Facilities in PRRD permitted zones, and requirements for public consultation.

June 11, 2020

MOVED, SECONDED, and CARRIED

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:

- a) Cannabis means cannabis as defined in the federal *Cannabis Act*.
- b) 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*.
- c) 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 stores in the zones noted below:

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

Further, that the Regional Board include the following general regulation:

Where permitted, cannabis retail stores may not be located on properties within:

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

Based on the June 11, 2020 resolution noted above, Zoning Amendment Bylaw No. 2377 (Cannabis), 2020 is being provided for Board’s consideration. The Bylaw amends:

- a) Peace River-Liard Regional District Zoning Bylaw No. 85, 1979;
- b) Peace River-Liard Regional District Zoning Bylaw No. 479, 1986;
- c) Peace River-Liard Regional District Zoning Bylaw No. 506, 1986;
- d) Peace River Regional District Zoning Bylaw No. 1000, 1996; and

e) Peace River Regional District Zoning Bylaw No. 1343, 2001.

and repeals:

- a) Peace River Regional District Zoning Amendment Bylaw No. 2316 (Cannabis-Related Business), 2018.

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse Zoning Amendment Bylaw No. 2377 (Cannabis), 2020, which permits and regulates cannabis retail stores in certain zones.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

The public hearing will be advertised as per the *Local Government Act*. Section 466 (7) relieves the local government from sending direct notices to any properties if the bylaw affects more than ten properties. As this amendment will add cannabis related business as a permitted use to all parcels with the commercial zoning identified, only public newspaper advertising will be required.

OTHER CONSIDERATION(S):

As this change affects the entire region, the public hearing will be held in conjunction with a PRRD Board meeting. This will also ensure that electronic participation, should members of the public wish to participate from afar, is available. Staff will review the guidelines issued by the province for the holding of public hearings to ensure that all best practices are followed, and that procedural fairness, public transparency and accountability, and safety are maintained.

A specific zone for inclusion of cannabis was not identified for Zoning Bylaw No. 85 (Lemoray) in the Board resolution directing removal of the prohibition on cannabis and the addition of cannabis related business in the range of PRRD Zoning bylaws. As the direction was to update “all zoning bylaws”, the proposed changes to the other zoning bylaws were also added to Bylaw No. 85. A comparable commercial zone ‘C-2 Industrial Commercial’ in Bylaw 85 was chosen as the zone to add cannabis related business as a permitted use, to mirror the other zoning bylaws.

Attachments:

1. Zoning Amendment Bylaw No. 2377 (Cannabis), 2020

External Links:

1. [Province of BC Guidance Document for the Conduct of Public Hearings](#)

PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2377, 2020

A bylaw to amend

"Peace River-Liard Regional District Zoning Bylaw No. 85, 1979"
"Peace River-Liard Regional District Zoning Bylaw No. 479, 1986"
"Peace River-Liard Regional District Zoning Bylaw No. 506, 1986"
"Peace River Regional District Zoning Bylaw No. 1000, 1996"; and,
"Peace River Regional District Zoning Bylaw No. 1343, 2001."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt "Peace River-Liard Regional District Zoning Bylaw No. 85, 1979," "Peace River-Liard Regional District Zoning Bylaw No. 479, 1986," "Peace River-Liard Regional District Zoning Bylaw No. 506, 1986," "Peace River Regional District Zoning Bylaw No. 1000, 1996," and, "Peace River Regional District Zoning Bylaw No. 1343, 2001,"

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

SECTION ONE - CITATION

1. This bylaw may be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2377 (Cannabis), 2020."

SECTION TWO - TEXT AMENDMENTS

2. That "**Peace River-Liard Regional District Zoning Bylaw No. 85, 1979**" is hereby amended as follows:
 - a) That the following definitions be added to Definitions, 1.2.0, in alphabetical order:

Cannabis means cannabis as defined in the federal *Cannabis Act*.

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*.

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*.

- b) That section 1.4.0 be deleted and replaced with the following:

"1.4.0 Subject to the provisions of the *Local Government Act* and the *Community Charter*, as amended from time to time, respecting non-conforming use, no person shall erect, construct, locate, alter, reconstruct or maintain any building or locate or carry on any industry, business, trade or calling, or use any land or building or structure or surface of water or air space contrary to the provisions of this bylaw."
 - c) That under the Industrial Commercial II Zone (Service-Commercial, Service Industrial), Section 2.6.0 "Permitted Uses", the following use be added:

E) Cannabis Retail Store

- d) That under Industrial Commercial II Zone (Service-Commercial, Service Industrial), Section 2.6.13 "General Requirements", the following be added:

- (8) "Where permitted, cannabis retail stores may not be located on properties within:
 - i. 200 metres from a parcel containing a school or day care; and

- ii. 100 metres from any parcel containing a park, place of worship, medical clinic, rehabilitation centre, or other cannabis-related business.”

4. That “**Peace River-Liard Regional District Zoning Bylaw No. 479, 1986**” is hereby amended as follows:

- a) That the following definitions be added to PART THREE – DEFINITIONS 3.0, in alphabetical order:

Cannabis means cannabis as defined in the federal *Cannabis Act*.

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*.

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*.

- b) That under PART SIX – ZONES, C-1 Local Commercial Zone, Section 6.50(A) “Permitted Uses”, the following use be added:
 - (vi) Cannabis Retail Store
- c) That under PART SEVEN – GENERAL REGULATIONS, Section 7.1 be deleted and replaced with “Except as otherwise specified in this bylaw, the general regulations in Section 7 apply to all zones.”
- d) That under PART SEVEN – GENERAL REGULATIONS the following be added:
 - “7.14 Cannabis-retail Store
 - (a) “Where permitted, cannabis retail stores may not be located on properties within:
 - i. 200 metres from a parcel containing a school or day care; and
 - ii. 100 metres from any parcel containing a park, place of worship, medical clinic, rehabilitation centre, or other cannabis-related business.”

5. That “**Peace River-Liard Regional District Zoning Bylaw No. 506, 1986**” is hereby amended as follows:

- a) That the following definitions be added to PART THREE – DEFINITIONS 3.0, in alphabetical order:

Cannabis means cannabis as defined in the federal *Cannabis Act*.

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*.

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*.

- b) That under PART SIX – ZONES, C-1 Local Commercial Zone, Section 6.50 (A) “Permitted Uses”, the following use be added:
 - (vi) Cannabis Retail Store
- c) That under PART SEVEN – GENERAL REGULATIONS, Section 7.1 be deleted and replaced with “Except as otherwise specified in this bylaw, the general regulations in Section 7 apply to all zones.”
- d) That under PART SEVEN – GENERAL REGULATIONS, the following section be added:
Section 7.14 **Cannabis Retail Store**

“Where permitted, cannabis retail stores may not be located on properties within:

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

6. That “**Peace River Regional District Zoning Bylaw No. 1000, 1996**” is hereby amended as follows:

a) That the following definition be added to Part II – Definitions, Section 3 – Definitions, in alphabetical order:

Cannabis means cannabis as defined in the federal *Cannabis Act*.

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*.

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*.

b) That under PART IV – GENERAL REGULATIONS, SECTION 30 STORAGE be deleted in its entirety and replaced with:

“SECTION 30 USES PROHIBITED IN ALL ZONES”

In all Zones:

- a) no parcel of land shall be used for the wrecking or storage of more than one derelict vehicle or as a junkyard, except as provided for in the Industrial-1 (I-1) or Industrial-2 (I-2) zone;
- b) where permitted, cannabis retail stores may not be located on properties within:
 - i. 200 metres from a parcel containing a school or day care; and
 - ii. 100 metres from any parcel containing a park, place of worship, medical clinic, rehabilitation centre, or other cannabis-related business.”
- c) That under Part VI – ZONES, Section 43 NC (Neighbourhood Commercial Zone), “Permitted Uses”, the following use be added:
 - (e) Cannabis Retail Store

7. That “**Peace River Regional District Zoning Bylaw No. 1343, 2001**” is hereby amended as follows:

a) That the following definition be added to Part II – Definitions, Section 3 – Definitions, in alphabetical order:

Cannabis means cannabis as defined in the federal *Cannabis Act*.

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*.

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*.

b) That under PART III – BASIC PROVISIONS, SECTION 27 STORAGE be deleted and replaced with the following:

“SECTION 27 USES PROHIBITED IN ALL ZONES

In all Zones:

- a) no parcel of land shall be used for the wrecking or storage of more than one derelict vehicle or as a junkyard, except as provided for in the Industrial-1 (I-1) or Industrial-2 (I-2) zone;
- b) where permitted, cannabis retail stores may not be located on properties within:
 - i. 200 metres from a parcel containing a school or day care; and
 - ii. 100 metres from any parcel containing a park, place of worship, medical clinic, rehabilitation centre, or other cannabis-related business.”
- c) That under Part VI – ZONES, Section 41 C-1 (Local Commercial Zone), “Permitted Uses”, the following use be added:
 - (ee) Cannabis Retail Store
- d) That under Part VI – ZONES, Section 42 C-2 (General Commercial Zone), “Permitted Uses”, the following use be added:
 - (uu) Cannabis Retail Store

SECTION THREE - ADMINISTRATIVE

8. If any provision of this bylaw is declared to be illegal, invalid, or ultra vires, in whole or part, then that provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or ultra vires provision.
9. “Peace River Regional District Zoning Amendment Bylaw No. 2316 (Cannabis-Related Business), 2018” is hereby repealed.

READ A FIRST TIME THIS	_____ day of _____	, 2020.
READ A SECOND TIME THIS	_____ day of _____	, 2020.
Public Notification mailed on	_____ day of _____	, 2020.
Public Notification published on the	_____ day of _____	, 2020.
Public Hearing held on the	_____ day of _____	, 2020.
READ A THIRD TIME THIS	_____ day of _____	, 2020.
ADOPTED THIS	_____ day of _____	, 2020.

Chair

(Corporate Seal has been affixed to the
original bylaw)

Corporate Officer

I hereby certify this to be a true and correct copy of “PRRD
Zoning Amendment Bylaw No. 2377 (Cannabis), 2020, as
adopted by the Peace River Regional District Board on
_____, 2020.

Corporate Officer