

# Village-initiated Bylaw to define and prohibit Marihuana Operations

Public Hearing – Bylaw No. 809, 2017

January 31, 2017

# Background

- Oct 2016 -Village received a letter from S.W.E.D. Society requesting ability to have medical cannabis dispensaries in the downtown
- Oct 4, 2016 - Staff was directed to prepare a zoning amendment bylaw to define and regulate medical marihuana dispensary use within the Village of Pemberton
- Oct 18, 2016 – Council revisited S.W.E.D. request, with the understanding that retail sale of medical marihuana is not legal under Federal regulations, and passed a resolution directing staff to seek an injunction in the event of an unauthorized opening of a dispensary in Pemberton
- Nov 29, 2016 – S.W.E.D. Society was issued a Business Licence for retail sales of cannabis-related products, glass and giftware, in compliance with the Village Business Licence Bylaw

# Background continued...

- Dec 13, 2016 - Delegation from S.W.E.D. Society to Council advocating cannabis dispensaries and outlining their business approach
- Jan 17, 2016 - Staff presents a proposed Zoning Bylaw amendment, based on legal advice obtained from the Village's solicitors, which defines and prohibits marihuana operations. Marihuana Operations may be assessed via a site by site rezoning application.
- The rationale for this approach is based on:
  - The fact that store-front dispensaries are currently not lawful.
  - The federal government has promised imminent changes but until these changes are released, the approach is unknown.
  - The Village is embarking on a thorough review of its Zoning Bylaw and has identified the regulation of Medical Marihuana Dispensaries as one of the key issues to be undertaken as part of the review.
  - Once federal changes are known, the Village can review this in more depth and in consultation with the Community & tailor the best approach to regulating this use in the Village of Pemberton.

# Other Jurisdictions' Approach

- The following B.C. municipalities have already or are in the process of banning the retail sale of Cannabis:
  - Abbotsford
  - Castlegar
  - Duncan
  - Powell River
  - Township of Langley
  - Richmond
  - Whistler
- The following B.C. communities regulate lawful growing/producing/selling, but prohibit dispensaries:
  - Campbell River
  - Chilliwack
  - Courtenay
  - Delta
  - North Saanich
  - Prince George

# Other Jurisdictions' Approach

- **Vancouver**
  - \$30,000 Business Licence Fee
  - At least 300 m away from: Schools, Community centers, Neighbourhood houses, Youth facilities that serve vulnerable youth & other marijuana-related businesses
  - Requires a Development Permit & Good Neighbour Agreement
- **Victoria**
  - \$5,000 Business Licence Fee
  - Requires a Rezoning Application
- **Squamish**
  - \$5,000 Business Licence Fee
  - Not permitted within 300 m of a School, Youth Centre, Skateboard Park, Carson Place Park & other dispensaries
  - Not permitted on Cleveland Avenue (the Main Street of Downtown)

# Other Jurisdictions' Approach

- **Penticton** has permitted dispensaries by way of a Temporary Use Permit (TUP) – to date 2 out of 7 have been approved on a six (6) month basis.
  - TUP's allow a commercial or industrial use, on a temporary basis, not otherwise permitted in the Zoning Bylaw.
  - The VoP C-1 Zone is designated as an area where TUP can be granted.
  - TUP's are meant to facilitate a short period only
  - Can be issued for any length of time, to a maximum of three (3) years, with one renewal.
  - Conditions under which a Temporary Use may be allowed are established in the Permit, including locations, operations, age limitations, and length of time the temporary use can occur.
  - Security Deposits may be included to ensure conditions are met.
  - Once the permit is issued, the land must be developed strictly in accordance with the permit..

# Proposed Bylaw 809, 2017

- Defines “marihuana operations” as the cultivating, growing, producing, packaging, storing, distributing, dispensing, advertising, trading or selling of Cannabis (marihuana) or its derivatives but excludes **Medical Marihuana Production Facility**.
- Proposes to add “marihuana operations” to the list of Prohibited Uses found in Section 202
- Received First and Second Reading on January 17, 2017
- Public Hearing - January 31, 2017
- Third & Fourth Reading (if supported) - February 7<sup>th</sup> ->

# Referral Agency Comments

- **Advisory Land Use Commission** – supported the proposed amendment bylaw; suggested a Policy be created based on Fed Regulations once passed
- **Chamber** – did not supply comments
- **Lil'wat Nation** – will provide comments after February 2nd
- **RCMP** – supported the Village's approach
- **Stl'atl'imx Tribal Police** – did not supply comments
- **Sea to Sky Community Services** – did not supply comments
- **School District 48** – did not supply comments
- **Tourism Pemberton** – did not supply comments
- **Vancouver Coastal Health (VCH)** – supported the Village initiative
- **Village Engineer/Fire Chief** – No comment at this time



# Village of Pemberton Approach

- Amend the Zoning Bylaw to define and prohibit Marijuana Operations for now, to avoid 'grandfathering' the use in future
- Wait for the Federal changes to be announced (March-April 2017?)
- Once changes are known, draft new regulations that suit Pemberton, in consultation with stakeholders and the community to as part of the overall Zoning Bylaw Review and Update
- Seek input from the community about these proposed new regulations, and all other proposed changes included in the updated Draft Zoning Bylaw
- Present the completed draft Zoning Bylaw for 1<sup>st</sup> & 2<sup>nd</sup> reading
- Hold a Public Hearing; consider 3<sup>rd</sup> reading
- Adopt the new Zoning Bylaw (December 2017?)

# VoP Bylaw 752, 2014

- Defined “medical marihuana production facility” as a facility used solely for the cultivation, growth, storage, distribution or destruction of marihuana as lawfully permitted and authorized pursuant to the Federal **Marihuana for Medical Purposes Regulation**, as amended or replaced from time to time\*
- Permitted “medical marihuana production facility” in the A-1 (Agriculture) and M-1 (Industrial) zone.

*\*This act has now been replaced by the **Access to Cannabis for Medical Purposes Regulations**, Health Canada, August 24, 2016*