



Notice of Public Hearing on July 16, 2018 (6 p.m.)

**Proposed Zoning Bylaw No. 4662, 2010,
Amendment Bylaw No. 4982, 2018**

**To define and prohibit the production and sale
of cannabis in the District of West Vancouver**

Public Information Binder

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NOTICE

PUBLIC HEARING FOR CANNABIS REGULATIONS

WHAT: A public hearing will be held regarding proposed Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4982, 2018 regarding proposed regulations for non-medical (recreational) cannabis.

WHEN: Monday, July 16, 2018, 6 p.m. public hearing

WHERE: West Vancouver Municipal Hall, Council Chamber,
750 17th Street, West Vancouver

PROPOSED ZONING BYLAW NO. 4662, 2010, AMENDMENT BYLAW

NO. 4982, 2018: would prohibit the production and sale of cannabis in the District. Both the federal and provincial governments have been crafting regulations and policy for both the production and sale of non-medical (recreational) cannabis ahead of the anticipated legalization of it by Canada in the fall of 2018. In advance of the legalization of recreational cannabis, the District is considering prohibiting the production and retail sale of it within the municipality.

PROVIDE YOUR INPUT: All persons who believe their interest is affected by the proposed bylaw amendment will be given an opportunity to be heard at the public hearing. Prior to the public hearing written submissions may be: emailed to Council at mayorandcouncil@westvancouver.ca; mailed to Council at Municipal Hall, 750 17th Street, West Vancouver, BC V7V 3T3; or delivered to Legislative Services at Municipal Hall. *Please provide written submissions no later than 3 p.m. on July 16, 2018, to make them available to Council for the public hearing.* Written submissions will be included in the public hearing information package for Council's consideration. **After the public hearing has closed no further submissions can be considered by Council.**

GET MORE INFORMATION: The proposed bylaw amendment and other relevant documents that Council may consider in deciding whether to adopt the proposed bylaw may be inspected at westvancouver.ca/developmentapplications and at Municipal Hall, from June 28, 2018 to July 16, 2018, Monday to Friday (except for statutory holidays), 8 a.m. to 4:30 p.m. Copies may also be inspected at the Memorial Library, or at the public hearing.

QUESTIONS? Lisa Berg, Senior Community Planner
lberg@westvancouver.ca | 604-925-7237


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DISTRICT OF WEST VANCOUVER
 750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

Date:	June 11, 2018
From:	Lisa Berg, Senior Community Planner
Subject:	Cannabis Regulations: Zoning Bylaw Amendment
File:	1610-20-4982

RECOMMENDATION

Proposed "Zoning Bylaw No. 4662, 2010 Amendment Bylaw No. 4982, 2018" be read a first time.

RECOMMENDATION

Proposed "Zoning Bylaw No. 4662, 2010 Amendment Bylaw No. 4982, 2018" be presented at a public hearing scheduled for July 16, 2018 at 6 p.m. in the Municipal Hall Council Chamber, and that notice be given of the scheduled public hearing.

1.0 Purpose

The purpose of this report is to amend the zoning bylaw to define and prohibit the production and sale of cannabis in the District.

2.0 Legislation/Bylaw/Policy

Federal Legislation

In April 2017, the federal government introduced Bill C-45 (the *Cannabis Act*) and Bill C-46 (amends the impaired driving provisions of the Criminal Code). These bills are currently being reviewed and processed with the goal of bringing Bill C-45 into force in July of 2018.

If approved, Bill C-45 would make non-medical cannabis (recreational cannabis) legal in Canada. Bill C-46 (Criminal Code impaired driving provisions) would likely follow shortly thereafter, detailing the penalties for driving under the influence of cannabis.

The federal government will control the commercial production of cannabis but will leave the provinces and territories to determine many of the details regarding how distribution, including retail sale, will be regulated. Cannabis for medicinal purposes is federally regulated under the *Controlled Drugs and Substances Act* and is not subject to the proposed Bills.

Provincial Legislation

In preparation for the federal government's legalization of non-medical cannabis in late summer 2018, the Province has given Royal Assent to the *Cannabis Control and Licensing Act* and the *Cannabis Distribution Act*,

both of which will subsequently come into force by regulation. The *Cannabis Control and Licensing Act* establishes the regulatory framework for the possession, use, and retail licensing, among other things while the *Cannabis Distribution Act* establishes that the Liquor Distribution Branch (LDB) will be the wholesale distributor of non-medical cannabis in BC and will run provincial cannabis retail stores.

Municipal Regulation

The District of West Vancouver does not currently have policy or bylaws that specifically address the retail sale or production of recreational cannabis.

The zoning bylaw regulates land use in the District, including the location of retail sales.

3.0 Background

3.1 Previous Decisions – None.

3.2 Context

Both the federal and provincial governments have been crafting regulations and policy for both the production and sale of non-medicinal retail cannabis (recreational cannabis) ahead of proposed legalization of it by Canada on July 1, 2018.

The provincial government undertook public and stakeholder consultations from September 25 to November 1, 2017 on a range of issues related to the regulation of cannabis in BC, including minimum age, personal possession, drug impaired driving, public consumption, wholesale and retail distribution options and personal cultivation. Based on the input in the fall of 2017, the provincial government released the Cannabis Private Retail Licensing Guide¹ on February 5, 2018. This document serves as a guide for an individual considering an application to the Province for a non-medicinal cannabis retail license.

Some notable provincial policies and directions related to recreational cannabis of interest to local government are as follows:

- **Possession:** Sets 19 as the minimum age to possess, purchase, sell or consume cannabis in BC, allows an adult to possess up to 30 grams in a public place and up to four plants per household, and prohibits cannabis smoking and vaping everywhere tobacco smoking and vaping are prohibited, as well as playgrounds, sports fields, skate parks, and other places where children commonly gather.
- **Wholesale Distribution:** As previously noted, the Liquor Distribution Branch (LDB) will be the wholesale distributor of non-

¹ https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/5847_cannabis_privateretailguide_v03.pdf

medical cannabis in BC and will run provincial cannabis retail stores. The *Cannabis Distribution Act* will establish a public wholesale distribution monopoly and public (government-run) retail sales, both in stores and online.

- **Retailing:** The Liquor Control and Licensing Branch (LCLB) will be responsible for the provincial licensing of non-medical cannabis stores and monitoring the non-medical cannabis retail sector. The licensing system will be a similar regime to the current licensing system for liquor.
- **Retail Licence/Location Approval Process:** Prescribed classes of licence and licence amendment applications by both private and public retail store applicants must obtain a recommendation from the local government in support of the license as a prerequisite to licence issuance. The local government must conduct public consultation with area residents.
- **Local Government Influence & Control:** The provincial process indicates local governments will have control over the following for both public and private stores:
 - Location and separation criteria;
 - Set the number of establishments, including a total prohibition;
 - Store security; and
 - Hours of operation (maximum hours set provincially at 9 am to 11 pm).
- **Retail Restrictions:** Retail stores will be limited to what they can and cannot sell:
 - **What they can sell:** cannabis products approved for sale under federal legislation (e.g. dried cannabis, cannabis oils and seeds). The cannabis sold must be obtained from the LDB. The LDB will distribute pre-packaged products only with federal compliant labels. Cannabis accessory products are permitted to be sold (e.g. such as rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers that are represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis).
 - **What they can't sell:** No edible products, snacks, tobacco, liquor or other non-cannabis related items can be sold at urban retail stores. No off-site sales or storage and no online sales or delivery services will be permitted by private stores. Only public (i.e. government) retailers may sell online. No bulk sales are permitted and retailers may not re-package the product with its own branding. Information about size formats will be provided by the province at a later date.

- **Other restrictions:** Cannabis stores must be a self-contained business (e.g. they cannot be within another store, unless it is in a rural area). Minors will not be permitted in urban cannabis stores even if they are accompanied by an adult. No consumption in the store will be allowed. The federal government will also regulate advertising under the proposed *Cannabis Act*.
- **Medical Cannabis Dispensaries:** A full review of the medical cannabis system is expected within the next five years. The proposed *Cannabis Act* does not apply to medical cannabis distribution.

4.0 Analysis

4.1 Discussion

In advance of the legalization of recreational cannabis, it is proposed that the retailing of recreational cannabis be prohibited throughout the District under the zoning powers afforded Council under Section 479 (zoning bylaws) of the *Local Government Act*.

Approach and Rationale

The District does not have any policy or criteria by which to assess the appropriate location for the retail sale of recreational cannabis. Therefore, staff recommend that the District take a cautionary approach to its regulation.

As such, staff propose an amendment to the zoning bylaw for the prohibition of recreational cannabis retailing throughout the District (**Appendix A**). Further, it is recommended that concurrent with the initial prohibition, staff review criteria and policy that would help Council determine the appropriate location of retail sale locations in the future.

In the meantime, businesses wishing to locate in the District could apply for a rezoning and, on a case-by-case basis, allow the District to determine the specific conditions associated with the individual business. This approach would give Council full discretion regarding such a request through the rezoning process (bylaw readings, public hearing and adoption process) and would also allow Council to establish conditions associated with the use. Conditions could include regulations regarding siting, adjacent limiting distances, and hours of operation.

Future Supporting Amendments

In the very near future, staff will report back with proposed amendments to the regulatory bylaws related to smoking in the District (e.g. the Smoking Regulation Bylaw, the Bylaw Notice Enforcement Bylaw, and the Municipal Ticket Information Bylaw).

Amending the Smoking Regulation Bylaw would serve to harmonize smoking activities and prohibitions relative to cannabis use along with the currently regulated cigarettes and other smoking methods for tobacco.

One notable addition to the future amendment would be the inclusion of vapourizers, e-cigarettes and related products. The Bylaw Notice Enforcement Bylaw and the Municipal Ticket Information Bylaw would also be amended to support the changes. These bylaw changes will be brought forward in the near term by Bylaw Services.

4.2 Sustainability – Not applicable.

4.3 Public Engagement and Outreach

Following first reading of the proposed bylaw and scheduling a public hearing by Council, staff will give notification of the public hearing consistent with District policy and legislated requirements to property owners and residents.

4.4 Other Communication, Consultation, and Research

Planning staff has consulted with District staff from various departments including permits and inspections and bylaw services.

5.0 Options

5.1 Recommended Option

Amend the zoning bylaw to prohibit recreational cannabis sales and production uses in the District.

If adopted, the proposed zoning amendment would give the District the highest degree of control and regulation and allow for a measured assessment of the implications that recreational cannabis retailing and production might have on the community with any given application.

5.2 Considered Option

Request further information or provide alternate direction (to be specified).

6.0 Conclusion

In the absence of local policy or criteria regarding the location of the retail sales of recreational cannabis, staff recommend that the production and sale of recreational cannabis retailing in the District be prohibited. This approach is one that many local governments have taken due to uncertainty surrounding the issues of recreational cannabis generally and recreational cannabis retailing in particular. Future changes to land use and other regulations can be made at any time in the future at Council's discretion.

Individual retail cannabis businesses wishing to locate in the District would need to apply for a rezoning. In the meantime, staff will report back with a proposed policy and criteria for Council consideration regarding the location of retail locations for recreational cannabis.

Amendments to other regulatory bylaws will be brought forward in the near term to harmonize cannabis smoking with other tobacco related products.

Date: June 11, 2018
From: Lisa Berg, Senior Community Planner
Subject: Cannabis Regulations: Zoning Bylaw Amendment

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Author:

Lisa Berg, Senior Community Planner

Appendices:

Appendix A – "Zoning Bylaw No. 4662, 2010 Amendment Bylaw No. 4982, 2018"



District of West Vancouver

**Zoning Bylaw No. 4662, 2010,
Amendment Bylaw No. 4982, 2018**
(A Bylaw to Regulate Cannabis)

Effective Date:

**Zoning Bylaw No. 4662, 2010,
Amendment Bylaw No. 4982, 2018**

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District of West Vancouver

Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4982, 2018

A bylaw to amend the Zoning Bylaw to regulate for recreational cannabis retailing use.

Previous amendments: Amendment bylaws 4672, 4677, 4678, 4679, 4689, 4701, 4680, 4710, 4697, 4716, 4712, 4737, 4726, 4736, 4757, 4752, 4767, 4787, 4788, 4784, 4772, 4791, 4805, 4809, 4828, 4854, 4873, 4866, 4895, 4839, 4898, 4944, and 4905.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for an amendment of the Zoning Bylaw;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4982, 2018".

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amends the Definitions

- 3.1 Zoning Bylaw No. 4662, 2010 Schedule A, Section 110 'Definitions' is amended by inserting the following definitions in alphabetical order:
- 3.1.1. **Cannabis** means cannabis as defined in the *Controlled Drugs and Substances Act* or *Cannabis Act* and includes any products containing cannabis.
 - 3.1.2 **Cannabis Production** means the use of land, buildings or structures for research and development, testing, growing,

producing, processing, destroying, storing, packaging, labeling, or distributing Cannabis.

- 3.1.3 **Cannabis Sales** means the use of land, buildings or structures for storing, distributing, dispensing, trading or selling of Cannabis, but does not include sales by a British Columbia Registered Pharmacist in a British Columbia regulated pharmacy.

Part 4 Amends Use of Land or Buildings

- 4.1 Zoning Bylaw 4662, 2010, Schedule A, Section 120.01 'Use of Land or Buildings' is amended by renumbering Section 120.01(6) to Section 120.01(7), and inserting the following text as a new section 120.01(6) and replacing it with the following:

- 4.1.1 Section 120.01(6) Cannabis Production and Cannabis Sales are prohibited in every zone.

READ A FIRST TIME on

PUBLICATION OF NOTICE OF PUBLIC HEARING on

PUBLIC HEARING HELD on

READ A SECOND TIME on

READ A THIRD TIME on

ADOPTED by the Council on

Mayor

Municipal Clerk

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