

To: Electoral Area Services Committee

Date: 2019-10-08

From: Margaret-Ann Thornton, Director of Planning & Development

File No: 6410-20-037

**Subject: Zoning Bylaw Amendments for Cannabis land uses in Electoral Areas D, F and H.**

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## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Zoning Amendment Bylaw No. 1546, 2019* for the purpose of defining and regulating Cannabis land uses;

**THAT** the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Zoning Amendment Bylaw No. 1547, 2019* for the purpose of defining and regulating Cannabis land uses;

**THAT** the Fraser Valley Regional District Board consider giving first reading to the bylaw cited as *Fraser Valley Regional District Zoning Amendment Bylaw No. 1548, 2019* for the purpose of defining and regulating Cannabis land uses;

**THAT** the *Fraser Valley Regional District Zoning Amendment Bylaw No. 1546, 2019; Fraser Valley Regional District Zoning Amendment Bylaw No. 1547, 2019; and Fraser Valley Regional District Zoning Amendment Bylaw No. 1548, 2019* be forwarded to Public Hearing;

**THAT** the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to the proposed *Fraser Valley Regional District Zoning Amendment Bylaw No. 1546, 2019; Fraser Valley Regional District Zoning Amendment Bylaw No. 1547, 2019; and Fraser Valley Regional District Zoning Amendment Bylaw No. 1548, 2019* to Director Bill Dickey, as Chair of the Electoral Areas Services Committee or his alternate in his absence;

**THAT** Director Bill Dickey, as Chair of the Electoral Areas Services Committee or his alternate in his absence, preside over and Chair the Public Hearing with respect to proposed *Fraser Valley Regional District Zoning Amendment Bylaw No. 1546, 2019; Fraser Valley Regional District Zoning Amendment Bylaw No. 1547, 2019; and Fraser Valley Regional District Zoning Amendment Bylaw No. 1548, 2019*;

**THAT** the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing with respect to proposed *Fraser Valley Regional District Zoning Amendment Bylaw No. 1546, 2019; Fraser Valley Regional District Zoning Amendment Bylaw No. 1547, 2019; and Fraser Valley Regional District Zoning Amendment Bylaw No. 1548, 2019* in accordance with the Local Government Act;

**AND THAT** in the absence of Director Bill Dickey, as Chair of the Electoral Areas Services Committee, or his alternate in his absence at the time of the Public Hearing with respect to proposed *Fraser Valley*

*Regional District Zoning Amendment Bylaw No. 1546, 2019; Fraser Valley Regional District Zoning Amendment Bylaw No. 1547, 2019; and Fraser Valley Regional District Zoning Amendment Bylaw No. 1548, 2019*, the Fraser Valley Regional District Board Chair is delegated the authority to designate who shall preside over and Chair the Public Hearing regarding this matter;

**AND FURTHER THAT** in accordance with Section 52 of the Transportation Act, a referral of *Fraser Valley Regional District Zoning Amendment Bylaw No. 1546, 2019; and Fraser Valley Regional District Zoning Amendment Bylaw No. 1548, 2019* be sent to the Ministry of Transportation and Infrastructure;

**AND FINALLY THAT** the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to *Fraser Valley Regional District Zoning Amendment Bylaw No. 1546, 2019; Fraser Valley Regional District Zoning Amendment Bylaw No. 1547, 2019; and Fraser Valley Regional District Zoning Amendment Bylaw No. 1548, 2019*.

## **STRATEGIC AREA(S) OF FOCUS**

Provide Responsive & Effective Public Services

## **DISCUSSION**

Further to the September 10, 2019 Electoral Areas Services Committee (EASC) workshop, direction was provided to staff to prepare a policy and Zoning Bylaw Amendments regarding Cannabis land uses in the Electoral Areas. A separate report to the Electoral Areas Services Committee (EASC) provides a policy for consideration regarding Cannabis land uses in the Electoral Areas.

At the September 10, 2019 EASC workshop it was requested that amendments to the Zoning Bylaws for Electoral Areas D, F and H be expedited to restrict Cannabis production, processing and retail sales. Any proposals for these Cannabis land uses are to be reviewed on a site-by-site basis including public consultation. It is recognized that Federal and Provincial legislation may supersede the FVRD Zoning Bylaw, such as lands within the Agricultural Land Reserve (ALR) where Cannabis is grown outdoors in a field; inside a structure that has a base entirely consisting of soil; or inside a structure built before July 13, 2018 for the purpose of growing crops. Any new revisions to Federal and Provincial legislation may provide new and supplemental authorizations for Cannabis land uses.

Zoning Bylaw amendments for Electoral Areas A, B, C, E and G will be undertaken in the future.

There are currently nine (9) Zoning Bylaws which regulate land use in the Electoral Areas. To accommodate the EASC request, amendments to the Regional District of Fraser Cheam Bylaw No. 75, 1976 (Zoning Bylaw for Electoral Area D); Dewdney-Aloutte Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992 (Zoning for Electoral Area F); and Zoning Bylaw No. 66, 1993 (Zoning

for Electoral Area H) are attached for consideration. The FVRD is currently consolidating all Zoning Bylaws into one consolidated, streamlined and modernized Zoning Bylaw. In advance of the Zoning Bylaw consolidation, the attached Zoning Bylaw Amendments address the immediate request to restrict Cannabis land uses in Electoral Areas D, F and H.

The Zoning Bylaw Amendments were prepared in accordance with the FVRD Board resolution. The following general principles were incorporated:

1. Common definitions for Cannabis, Cannabis Dispensary, and Cannabis Production Facility. This provides consistency for Electoral Areas D, F and H, and the definitions accommodate both medical and recreational Cannabis related land uses.
2. Specify that Cannabis Dispensary and Cannabis Production Facilities are not permitted in Electoral Areas D, F and H.
3. Specify that where property is located within the Agricultural Land Reserve (ALR), the *Agricultural Land Commission Act* supersedes the Zoning Bylaw requirements.

**Consistency with Official Community Plans (OCPs)**

Rezoning of land must be consistent with the Official Community Plan (OCP) in effect for the area. The following OCPs are in effect for Electoral Areas D, F and H:

Electoral Area	Official Community Plan (OCP) Bylaw	Date of Adoption
D	FVRD 0020	April 28, 1998
H and E	FVRD 1115	August 13, 2013
F	FVRD 0999	March 29, 2011

The growing, processing and retail sale of Cannabis was not a consideration in the development of the existing OCPs in effect for the Electoral Areas. As a new legal land use, that pre-dates the OCP adoptions, this land use is controlled and will be licenced by the Federal Government (Health Canada). OCPs are policy and not regulatory documents. As a new legal land use, specific policies regarding the growing, processing and retail sale of Cannabis is not contained in the OCPs. The proposed rezoning bylaws generally comply with the OCPs in effect for the Electoral Areas. As text amendments to existing zoning bylaws, the intent is to provide clarity regarding Cannabis land uses. Referrals to First Nations and other agencies was determined by staff as not being required as a general zoning bylaw text amendment, and not a site specific rezoning application. This is consistent with the FVRD First Nations referral policy.

**Ministry of Transportation and Infrastructure (MOTI) Approval**

As text amendments to the Zoning Bylaws, Ministry of Transportation and Infrastructure (MOTI) approval of the Zoning Bylaw Amendments in the Electoral Areas where a Controlled Access Highway is located, require MOTI approval pursuant to Section 52 Highways Act. These areas include:

<b>Electoral Area</b>	<b>Controlled Access Highway</b>	<b>Ministry of Transportation and Infrastructure (MOTI) Approval Required</b>
D	Trans-Canada Highway 1 and Highway 9	Yes
E	None	No
F	Highway 7	Yes

After first reading, the Zoning Bylaw Amendments for Electoral Areas D and F will be forwarded to MOTI for approval prior to consideration of adoption of the Zoning Bylaws.

### **Provincial Ministry of Agriculture**

Sections 903(5) and 917 of the Local Government require the Provincial Ministry of Agricultural approval of Farm Bylaws for the municipalities of Delta, Kelowna, Abbotsford and the Township of Langley. Ministry of Agriculture referral or approval of the Zoning Bylaws is not required for the Electoral Areas.

### **Public Hearing and Public Information Meeting**

Pursuant to the FVRD Development Procedures Bylaw No. 0831, 2007 a Public Hearing will be advertised and scheduled. One Public Hearing for all three (3) Zoning Amendment Bylaws will be scheduled in late 2019 and chaired by the Electoral Area Services Committee (EASC) Chair Bill Dickey. All Electoral Area Directors are invited and encouraged to attend the public hearing. As text amendments to the Zoning Bylaws which effect greater than 10 properties, a mailed notice will not be undertaken, but the Public Hearing will be advised in the local newspapers and on the FVRD web-site, pursuant to the Development Procedures Bylaw No. 0831, 2007 and the Local Government Act. Immediately prior to the Public Hearing, a public information meeting will be held at the same date and time, which is the typical practice for rezoning in the Electoral Areas.

### **Agricultural Land Reserve (ALR)**

Where property is located within the Agricultural Land Reserve (ALR), the *Agricultural Land Commission Act* supersedes the Zoning Bylaw requirements. This requirement is specified in the Zoning Bylaws.

### **COST**

No fee is levied for Zoning Bylaw amendments initiated by the Fraser Valley Regional District. Costs will include the advertising and scheduling of the Public Hearing.

### **CONCLUSION**

Staff recommends approval of the attached Zoning Bylaw Amendments for Cannabis land uses in Electoral Areas D, F and H.

**COMMENTS BY:**

**Mike Veenbaas, Director of Financial Services:** No further financial comments

**Jennifer Kinneman, Acting Chief Administrative Officer:** Reviewed and supported