

To: Fraser Valley Regional District Board

Date: 2020-03-18

From: Julie Mundy, Planner 1

File No: 3920-20 -1546, 2019

Subject: Zoning Amendment Bylaw No. 1546, 2019 for cannabis land uses in Electoral Area D

RECOMMENDATION

THAT *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* be given second and third reading.

AND THAT *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* be adopted.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

The FVRD Regional Board adopted a Land Use Policy for Cannabis Production, Processing, and Retail Sales in the Electoral Areas in October 2019. Staff are working to implement this policy in two phases. Phase one addresses Electoral Areas not wanting to encourage cannabis land uses, while Phase 2 will create enabling regulations for Electoral Areas that do want to support cannabis land uses.

The purpose of Zoning Amendment Bylaw No. 1546, 2019 is to revise *Zoning Bylaw No. 75* to:

- 1) Provide definitions for Cannabis, Cannabis Dispensary, and Cannabis Production Facility in Electoral Area D, and
- 2) Prohibit Cannabis Dispensary and Cannabis Production Facility uses in all zones in Electoral Area D

Proposed Bylaw No. 1546, 2019 will add definitions, specify prohibited uses in Electoral Area D, and remove any reference to a Medical Marihuana Grow Operation.

The bylaw received first reading from the FVRD Regional Board on October 22, 2019.

DISCUSSION

The public hearing for *Bylaw No. 1546, 2019* was held on February 20, 2020. Director Dickey was delegated to hold the hearing; his public hearing report is attached. Nine (9) members of the public attended the public hearing; however, no written or oral comments were submitted into the public record.

The Public Hearing has now closed. To avoid the need to hold another public hearing, the Regional Board may not receive new information with respect to this bylaw. This report is a summary of the bylaw and public hearing, and does not constitute new information.

Bylaw Changes

After the public hearing, proposed Bylaw 1546, 2019 was changed to align the definition of cannabis with the definition of cannabis in the federal Cannabis Act. This change does not alter the permitted uses in the bylaw.

In accordance with Section 470 of the Local Government Act, the procedure after the public hearing is as follows:

After a public hearing, the council or board may, without further notice or hearing,

- (a) Adopt or defeat the bylaw, or
- (b) Alter and then adopt the bylaw, provided that the alteration does not
 - i. Alter the use
 - ii. Increase the density
 - iii. Without the owner's consent, decrease the density of any area from that originally specified in the bylaw

Accordingly, the Fraser Valley Regional District Board may now receive the public hearing report and may consider the following options:

OPTION 1 2ND / 3RD Readings & Consideration of Adoption (Staff recommendation)

THAT *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* be given second and third readings.

AND THAT *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* be adopted.

The Board is able to give 2nd Reading, 3rd Reading and, by separate resolution, adopt *Bylaw No. 1546 2019* at the same meeting. Section 4.24.3 of *FVRD Board and Committee Procedures Bylaw No. 1305, 2015*, states that, "...any bylaw which does not require approval, consent, or assent under the provisions of the Act or any other enactment prior to the adoption of the bylaw may be adopted at the same meeting of the Board at which it passed third reading, provided the motion for adoption receives an

affirmative vote of at least two-thirds (2/3) of the votes cast, otherwise, a Board must not adopt a bylaw on the same day it has given the bylaw Third Reading.”

With this option, property owners can still apply to rezone an individual property to allow for cannabis land uses. As FVRD proceeds with creating enabling regulations for cannabis land uses in other areas, the community will have an opportunity to revisit the zoning regulations if desired.

Alternatively, the Board may wish to consider:

OPTION 2 Refer to EASC for further consideration

THAT *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* be referred to the Electoral Area Services Committee for further consideration.

OPTION 3 Defer

THAT consideration of proposed *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* be deferred to the next regular meeting of the Fraser Valley Regional District Board [or other date]; or

OPTION 4 Refuse

THAT *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019* not be given any further readings.

COST

No fee is levied for Zoning Bylaw amendments initiated by the Fraser Valley Regional District. The costs associated with the public hearing are provided for in the EA Planning budget.

COMMENTS BY:

Graham Daneluz, Director of Planning & Development: Reviewed and supported

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

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

ATTACHEMENTS

- Draft Bylaw - *Fraser Valley Regional District Electoral Area D Zoning Amendment Bylaw No. 1546, 2019*
- Public Hearing Report, Bylaw 1546, 2019