

To: Fraser Valley Regional District Board

Date: 2020-03-18

From: Julie Mundy, Planner 1

File No: 3920-20 -1547, 2019

**Subject: Zoning Amendment Bylaw No. 1547, 2019 for cannabis land uses in Electoral Areas E and H**

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### RECOMMENDATION

**THAT** *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019* be given second and third reading.

**AND THAT** *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 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. 1547, 2019 is to revise *Zoning Bylaw 66* to:

- 1) Provide definitions for Cannabis, Cannabis Dispensary, and Cannabis Production Facility in Electoral Areas E and H, and
- 2) Prohibit Cannabis Dispensary and Cannabis Production Facility uses in all zones in Electoral Areas E and H

Proposed Bylaw No. 1547, 2019 will add definitions, specify prohibited uses in Electoral Areas E and H, 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 1547, 2019* was held on February 18, 2020. Director Dickey was delegated to hold the hearing; his public hearing report is attached. Approximately 45 member of the public attended the public hearing. Submissions entered into the public record include:

- 9 oral submissions made at the public hearing; 2 speakers were in favour of the bylaw, and 7 speakers opposed the bylaw
- 2 written submission provided in advance of the public hearing; one was for information, and one opposed the bylaw
- 2 written submissions emailed to Director Dixon prior to the start of the public hearing which support the bylaw

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 No. 1547, 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      2<sup>ND</sup> / 3<sup>RD</sup> Readings & Consideration of Adoption (Staff recommendation)**

**THAT** *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019* be given second and third readings.

**AND THAT** *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019* be adopted.

The Board is able to give 2nd Reading, 3rd Reading and, by separate resolution, adopt *Bylaw No. 1547 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.

Staff will draft enabling regulations for cannabis land uses in Electoral Area E as part of phase 2 of implementing the Land Use Policy for Cannabis Production, Processing, and Retail Sales. Electoral Area H will have an opportunity to revisit the zoning regulations at this time.

Alternatively, the Board may wish to consider:

**OPTION 2      Refer to EASC for further consideration**

**THAT** *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 2019* be referred to the Electoral Area Services Committee for further consideration.

**OPTION 3      Defer**

**THAT** consideration of proposed *Fraser Valley Regional District Electoral Areas E and H Zoning Amendment Bylaw No. 1547, 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 Areas E and H Zoning Amendment Bylaw No. 1547, 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 Areas E and H Zoning Amendment Bylaw No. 1547, 2019*
- Public Hearing Report, Bylaw 1547, 2019