



REQUEST FOR DECISION

Zoning Amendment Bylaw No. 1544-2017, No. 1545-2017, No. 1546-2017 and No. 1547-2017 – Cannabis Regulations
Third Reading and Adoption

Meeting Date: May 24, 2018

To: SLRD Board

RECOMMENDATIONS:

THAT Bylaw No. 1544-2017, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017” be read a third time.

THAT Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017” be read a third time.

THAT Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017” be read a third time.

THAT Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017” be read a third time.

THAT Bylaw No. 1544-2017, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017” be adopted.

THAT Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017” be adopted.

THAT Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017” be adopted.

THAT Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017” be adopted.

KEY ISSUES/CONCEPTS:

The Board made the following resolutions at its April 18, 2018 Board meeting:

THAT first reading of Bylaw No. 1544-2017, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017” be rescinded.

THAT first reading of Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017” be rescinded.

THAT first reading of Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017” be rescinded.

THAT first reading of Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017” be rescinded.

THAT Bylaw No. 1544-2017, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017” be read a first and second time.

THAT Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017” be read a first and second time.

THAT Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017” be read a first and second time.

THAT Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017” be read a first and second time.

THAT pursuant to section 464 of the Local Government Act, the public hearing regarding the following bylaws be waived:

- *Bylaw No. 1544-2017, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017”,*
- *Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017”,*
- *Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017”, and*
- *Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017”.*

THAT notice of the waiver of the public hearing regarding the following bylaws be given in accordance with section 467 of the Local Government Act:

- *Bylaw No. 1544-2017, cited as “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017”,*
- *Bylaw No. 1545-2017, cited as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017”,*
- *Bylaw No. 1546-2017, cited as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017”, and*
- *Bylaw No. 1547-2017, cited as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017”.*

THAT SLRD staff develop a public engagement and communication strategy for each of the four Electoral Areas to obtain community input and feedback regarding retail sales of cannabis (once legalized).

Notice of Waiving of Public Hearings

Notice was provided in the Squamish Chief, Pique Newsmagazine (May 10th and 17 editions) and Lillooet News (May 9th and 16th editions). The opportunity to present written submission was highlighted on the SLRD website and social media.

Information Referrals

Information referrals were provided to member municipalities and First Nations as an “FYI” to our neighbouring jurisdictions to communicate how the SLRD is preparing for the federal legalization of cannabis.

Public Survey

A public survey is open seeking feedback from the public on the areas that local government can regulate (retail outlets, public consumption, and personal cultivation). Input will help the SLRD develop and implement regulations (following the legalization of cannabis) to best meet the communities’ desires and also achieve objectives established by the federal and provincial governments. The online survey is linked here: www.sldr.bc.ca/CannabisRegulations

Social Media

Notice of the Waiving of the Public Hearings and opportunity for Public Feedback on SLRD cannabis regulations was communicated through SLRD Facebook and Twitter platforms.

RELEVANT POLICIES:

Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999

Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013

Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002

Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016

BACKGROUND:

In April 2017, the Government of Canada introduced Bill C-45 (the *Cannabis Act*) and Bill C-46 (the Act to amend the *Criminal Code*) with plans to make non-medical cannabis legal in Canada by July 2018. The *Cannabis Act* is currently sitting at second reading, with June 7 the deadline for the Senate to pass the legislation, as agreed upon by the Senate leaders and government. While the proposed *Cannabis Act* provides an overall framework for cannabis legalization and regulation, it also provides authorities for all levels of government. Generally, the *Cannabis Act* provides authority for the Federal government to regulate commercial cultivation, processing, and sales (by phone or online), with Federal licences required for these activities. Provincial governments will have authority to establish age limit, distribution and retail models, among others. Local governments will have authority to regulate certain aspects like retail location and rules, regulatory compliance, public consumption, and land use/zoning. As such, local governments are preparing for cannabis legalization through regulatory updates.

A key concern is the potential for legal non-conformity or “grandfathering” (as per section 528 of the *Local Government Act*) of cannabis retail operations. To address this concern, the proposed zoning amendments would prohibit cannabis retail in the SLRD Electoral Areas now, ahead of the Federal and Provincial changes thereby ensuring that potential cannabis retail/sales

operations do not have an argument for legal non-conformity. It should be recognized that as the SLRD does not have the authority to issue business licences, zoning is the only authority the SLRD can exercise to regulate where and how cannabis is sold. The subject zoning amendments also propose new definitions and seek to clarify existing cannabis production (cultivation/processing) regulations.

ANALYSIS:

Summary of Proposed Amendments:

- Exclude the sale of cannabis as a part of retail uses (currently permitted in commercial zones, some industrial zones, and under some home business/home craft provisions) by prohibiting *cannabis retail* in the Electoral Area zoning bylaws. This will address concerns about legal non-conformity and will compel any prospective cannabis retail sales outlets to apply for a rezoning, thus allowing for public input and Board decision-making. It also acknowledges that regional districts have a more limited authority to regulate compared to municipalities which have broader authority under the Community Charter and powers such as business licensing.
- Replace all references to *medical marihuana production facility* with *cannabis production facility*. The *Cannabis Act* and subsequent Federal licences for cultivation and processing (production) will not distinguish between medical cannabis production and non-medical/recreational cannabis production. This will mean that in the SLRD cannabis production will be permitted as per the current *medical marihuana production facility* zoning regulations, which went through an extensive public process. Additionally, it should be noted that the *Marihuana for Medical Purposes Regulations (MMPR)* are no longer in effect.
- Add definition of cannabis, cannabis retail, and cannabis production facility.

See Appendices B, C, D, and E for the full proposed zoning amendments.

SLRD Approach

The following has been communicated as the SLRD approach to preparing for cannabis legalization.

PREPARING FOR CANNABIS LEGALIZATION

In order to be ready for cannabis legalization, the SLRD is taking the following steps to prepare:

1. Update SLRD Electoral Area Zoning Bylaws – current proposed zoning amendments. The SLRD is taking an incremental approach to the regulation of cannabis in the Electoral Areas – maintaining the status quo for both retail and production while considering new uses through site-specific zoning amendment processes (once the *Cannabis Act* comes into effect).
2. Seek Public Feedback – take the survey (linked above)! And once the *Cannabis Act* comes into effect and the full framework for legalization is established, the SLRD will be exploring further community engagement opportunities.
3. Develop and Implement Regulations - regulations will take into account public feedback and will be explored in depth following the legalization of cannabis (when the full Federal and Provincial regulatory framework is revealed).

Next Steps

(Once Cannabis Act comes into effect)

1. Develop a public engagement and communication strategy for each of the four Electoral Areas to obtain community input and feedback regarding retail sales of cannabis.
2. Potentially develop and implement zoning regulations, taking into account public feedback and cannabis legalization framework.
3. Update the Electoral Area Official Community Plans; specifically, there is a medical marihuana production facility development permit area covering each Electoral Area.
4. Continue to monitor, seek public feedback and revise regulations as necessary.

REGIONAL IMPACT ANALYSIS:

Cannabis legalization and regulation will have impacts across the regional district, though impacts and concerns may vary between urban and rural/remote areas. Authorities also vary between municipalities and regional districts. As such, the SLRD approach may differ from that of some of the member municipalities.

OPTIONS:

Option 1

Give third reading and adopt “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017”.

Give third reading and adopt “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017”.

Give third reading and adopt “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017”.

Give third reading and adopt “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017”.

Option 2

Do not give third reading or adoption of “Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017” and refer back to staff for clarification or revision.

Do not give third reading or adoption of “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017” and refer back to staff for clarification or revision.

Do not give third reading or adoption of “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017” and refer back to staff for clarification or revision.



REQUEST FOR DECISION
Zoning Amendment Bylaw No. 1544-2017, No. 1545-2017, No. 1546-2017 and No. 1547-2017
– Cannabis Regulations Third Reading and Adoption

Do not give third reading or adoption of “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017” and refer back to staff for clarification or revision.

Option 3

As per Board direction.

Preferred Option

Option 1

APPENDICES:

Appendix A: Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017

Appendix B: Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017

Appendix C: Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017

Appendix D: Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017

Submitted by: C. Daniels, Planner

Reviewed and Approved by: L. Flynn, Chief Administrative Officer

**SQUAMISH-LILLOOET REGIONAL DISTRICT
BYLAW NO. 1544-2017**

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999 (Electoral Area A)

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999;

NOW THEREFORE, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as "Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999, Amendment Bylaw No. 1544-2017".
2. Squamish-Lillooet Regional District Zoning Bylaw No. 670, 1999 is amended by inserting a new section 4.16 into Section 4 General Regulations as follows:

Cannabis Retail

4.16 Unless expressly permitted in this bylaw, *cannabis retail* is prohibited in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.

- (a) By replacing all references to *medical marihuana production facility* with *cannabis production facility*.
- (b) By deleting the term and definition "*medical marihuana production facility*" from Section 1 Definitions.
- (c) By adding new terms and definitions to Section 1 Definitions in alphabetical order, as follows:

CANNABIS means cannabis as defined in the *Cannabis Act*.

CANNABIS RETAIL means the sale of cannabis.

CANNABIS PRODUCTION FACILITY means a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

READ A FIRST TIME this	20 th day of	SEPTEMBER, 2017.
FIRST READING RESCINDED this	18 th day of	APRIL, 2018.
READ A FIRST TIME, as amended, this	18 th day of	APRIL, 2018.
READ A SECOND TIME this	18 th day of	APRIL, 2018.
PUBLIC HEARING WAIVED on the	18 th day of	APRIL, 2018.
READ A THIRD TIME this	23 rd day of	MAY, 2018.
ADOPTED this	23 rd day of	MAY, 2018.

Jack Crompton
Chair

Kristen Clark
Corporate Officer

Appendix B

SQUAMISH-LILLOOET REGIONAL DISTRICT BYLAW NO. 1545-2017

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013;

NOW THEREFORE, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013, Amendment Bylaw No. 1545-2017”.
2. Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013 is amended by inserting a new section 4.16 into Section 4 General Regulations as follows:

Cannabis Retail

4.16 Unless expressly permitted in this Bylaw, *cannabis retail* is prohibited in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.

- (a) By replacing all references to *medical marihuana production facility* with *cannabis production facility*.
- (b) By deleting the term and definition “*medical marihuana production facility*” from Section 1 Definitions.
- (c) By adding new terms and definitions to Section 1 Definitions in alphabetical order, as follows:

CANNABIS means cannabis as defined in the *Cannabis Act*.

CANNABIS RETAIL means the sale of cannabis.

CANNABIS PRODUCTION FACILITY means a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

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PUBLIC HEARING WAIVED on the	18 th day of	APRIL, 2018.
READ A THIRD TIME this	23 rd day of	MAY, 2018.
ADOPTED this	23 rd day of	MAY, 2018.

Jack Crompton
Chair

Kristen Clark
Corporate Officer

Appendix C

SQUAMISH-LILLOOET REGIONAL DISTRICT BYLAW NO. 1546-2017

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002;

NOW THEREFORE, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1546-2017”.
2. Squamish-Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002 is amended by inserting a new section 4.26 into Part 4 General Zoning Provisions and Regulations as follows:

Cannabis Retail

4.26 Unless expressly permitted in this Bylaw, *cannabis retail* is prohibited in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.

- (a) By replacing all references to *medical marihuana production facility* with *cannabis production facility*.
- (b) By deleting the term and definition “*medical marihuana production facility*” from Part 1 Interpretation.
- (c) By adding new terms and definitions to Part 1 Interpretation in alphabetical order, as follows:

CANNABIS means cannabis as defined in the *Cannabis Act*.

CANNABIS RETAIL means the sale of cannabis.

CANNABIS PRODUCTION FACILITY means a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

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READ A THIRD TIME this	23 rd day of	MAY, 2018.
ADOPTED this	23 rd day of	MAY, 2018.

Jack Crompton
Chair

Kristen Clark
Corporate Officer

Appendix D

SQUAMISH-LILLOOET REGIONAL DISTRICT BYLAW NO. 1547-2017

A bylaw of the Squamish-Lillooet Regional District to amend the Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016

WHEREAS the Board of the Squamish-Lillooet Regional District wishes to amend Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016;

NOW THEREFORE, the Regional Board of the Squamish-Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016, Amendment Bylaw No. 1547-2017”.
2. Squamish-Lillooet Regional District Electoral Area D Zoning Bylaw No. 1350-2016 is amended by inserting a new section 4.24 into Section 4 General Regulations as follows:

Cannabis Retail

4.24 Unless expressly permitted in this Bylaw, *cannabis retail* is prohibited in all zones including zones which broadly permit retail sales/stores or use, farm retail sales/retail sales of farm products, convenience store, or accessory retail use/auxiliary retail sales.

- (a) By replacing all references to *medical marihuana production facility* with *cannabis production facility*.
- (b) By deleting the term and definition “*medical marihuana production facility*” from Section 1 Definitions.
- (c) By adding new terms and definitions to Section 1 Definitions in alphabetical order, as follows:

CANNABIS means cannabis as defined in the *Cannabis Act*.

CANNABIS RETAIL means the sale of cannabis.

CANNABIS PRODUCTION FACILITY means a premise used for cultivation, processing, testing, destroying, storing or distribution of cannabis authorized by a licence issued by Health Canada.

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