



TOWN OF CRESTON

PUBLIC HEARING AGENDA TUESDAY, JULY 17, 2018 – 4:00 PM COUNCIL CHAMBERS

Note: At 4:00 p.m. the Public Hearing will commence in Council Chambers. The regular Council meeting will commence in Council Chambers immediately following the Public Hearing for consideration of the scheduled agenda items.

4:00 PM

1. **CALL TO ORDER**
2. **PUBLIC HEARING**

Proposed Zoning Amendment Bylaw No. 1871, 2018

Applicant: Town of Creston

Purpose: Currently, there are no zoning regulations in regards to cannabis related businesses within Town limits. If appropriate Bylaws/Bylaw amendments are not in place in advance of Federal legalization, cannabis retail stores would be able to operate in any zone where retail sales are permitted, without appropriate regulations in place. This Zoning Bylaw amendment will give the Town the time necessary to conduct further public consultation and determine the best path forward for our community.

Proposed Zoning Bylaw Amendment: The intent of this Bylaw, if adopted, is to:

1. temporarily prohibit the retail sale of cannabis and cannabis products/derivatives in all zones within Town of Creston boundaries;
2. temporarily prohibit the growing and production of cannabis and cannabis products/derivatives in all zones within Town of Creston boundaries, except lands designated as Agricultural Land Reserve, and except as in accordance with Federal and Provincial authority for personal consumption or personal or designated medical use.

The proposed zoning amendment will prevent cannabis related businesses from operating within the Town of Creston until a robust and appropriate regulatory framework has been established for commercial retail sales and production of cannabis within the Town of Creston.

3. PUBLIC HEARING PROCEDURE

We are convening this Public Hearing to consider and receive submissions regarding proposed Zoning Amendment Bylaw No. 1871, 2018.

All persons will have an opportunity to be heard, or to present written submissions respecting matters contained within this proposed Bylaw. No one will be discouraged or prevented from making his or her views heard.

Council members may ask questions of you following your presentation but our function tonight is to listen to the views of the public, not to debate this proposed Bylaw.

After the Public Hearing has concluded, Council may, without further notice, give whatever effect Council believes proper to the representations.

Council has received documents which are available for your review. Please refer to the Public Hearing Binder to review these documents. Written submissions received during the course of these proceedings will be read aloud by staff and subsequently will be added to the Public Hearing Binder.

Your only opportunity to comment on this proposed Bylaw is during the Public Hearing. We are not permitted to receive further submissions once we have closed the Public Hearing.

To maintain order and to ensure that everyone has an opportunity to be heard, here are our rules of procedure:

- a) Please begin your remarks by stating your name and address. If you are speaking on behalf of some other person or organization, please identify the name of that person or organization.

- b) Please limit your remarks to 5 minutes and to the subject of these proposed Bylaws. Please be respectful to others.
- c) After everyone has spoken once, you will have an opportunity to speak subsequent times to provide additional information, if you wish and subject to the discretion of the Chair.

If you have any concerns about the rules of the Hearing, please address your comments to me, as the Chair.

4. **REPORTS/WRITTEN SUBMISSIONS**

- a) Staff reports received up to 4:00 pm on July 17, 2018:
 - To view the reports to Council, please see the Public Hearing binder.
- b) Written submissions received up to 4:00 pm on July 17, 2018:
 - To view the written submissions received to date, please see the Public Hearing binder.

5. **STATUTORY NOTICE**

The statutory notice of Public Hearing was published in the *Creston Valley Advance* on July 5 and 12, 2018.

Please note:

Section 892 (4) of the *Local Government Act* states: “... the notice must be mailed or otherwise delivered at least 10 days before the public hearing to the owners as shown on the assessment roll as at the date of the first reading of the bylaw, and to any tenants in occupation as at the date of the mailing or delivery of the notice ...”

Section 892 (7) of the *Local Government Act* states: “Subsection (4) does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration.”

7. **APPLICANT’S PRESENTATION**

- a) A written report from the Applicant’s Information Meeting, held on July 11, 2018, with persons who deem their interest to be affected by this Application has been submitted, which is attached as Schedule 1, and states as follows: (*please read aloud*).

8. STAFF COMMENTS/PRESENTATION

- a) Are there any comments or presentations from Staff regarding this Bylaw?

9. PUBLIC INPUT

- a) As the Chair I now call for public input – first time speakers.
- b) I will now call for second time speakers – does anyone wish to speak for a second time?
- c) Does Council have any comments or questions?
- d) Does Staff have any comments or questions?
- e) Is there any further public input?

10. CLOSURE OR ADJOURNMENT OF PUBLIC HEARING

Does Council require a further staff report for additional information?

- a) If **NO** - remind Council members they are not permitted to receive further submissions now that the Public Hearing is closed.

THEREFORE, all written and oral submissions regarding proposed Zoning Amendment Bylaw No. 1871, 2018, up to and including the July 17, 2018 Public Hearing, be received and that the Public Hearing be closed.

- b) If **YES** - the Public Hearing is recessed.

RECOMMENDED:

THAT staff report back to Council regarding proposed Zoning Amendment Bylaw No. 1871, 2018, and that the Public Hearing be recessed to _____.

(date, time and location)

The Applicant's Informal Public Information Meeting was held in Council Chambers on Wednesday, July 11, 2018.

The meeting commenced at 2:00 pm.

In attendance for the Applicant (the Town of Creston) were Ross Beddoes, Director of Municipal Services; Joel Comer, Community, Policy & Research Coordinator; and, Donna Cassel, Admin Assistant.

Also in attendance were 4 members of the public.

Mr. Beddoes stated:

1. this is an informal meeting for the public to ask questions about the proposed Zoning Amendment Bylaw No. 1871;
2. that the purpose of the proposed Bylaw will temporarily prohibit retail cannabis related businesses from operating within the Town of Creston while the necessary regulations for same are developed;
3. that the term prohibition is a very stark term but the Town wants to be very clear it is only temporary until all new regulations are in effect;
3. as per current regulations, and after October 17, 2018, cannabis could be sold anywhere retail sales are permitted within the Town boundaries, that is why the Town of Creston is proposing this temporary prohibition while appropriate regulation is developed;
4. the Town wants to bring all the stakeholders together (RCMP, etc.) to discuss how cannabis should be regulated within the Town boundaries;
5. the Town doesn't want to make wrong decisions because of lack of information from the Provincial Government, which comes down from the Federal Government; and,
6. Town Staff may have the necessary regulations completed by October 17, 2018 (the date cannabis becomes legal in Canada), but are still waiting for information from the Provincial and Federal Governments.

Mr. Comer discussed the April 2018 cannabis survey results, which were on display for the public.

Mr. Beddoes also stated:

1. businesses that have retail sales of cannabis should be visible to the public and not hidden away, in order to keep them legal; and,
2. the Town is working on a new Zoning Bylaw that would address production of cannabis in ALR or industrial lands within Town boundaries.

The new owner of the medical cannabis production facility in Creston asked if he would still be able to operate in the Town of Creston under the new regulations.

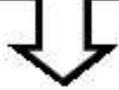
- Ross will investigate his existing non-conforming status.

Discussion continued about:

1. smoking cannabis in public spaces:
 - Ross stated the Town may be looking into a Clean Air Bylaw in the future;
2. both cigarettes and cannabis should be regulated, similar to the way alcohol is;
3. rural agencies and stores:
 - advised that these stores may be operated similar to rural agency liquor stores;
 - Government stores will need to follow municipal regulations, same as a private store;
4. the Town is at the stage of finding out what fits our community;
 - a huge change of morality and culture will be required;

The meeting adjourned at 3:45 pm.

Have
Your
Say



Public
Hearing

We're
Listening . . .

**Tuesday,
July 17, 2018
4:00 pm
Council Chambers
238 - 10th Avenue North**



Phone
250-428-2214
ext. 233



Email
info@creston.ca



Website
www.creston.ca



TOWN OF CRESTON

Zoning Amendment Bylaw No. 1871, 2018

PUBLIC HEARING

What is Zoning Amendment Bylaw No. 1871, 2018 about?

The intent of this Bylaw, if adopted, is to:

1. **temporarily prohibit** the retail sale of cannabis and cannabis products/derivatives in all zones within Town of Creston boundaries; and,
2. **temporarily prohibit** the growing and production of cannabis and cannabis products/derivatives in all zones within Town of Creston boundaries, except lands designated as Agricultural Land Reserve, and except as in accordance with Federal and Provincial authority for personal consumption or personal or designated medical use.

The proposed zoning amendment will prevent cannabis related businesses from operating within the Town of Creston until a robust and appropriate regulatory framework has been established for commercial retail sales and production of cannabis within the Town of Creston.

How will this affect me?

Currently, there are no zoning regulations in regards to cannabis related businesses within Town limits. If appropriate Bylaws/Bylaw amendments are not in place in advance of Federal legalization, cannabis retail stores would be able to operate in any zone where retail sales are permitted, without appropriate regulations in place. This Zoning Bylaw amendment will give the Town the time necessary to conduct further public consultation and determine the best path forward for our community.

All persons will have an opportunity to be heard, or to present written submissions respecting matters contained within the Bylaw at the Public Hearing on July 17, 2018 at 4:00 pm, Council Chambers.

How do I get more information?

A copy of the proposed Bylaw and relevant background documents may be inspected at the Town Office, 238 - 10th Avenue North, between the hours of 8:30 am to 4:30 pm, Monday through Friday, from **July 5 to July 17, 2018** inclusive.

In addition, Town Staff will be hosting an **Informal Public Information Meeting** on **Wednesday, July 11, 2018**, from 2:00 pm - 4:00 pm in Town Hall Council Chambers. This Meeting will provide information on the proposed changes and give the public an opportunity to ask questions in advance of the formal Public Hearing.

Ross Beddoes, Director of Municipal Services



Town of Creston

Staff Report

Ltr No. 261
File: 0175.02.R1
Date: June 22, 2018
Author: Ross Beddoes
Meeting Date: Council – June 26,
2018,

CB

To: Council
From: Director of Municipal Services
Subject: Zoning Amendment Bylaw No. 1871, 2018, to temporarily prohibit the retail sale of cannabis within the Town of Creston.

Recommendation(s):

THAT Ltr #261 from the Director of Municipal Services, regarding an amendment to Zoning Bylaw 1123, 1989 to prohibit the retail sale of cannabis within the Town of Creston, be received;

THAT Administration prepare the necessary Amending Bylaw for Council consideration to prohibit the retail or other sale of cannabis, and similar plants, products or derivatives; and the growing or production of cannabis and similar plants, products or derivatives, subject to all legal requirements;

THAT Council consider two readings of Zoning Amendment Bylaw No. 1871, 2018 at the June 26, 2018 Regular Council Meeting;

AND FURTHER, THAT a Public Hearing for Zoning Amendment Bylaw No. 1871, 2018 be held at an upcoming Regular Council Meeting.

Town Manager's Comments:

I concur with the above recommendations.

Lou Varela, Town Manager

Purpose/Origin:

To temporarily prohibit the retail or other sale of cannabis, and similar plants, products or derivatives; and the growing or production of cannabis and similar plants, products or derivatives, as per Council direction.

Discussion:

At the June 19, 2018 Committee of the Whole meeting, Council recommended that staff bring forward an amending bylaw to temporarily prohibit the retail sale of cannabis within the Town of Creston while staff completes a full review and re-write of the Zoning bylaw, which would provide for the appropriate regulation of the retail sale of cannabis, and an opportunity for a robust public consultation process. The COTW supported staffs recommendation as follows:

- *Staff's recommendation at this time would be to place a temporary prohibition on the retail sale of recreational cannabis until:*
 - *The sale and use of recreational cannabis is legal in Canada, through Federal and Provincial Legislation*
 - *Staff has completed the new Zoning Bylaw*
 - *A robust public consultation process is completed regarding the new Zoning Bylaw*
 - *A full legal review of the new bylaw has been completed based on the final legislation*
 - *Council has adopted other bylaws which may restrict the use of cannabis in public spaces if they choose*

The attached Amending Bylaw No. 1871, 2018 provides for the prohibition of retail cannabis sales in Creston. Other requirements within the recommendation will be brought to Council for discussion and consideration at future Council meetings.

Financial Considerations:

N/A

Options:

1. Council may give 1st and 2nd readings to Zoning Amendment Bylaw No. 1871, 2018, as submitted;
2. Council may refer to staff for further information (to be specified);
3. Council may reject Zoning Amendment Bylaw No. 1871, 2018; or
4. Other, as per Council discussion.

Respectfully submitted.

Ross Beddoes,
Director of Municipal Services

Appendices:

A – Bylaw No 1871, 2018

Appendix A - Draft Amending Bylaw

TOWN OF CRESTON

BYLAW NO. 1871

A bylaw to amend Zoning Bylaw No. 1123.

WHEREAS Council has enacted a Zoning Bylaw;

AND WHEREAS Council deems it necessary and in the public interest to amend Zoning Bylaw No. 1123;

NOW THEREFORE the Council of the Town of Creston, in open meeting assembled acts as follows:

Part 1 Citation

1.1 This bylaw may be cited as “Zoning Amendment Bylaw No. 1871, 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 Amendments

3.1 Part Five, General Regulations of Zoning Bylaw No. 1123, 1989, is amended by:

(a) replacing the heading “**USES PERMITTED IN ALL ZONES**” with “**USES PERMITTED AND PROHIBITED IN ALL ZONES**”;

(b) renumbering the existing Section 5.8, which lists the uses permitted in all Zones, to be Section 5.8.3; and

(c) adding the following as Section 5.8.1 and 5.8.2 respectively:

5.8.1 A use not specifically permitted in a Zone is prohibited from that Zone. A use not specifically permitted in this Bylaw is prohibited from the Town.

5.8.2 Notwithstanding other uses permitted in the Zones, the following uses shall be prohibited in all zones:

- the retail or other sale of cannabis, and similar plants, products or derivatives;
- the growing or production of cannabis and similar plants, products or derivatives except on lands designated as Agricultural Land Reserve and except as in accordance with Federal and Provincial authority for personal consumption or personal or designated medical use;

Part 4 Effective Date

4.1 This bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME by content and SECOND TIME by title the _____ day of _____, 2018.

PUBLIC HEARING was held the _____ day of _____, 2018.

READ A THIRD TIME by title the _____ day of _____, 2018.

ADOPTED the _____ day of _____, 2018.

Mayor Ron Toyota

Stacey Hadley, Corporate Officer