



File # 11.60.00

**To:** Port Alberni Advisory Planning Commission

Chris Colclough - Chair  
Wes Hewitt – Vice Chair  
Vern Barnett  
Seva Dhaliwal  
Linda Kelsall  
Larry Ransom - (SD #70)

Jim Tatoosh (Hupacasath First Nation)  
Janice Johnson (Tseshah First Nation)  
S. Sgt. Dave Paddock - (R.C.M.P. Liaison)  
Councilor Chris Alemany (Council Liaison)  
Randy Thoen (P.A.F.D. Liaison)

**From:** Scott Smith, City Planner

**Copy To:**

Councillor Ron Paulson - (Alternate - Council Liaison)  
John Bennie - (Alternate - School District #70)  
Sgt. Dave Boyce – (Alternate – R.C.M.P. Liaison)  
Cara Foden - Planning Technician  
Digital Copy - Davina Hartwell - City Clerk  
Digital Copy – J. MacNaughton/T. Feltrin - Clerks Department

John Douglas  
Hedley Crowther  
Mark Millin

**Date:** December 9, 2015

**Re: Advisory Planning Commission Meeting**  
**Thursday, December 17, 2015 at 12:00 pm in the Committee Room at City Hall**

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A meeting of the Advisory Planning Commission has been scheduled for **Thursday, December 17, 2015 at 12:00 pm in the Committee Room at City Hall**. If you have any questions or are unable to attend please contact Scott Smith at 250-720-2808 (voice mail available).

### **AGENDA**

1. Minutes of the October 29, 2015 meeting of the Advisory Planning Commission.
2. **DEVELOPMENT APPLICATION – Zoning Bylaw and Business Licence Bylaw Amendments**  
**City wide** – Regulations for dispensing Medical Marijuana in the City of Port Alberni.  
**Applicant:** City of Port Alberni
3. **Update - City Planner - Status of current projects.**
4. **Other business.**
5. **Adjournment. - The next regular meeting is scheduled for January 21, 2016.**



**Summary Report / Minutes of the Advisory Planning Commission Meeting  
(Held on October 29, 2015  
in the Committee Room at City Hall at 12:00 p.m.)**

**Advisory Planning Commission**

Chris Colclough (Chair)  
Wes Hewitt (Vice-Chair)  
Linda Kelsall  
Seva Dhaliwal  
Vern Barnett  
Larry Ransom (S.D.70)  
Councillor Chris Alemany (Council Liaison)  
S. Sgt. Dave Paddock - (R.C.M.P. Liaison)

**Regrets**

Janice Johnson (Tseshah First Nation)  
Randy Thoen (P.A.F.D. Liaison)  
Jim Tatoosh (Hupacasath First Nation)

**Staff**

Scott Smith, City Planner  
Cara Foden, Planning Technician

**Guests**

Ray Green and Frank Harris - Applicant  
Colin Evans - Applicant

**Alternates (not in attendance)**

John Bennie (Alternate S.D.70)  
Councillor Ron Paulson (Alternate – Council)  
Sgt. Dave Boyce (Alternate - R.C.M.P.)



**1. Adoption of September 17, 2015 Minutes**

- Introductions were made around the room.
- The minutes of the September 17, 2015 meeting of the Advisory Planning Commission were adopted.

**( Ransom / Barnett) CARRIED**

**2. DEVELOPMENT APPLICATION – Official Community Plan Bylaw and Zoning Bylaw  
Amendments**

**3333 Burde St.** - Lot G, District Lot 48, Alberni District, Plan VIP681222  
(PID: 024-356-760)  
**Applicant:** F. Harris

The City Planner summarized his report to the APC dated October 22, 2015.

- The APC discussed the application as follows:
  - Covenants that exist on the property were discussed. They may or may not be relevant now and will be explored during the Subdivision process.
  - Burde St. – The members discussed the Burde St. road allowance and drainage ditch in front of the subject property. Members expressed concern with the narrow width of Burde St. and the speed of current traffic on the road. They also expressed a desire to see the drainage ditch addressed by the Engineering Department during the Subdivision process. Members would like to see the drainage issues addressed in a

- manner that would see the ditch filled or levelled.
- The City Planner indicated that major road improvements to Burde St. would not likely be made a requirement of Subdivision however long term planning for Burde St. may be initiated by the City if required.
- R.C.M.P. indicated that the concerns with the constructed road width of Burde St. were valid and that speed bumps might be an option for traffic calming.
- The existing mobile home on the property is not currently hooked up to City services. New and existing lots will be required to be hooked up to City services as a condition of subdivision.
- It was discussed by members that in addition to the recommendations in the City Planners report, an additional recommendation would be added to recommend that the drainage ditch in front of the subject property be reclaimed and levelled and that piping be installed to properly address the drainage requirements.

### **MOTIONS:**

1. *That the Advisory Planning Commission recommends to City Council that the City proceed with a map amendment to the Official Community Plan Schedule A Land Use Map to change the designation of Lot G, District Lot 48, Alberni District, Plan VIP68122 (PID: 024-356-760), located at **3333 Burde Street**, from Parks and Open Space and Future Residential to **Parks and Open Space(POS) and Residential (RES)**.*
2. *That the Advisory Planning Commission recommends to City Council that the City proceed with a map amendment to the Schedule A Zoning Bylaw Map to rezone Lot G, District Lot 48, Alberni District, Plan VIP68122 (PID: 024-356-760), located at **3333 Burde Street**, from FD - Future Development to **P2 – Parks and Recreation and RR1 – Rural Residential**.*
3. *That the Advisory Planning Commission recommends to City Council that as part of the development process the applicant be required to complete the following before final adoption of the bylaw:*
  - a. Receive a Preliminary Layout Approval letter for a proposed subdivision from the City of Port Alberni's Approving Officer.
4. *That the Advisory Planning Commission recommends to the City of Port Alberni that as part of the subdivision process the drainage ditch be piped and levelled:*

**( Ransom / Barnett ) CARRIED**

### **3. DEVELOPMENT APPLICATION – Official Community Plan Bylaw and Zoning Bylaw Amendments** **4905 Cherry Creek Rd. - Lot 1, District Lot 14, Alberni District, Plan VIP86825** **(PID: 027-956-750)** **Applicant: C. Evans**

The City Planner summarized his report to the APC dated October 22, 2015.

- The APC discussed the application as follows:

- The property will be in an Industrial Development Permit Area so a Development Permit will be required prior to a Building Permit being issued. The mall to the north of the property has kept a treed area along the property line development free so there should be very little if any impact to the Alberni Mall.
- The R.O.W. crossing the property is for city services and restricts the building envelope but the developer has proposed a design that should maximize the use of the buildable site area.
- An extension of Maple Way is not planned. The site is private property and the owner may or may not choose to limit access through the site.
- There will not be any implications for the long term future of the proposed 21<sup>st</sup> Avenue routing.

#### **MOTIONS:**

1. *That the Advisory Planning Commission recommends to City Council that the City proceed with a map amendment to the Official Community Plan Schedule A Land Use Map to change the designation of Lot 1, District Lot 14, Alberni District, Plan VIP86825 (PID: 027-956-750), located at **4905 Cherry Creek Rd.**, from Highway Commercial (HCO) to **Industrial (IND)**.*
2. *That the Advisory Planning Commission recommends to City Council that the City proceed with a map amendment to the Official Community Plan Schedule B Development Permit Areas Map to change the designation of Lot 1, District Lot 14, Alberni District, Plan VIP86825 (PID: 027-956-750), located at **4905 Cherry Creek Rd.**, from Development Permit Area No. 2 (Highway Commercial) to **Development Permit Area No. 3 (Industrial)**.*
3. *That the Advisory Planning Commission recommends to City Council that the City proceed with a map amendment to the Schedule A Zoning Bylaw Map to rezone Lot 1, District Lot 14, Alberni District, Plan VIP86825 (PID: 027-956-750), located at **4905 Cherry Creek Rd.**, from C4 – Highway Commercial to **M1 – Light Industrial**.*

**( Hewitt / Barnett ) CARRIED**

#### **4. Update – Status of current projects**

The City Planner updated the APC with regards to the following projects:

- "Zoning Amendment No. 8 (4965 Gordon Avenue - Hall), Bylaw No. 4888" was given 3<sup>rd</sup> reading on October 13.
- The City will host a community meeting on November 18<sup>th</sup> to gather input from citizens regarding the possibility of selling city owned land adjacent to the Westporte Place subdivision.
- Development Permit plans have been submitted by P. Saroya for a development on 3<sup>rd</sup> Avenue however the requested changes have not been submitted at this time.
- An estimate has been received from the applicant for preliminary road construction work on McBride St.

5. **Other Business**

- No other business.

6. **Adjournment** – The meeting adjourned at 12:45 p.m. The next meeting will be **November 19, 2015** at 12:00 pm in the Committee Room at City Hall.

( Kelsall / Barnett ) CARRIED

A handwritten signature in cursive script, appearing to read 'E. Colebough', written over a horizontal line.

\_\_\_\_\_  
City Clerk

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Chair



# CITY OF PORT ALBERNI

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## PLANNING DEPARTMENT

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TO: Advisory Planning Commission

FROM: Scott Smith, City Planner

DATE: December 9, 2015

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**SUBJECT: Proposed regulations for Medical Marijuana Dispensaries**

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### **Issue**

To provide comments to City Council regarding proposed regulations for medical marijuana dispensaries in the City of Port Alberni.

### **Background**

A non-profit society (WeeMedical Dispensary Society) has opened a marijuana dispensary in the Uptown on 3<sup>rd</sup> Avenue. The City has also received verbal inquiries into opening further dispensaries in a variety of areas in the City.

Under the current federal laws, it is illegal to sell marijuana as a storefront operation. Notwithstanding this, the City of Vancouver has chosen to regulate marijuana dispensaries and the City of Victoria is considering similar regulations.

A legal opinion has been obtained regarding this issue. The following is a summary of the legal opinion regarding adoption of regulations when local governments are considering establishing special regulations for medical marijuana dispensaries:

- By issuing a business licence for a dispensary, a local government is exposing itself to the possibility of an operator bringing a claim against the local government in the event the Federal Government enforces its laws and requires the dispensary to close. To guard against this, the local government should ensure that the dispensary operator acknowledges that the issuance of a licence is merely a representation that the dispensary complies with local government bylaws and is not a representation that the dispensary complies with all other laws, including provincial and federal laws.

- In establishing special regulation for dispensaries, a local government must consider the types of regulations that are to be established. If a local government regulates the products being sold at dispensaries, the local government will be viewed by the public as representing that the regulations sufficiently protect the public from the dangers associated with some products sold at dispensaries (e.g., the quality of the product being sold). The local government will be exposing itself to potential claims if a member of the public is injured as a result of use of a product sold by a dispensary.
- A local government must restrict its regulations of medical marijuana dispensaries to the appropriate authority under the Community Charter and the Local Government Act.
- In establishing a business licence fee for dispensaries, a local government must ensure that the fee is truly a fee and is not a tax. The local government must ensure that the amount established as the fee is related to the costs of providing the business regulation and licencing service. The fee collected cannot rise above the costs of providing the service and cannot be redirected to general revenues.

City Council has directed staff to prepare regulations for medical marijuana dispensaries. Both the Zoning Bylaw and Business Licence Bylaw will require amendments. Before Council considers the actual bylaw amendments they requested comments on the proposed regulations from the Chamber of Commerce and the Advisory Planning Commission.

### **Discussion**

The following are some proposed regulations that are being considered for amendments to the two bylaws:

#### **Zoning Bylaw regulations**

Add the following to the Definition Section of the Zoning Bylaw: "Medical Marijuana Dispensary means a building or part thereof in which marijuana for medicinal purposes may be obtained directly by the public."

Add Medical Marijuana Dispensary as a permitted use in the following commercial zones, subject to provisions in the General Regulations section:

1. C2 – General Commercial;
2. C3 – Service Commercial;
3. C4 – Highway Commercial and
4. C7 – Core Business

Add the following to the General Regulations of the Zoning Bylaw:

1. A Medical Marijuana Dispensary is not permitted within 300 metres of the nearest property line of a site containing a school. (see attached map)
2. A Medical Marijuana Dispensary is not permitted within 1000 metres of the nearest property line of a site containing another Medical Marijuana Dispensary. (see attached map).
3. A Medical Marijuana Dispensary is not permitted in conjunction with any other use.
4. A Medical Marijuana Dispensary is not permitted in conjunction with an Automated Teller Machine (ATM) use.

#### Business License Bylaw

The following regulations for Medical Marijuana Dispensary are recommended to be included in the business licence bylaw.

1. Add the following to the Interpretation section of the Business Licence Bylaw:  
“Medical Marijuana Dispensary means any person who carries on a retail business in which the use of marijuana for medicinal purposes is offered for sale directly to the public.”

Add a new section to the business licence bylaw related to Medical Marijuana Dispensaries as follows:

1. No person shall carry on a business as a Medical Marijuana Dispensary without having first obtained a business licence from the City of Port Alberni.
2. A Medical Marijuana Dispensary shall be conducted within a completely enclosed building.
3. No minors (i.e. under 19 years) may enter a Medical Marijuana Dispensary and signage to this effect is required to be posted.
4. Must have a monitored security and fire alarm system, including video surveillance.
5. Limit hours of operation between 8:00 am and 8:00 pm.
6. Shop fronts must be transparent.
7. Medical Marijuana Dispensaries shall post two signs to disclose that their product is not provided by a licenced producer approved by Health Canada. (see attached example)



**Conclusions**

There are no regulations that the City of Port Alberni can adopt that would regulate the quality and/or safety of any marijuana product being sold at a dispensary. Under the current federal regulations, no licenced producer of medical marijuana is permitted to sell through a storefront or retail outlet.

Changes to federal marijuana laws are possible over the next several years. The City of Port Alberni has no way to predict the implications of future changes, the federal government may make to the marijuana laws.

The Chamber of Commerce has provided comments in attached letter dated December 3, 2015. This letter will be placed on the December 14, 2015, Council agenda for consideration.

**Recommendation**

*That the Advisory Planning Commission provide comments to City Council regarding the proposed regulations for medical marijuana dispensaries.*

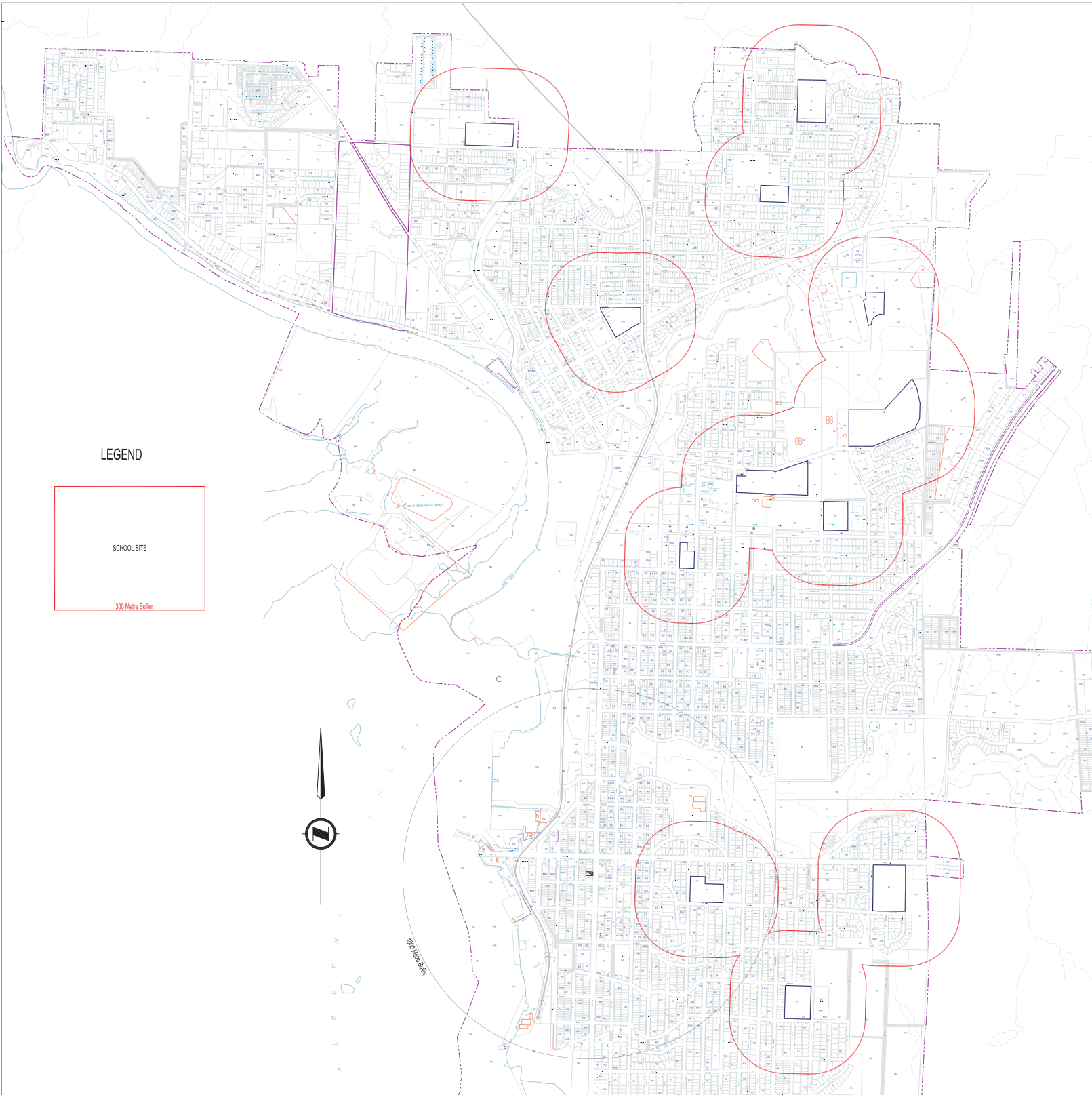
Respectfully submitted,



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Scott Smith, MCIP  
City Planner

## School Sites with 300m Buffer



# **ATTENTION**

**To all of our customers:**

**Please be advised that all Marijuana products sold or provided on this premises are not provided by a Licensed Producer and are not approved by Health Canada. These products are currently unregulated.**



Thursday, December 03, 2015

President  
Jan Lavertu

1<sup>st</sup> Vice President  
Kris Patterson

2<sup>nd</sup> Vice President  
Brad Minton

Secretary  
Sarah Jones

Treasurer  
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Past President  
Teresa Bird

Directors  
Bob Kanngiesser  
Nicole Mitchell  
Neil Malbon  
Cherie Williams  
Rebecca Palmer  
Bill Brown  
Cindy Solda

Executive  
Director  
Bill Collette

Mr. Scott Smith, MCIP  
City Planner  
City of Port Alberni  
4850 Argyle Street  
Port Alberni, BC, V9Y 1V8

Dear Scott;

Thank you for inviting the Chamber of Commerce to comment on the proposed Business License Bylaw changes as recommended by Council.

At our Board of Directors meeting held on November 26, 2015 the members granted the Civic Affairs Committee authority to recommend these suggestions to the Executive Committee who in turn have authorized me to forward these comments to you.

We agree with all recommendations noted on your letter dated November 26, 2015 specifically points 1 through 7. The Chamber also suggests that Council consider the following as part of their due process.

- Require that all NFP organizations have a valid Business License.
- That Council consider the addition of High Tourist areas such as Harbour Quay and Victoria Quay as inappropriate locations for Medical Marijuana Dispensaries.
- The Council and the City of Port Alberni increase the enforcement of Business License Bylaws such that all operating businesses be required to have one.
- That Council require Medical Marijuana Dispensaries to follow the same laws on Smoking as posted in the BC Tobacco Laws.

The Chamber of Commerce applauds your collective efforts in finding suitable ways to enforce the laws of the day with respect to this issue.

Yours truly,  
ALBERNI VALLEY CHAMBER OF COMMERCE

Bill Collette