



File # 11.60.00

**To:** Port Alberni Advisory Planning Commission

Wes Hewitt – Vice Chair

Vern Barnett

Seva Dhaliwal

Hedley Crowther

John Douglas

Mark Millin

Jim Tatoosh (Hupacasath First Nation)

Janice Johnson (Tseshah First Nation)

Larry Ransom - (SD #70 Liaison)

S. Sgt. D.N. Dave Paddock - (R.C.M.P. Liaison)

Councillor Chris Alemany (Council Liaison)

Randy Thoen (P.A.F.D. Liaison)

Jacob Colyn (Parks and Recreation Liaison)

**From:** Scott Smith, City Planner

**Copy:** Councillor Ron Paulson - (Alternate - Council Liaison)

John Bennie - (Alternate - School District #70)

Cara Foden - Planning Technician

Digital Copy - Davina Hartwell - City Clerk

Digital Copy - Jane MacNaughton/Tanis Feltrin - Clerks Department

**Date:** February 9, 2016

**Re: Advisory Planning Commission Meeting**

**Thursday, February 18, 2016 at 12:00 pm in the Committee Room at City Hall**

---

A meeting of the Advisory Planning Commission has been scheduled for **Thursday, February 18, 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 December 17, 2015 meeting of the Advisory Planning Commission.**
- 2. Election – Chair and Vice-Chair for 2016**
- 3. Orientation Package - <http://www.portalberni.ca/sites/default/files/users/cfoden/APC-OrientationInfo-2016.pdf>**
- 4. Update - City Planner - Status of current projects.**
- 5. Other business.**
- 6. Adjournment. The next regular meeting is scheduled for March 17, 2016.**



**Summary Report / Minutes of the Advisory Planning Commission Meeting  
(Held on December 17, 2015  
in the Committee Room at City Hall at 12:00 p.m.)**

**Advisory Planning Commission**

Wes Hewitt (Vice-Chair)  
Linda Kelsall  
Seva Dhaliwal  
Vern Barnett  
John Bennie (Alternate S.D.70)  
Councillor Chris Alemany (Council Liaison)  
S. Sgt. Dave Paddock - (R.C.M.P. Liaison)  
Randy Thoen (P.A.F.D. Liaison)

**Regrets**

Janice Johnson (Tseshah First Nation)  
Jim Tatoosh (Hupacasath First Nation)  
Chris Colclough (Chair)  
Larry Ransom (S.D.70)

**Staff**

Scott Smith, City Planner  
Cara Foden, Planning Technician

**Guests**

John Douglas  
Hedley Crowther

**Alternates (not in attendance)**

Councillor Ron Paulson (Alternate – Council)  
Sgt. Dave Boyce (Alternate - R.C.M.P.)



**1. Adoption of October 29, 2015 Minutes**

- Introductions were made around the room. Two APC members will not be returning in 2016. Linda Kelsall and Chris Colclough were thanked for their service on the Commission. Chris was not present as he declared a conflict of interest on the item being discussed at this meeting. Two of the three new members (John Douglas, Hedley Crowther) for 2016 were present as guests and welcomed to the Commission.
- The minutes of the October 29, 2015 meeting of the Advisory Planning Commission were adopted.

**(Barnett / Kelsall ) CARRIED**

**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

The City Planner summarized his report to the APC dated December 9, 2015.

- The APC discussed the application as follows:
  - Business License fees for the operation of a Marijuana Dispensary were discussed. The City Planner indicated that the large fees charged could not be supported based

on the information contained in the legal opinion, obtained by the City as indicated in the Planner's report, which indicated that fees for Business Licenses must be defensible and must not be unreasonable. It was noted that city staff felt that fees for Marijuana Dispensaries should be similar to those charged for Liquor Beer and Wine Store use if included in the Business Licensing Bylaw.

- Proposed buffer zones, and restricted areas suggested by the Chamber of Commerce, were considered and discussed. Harbour Quay would be excluded as a possible location for a Marijuana Dispensary if the zoning restrictions proposed by the City Planner were adopted. The Commission members were satisfied with the proposed 300m buffer around school sites and the suggestion of a minimum 1000m buffer between Marijuana Dispensaries. The number of Marijuana Dispensaries permitted within City boundaries would be restricted by the buffer zones.
- It is currently possible for a person with a medical prescription to obtain marijuana legally from a Federally Licensed Producer through the mail. It is not legal for a Federally Licensed Producer to sell marijuana through a storefront dispensary. All products being sold through storefront dispensaries are illegally sold and unregulated. It was noted that the legal opinion obtained by the City clarifies that if the City should choose to regulate illegal Marijuana Dispensaries it is recommended that a clause be included to specify that the issuing of a Business License for a Marijuana Dispensary does not in any way represent, or indicate, that the Marijuana Dispensary is compliant with Federal or Provincial laws and regulations.
- P.A.F.D. liaison shared with the Commission that the City is not the enforcing agency with respect to illegal Marijuana Dispensaries. Several Commission members questioned the R.C.M.P. liaison about enforcement action. The R.C.M.P. liaison indicated to members that the issue is under consideration and that the process followed by the Nanaimo detachment is being reviewed. The City Planner reminded the Commission that the R.C.M.P. may enforce the Federal law which would supersede any City regulations put in place.
- The Commission discussed Council's request for comments on the proposed regulations and jointly agreed that they would feel more comfortable commenting on the regulations proposed if any motion made would include a preface to indicate that the Commission was not comfortable endorsing or supporting illegal Marijuana Dispensaries. Members also felt that it was important to include a motion to recommend that Council consider requiring non-profit societies operating a business to obtain a City Business License.

### **MOTIONS:**

1. *That the Advisory Planning Commission recommends that Council consider the regulations proposed by the City Planner in his report dated December 9, 2015 to be reasonable and appropriate for the operation of a legal Medical Marijuana Dispensary and; that the Commission would preface their concurrence with the proposed regulations by indicating that they do not feel comfortable endorsing or supporting the illegal operation of a Medical Marijuana Dispensary.*

2. *That the Advisory Planning Commission recommends that Council consider including a requirement, in the Business License Bylaw, that non-profit societies operating a business within the City of Port Alberni, be required to obtain a City of Port Alberni Business License.*

**( Barnett / Dhaliwal ) CARRIED**

**3. 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 adopted on Dec. 14/15. Applicant has submitted application for subdivision and received a PLA.
- "Official Community Plan Amendment No. 18 (4905 Cherry Creek Road - Complete Contracting), Bylaw No. 4891" and "Zoning Map Amendment No. 10 (4905 Cherry Creek Road - Complete Contracting), Bylaw No. 4892" were adopted on Dec. 14/15.

**4. Other Business**

- No other business.

5. **Adjournment** – The meeting adjourned at 1: p.m. The next meeting will be **January 21, 2016** at 12:00 pm in the Committee Room at City Hall.

**( Kelsall / Barnett ) CARRIED**

---

City Clerk

---

**Wes Hewitt**  
Vice - Chair