



File # 11.60.00

**To:** Port Alberni Advisory Planning Commission

Ken McRae (Chair)	Chief Councillor Cynthia Dick, Tseshah̓t (č̓ iṣaaʔath̓) First Nation
John Douglas (Vice-Chair)	Larry Ransom - (SD #70)
Amy Anaka	Councillor Deb Haggard (Council Liaison)
Jim Tatoosh, Hupačasath First Nation	Rick Newberry (P.A.F.D. Liaison)
Don Ferster	Rob Gaudreault (Parks Liaison)
Jeannette Nichols	S. Sgt. Terry Smith (R.C.M.P. Liaison)
Sandy McRuer	

**From:** Joe Calenda, Consulting City Planner to the City of Port Alberni

**Copy:** Cara Foden, Development Services Technician  
Councillor Helen Poon - (Alternate - Council Liaison)  
John Bennie - (Alternate - School District #70)  
Steven Tatoosh (Alternate – Hupačasath First Nation)  
Sgt. Dave Boyce – (R.C.M.P. Liaison)  
Tim Pley, CAO  
Davina Hartwell, City Clerk / Tanis Feltrin / Sara Darling - Clerks Department

**Date:** December 11, 2018

**Re: Advisory Planning Commission Meeting  
Thursday, December 20, 2018 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 20, 2018 at 12:00 pm in the Committee Room at City Hall**. If you have any questions or are unable to attend please contact Cara Foden at 250-720-2850 (voice mail available).

### **AGENDA**

1. **Acknowledgements** - This APC meeting is being held within the un-ceded traditional territories of the Hupačasath and the Tseshah̓t (č̓ iṣaaʔath̓) First Nations
2. **Minutes** of the November 15, 2018 meeting of the Advisory Planning Commission.
3. DEVELOPMENT APPLICATION – **Zoning Bylaw amendment  
Cannabis Retail regulations**  
**Applicant:** City of Port Alberni
4. **Update** – City Planner - Status of current projects.
5. **Other business.**
6. **Adjournment.** The next regular meeting is scheduled for January 17, 2019.



**Summary Report / Minutes of the Advisory Planning Commission Meeting  
(Held on November 15, 2018,  
in the Committee Room at City Hall, at 12:00 p.m.)**

**Advisory Planning Commission**

Ken McRae (Chair)  
John Douglas (Vice-Chair)  
Jeannette Nichols  
Cynthia Dick, Tseshaht (č išaaʔath) First Nation  
Sandy McRuer  
Chris Washington, SD #70 Liaison  
Amy Anaka  
Councillor Deb Haggard, Council Liaison  
S. Sgt. Terry Smith, R.C.M.P. Liaison

**Staff**

Joe Calenda, Consulting City Planner  
Cara Foden, Dev. Services Technician

**Guests**

Members of the Public – none present  
K. Buick and B. Crema (applicants)  
S. Sattar (applicant)

**Regrets**

Jim Tatoosh, Hupačasath First Nation  
Don Ferster  
Rob Gaudreault, Parks Liaison  
John Douglas (Vice-Chair)  
Rick Newberry, P.A.F.D. Liaison

**Alternates (not in attendance)**

Councillor Helen Poon (Alternate–Council)  
Sgt. Dave Boyce (Alternate–R.C.M.P.)  
Larry Ransom (Alternate S.D.70)  
Steve Tatoosh (Alternate Hupačasath First Nation)



**1. Adoption of October 18, 2018 Minutes**

- Recognition that the APC is meeting within the un-ceded traditional territories of the Hupačasath and the Tseshaht (č išaaʔath) First Nations.
- Introductions were made and those in attendance were welcomed by the Chair.
- The minutes of the October 18, 2018 meeting of the Advisory Planning Commission were adopted.

**(Nichols / Washington) CARRIED**

**2. DEVELOPMENT APPLICATION – Zoning Bylaw amendment  
4000 Burde Street**

A portion of - Lot 1, District Lot 46, Alberni District, Plan VIP11651 (PID: 004-971-418)

**Applicant:** Kurtis Buick dba District Development Corp.

- The City Planner summarized a report to the APC dated November 9, 2018.
- The APC discussed the application as follows:
  - B. Crema (applicant) noted that the RM3 zone was desirable for the project in order to accommodate a mix of residential densities and also allow flexibility for the development of facilities that fall under the *Community Care Facilities Act*. There is no care facility ensured however the applicants have been speaking with operators and are hopeful that this type of facility would become possible.
  - Traffic Signal light at 10<sup>th</sup> and Burde – it was expressed that the Traffic Study would determine if a signal light at the intersection is needed. A 4-way stop option may be a consideration.

- Green space requirements of 5% were discussed and the agreement between the developer and the City will see the required green space dedicated on or before May 31, 2023. Geo technical reports have been done and the site continues to be monitored for sloughing on the sloped areas. Green space requirements for Phase 2 development will be considered under the Development Permit process.
- Services – and Engineering study has been done on the site and an agreement is ready to be signed that will ensure city services will be available to service the entire site (Phase 1 and Phase 2). The proposed onsite infrastructure capacity has been studied and is viable.
- The proposed apartment buildings are four stories and include a mix of unit types from bachelor suites to three (3) bedroom units suitable for families.
- Detailed design and layout will be required for the Development Permit process. The applicants are currently testing the market to determine what types of ‘Townhome’ designs are most viable.
- Parking – Single family and semi-detached / townhome housing styles will have garages. The apartment buildings will have surface parking only. Parking space requirements will be considered during the Development Permit process.

**MOTIONS:**

1. *That the Advisory Planning Commission recommends to City Council that the City proceed with a map amendment to the Zoning Bylaw (Schedule A – Zoning Map) to change the designation of the subject portion of Lot 1, District Lot 46, Alberni District, Plan 11651, (PID: 004-971-418), located at **4000 Burde Street**, from ‘P1 – Institutional’ to ‘**RM3 High Density Multi-Family Residential**’ zones.*
2. *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. *Complete a traffic study for the immediate area, specifically studying the need for a traffic signal at 10<sup>th</sup> Avenue and Burde Street prior to final adoption of the zoning amendment.*

**(Douglas / McRuer) CARRIED**

**3. DEVELOPMENT APPLICATION – Zoning Bylaw amendment  
3503 11th Avenue**

Lots 3 and 4, District Lot 1, Alberni District, Plan 5990 (PID: 005-934-923, 005-935-181)

**Applicants:** S. Sattar and D. Sattar

- The Development Services Technician summarized her report to the APC dated November 9, 2018.

**MOTIONS:**

1. *That the Advisory Planning Commission recommends to City Council that the City proceed with a map amendment to the Zoning Bylaw (Schedule A – Zoning Map) to change the designation of Lots 3 and 4, District Lot 1, Alberni District, Plan 5990 (PID: 005-934-923, 005-935-181) located at **3503 11th Avenue** from ‘R2 – One and Two Family Residential’ to ‘**R3 – Small Lot Single Family Residential**’.*

2. *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 the proposed subdivision from the City of Port Alberni's Approving Officer.*

**(Nichols / Washington) CARRIED**

4. **Update** – Joe Calenda, Consulting City Planner, updated the APC regarding current projects he is undertaking for the City.

5. **Other business** - None

6. **Adjournment** – The meeting adjourned at 1:00 p.m. The next regularly scheduled meeting is December 20, 2018.

**(Douglas / McRuer) CARRIED**

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Davina Hartwell - City Clerk



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Ken McRae – Chair



# CITY OF PORT ALBERNI

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## DEVELOPMENT SERVICES DEPARTMENT

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TO: Tim Pley, CAO  
Advisory Planning Commission

FROM: Joe Calenda, Consulting City Planner to Port Alberni

DATE: December 20, 2018

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**SUBJECT: Cannabis Retail Stores – ZONING BYLAW AMENDMENT**

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### **Issue and Request for Recommendation**

Advisory Planning Commission consideration of Zoning Bylaw Amendment to add Cannabis Retail as a permitted use in the C2, C3, C4 and C7 zones. Recommendation for approval.

### **Background, Discussion and Conclusions**

At its meeting of November 19, 2018 Committee of the Whole reviewed a report from staff recommending amendments to the Zoning Bylaw and Business Licensing Bylaw to provide for Cannabis Retail stores in the C2 General Commercial, C3 Service Commercial, C4 Highway Commercial and C7 Core Business Zones. These include Johnston Commercial Area, Northport Commercial Area, Redford Commercial Area and Southport Commercial Area. The report is appended and Committee of the Whole forwarded it to Council.

Council considered the application on November 26, 2018. It endorsed the report and directed staff to prepare amendments to the Zoning and Business License Bylaws to provide for Cannabis Retail Stores in Port Alberni.

Attached is the Zoning Amendment Bylaw which requires two readings and a public hearing before it can be given third reading and adoption.

Amendments to the Business License Bylaw, an administrative bylaw amendment, will come forward under a separate report. No public hearing is required for the consideration of administrative bylaws.

**Recommendation**

1. That the attached amendment to the Zoning Bylaw 4832 be given first and second readings and a public hearing scheduled.

Respectfully submitted,

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Joseph A. Calenda, MCIP, RPP (Rtd.), DTM  
Consulting City Planner to Port Alberni

# CITY OF PORT ALBERNI

## BYLAW NO. ????

### A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as "**Zoning Text Amendment No. T17 (Cannabis Retail Stores), Bylaw No. ????**".

2. Zoning Text Amendment

Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended as follows:

- a) By deleting the following text in Section 4 Definitions:  
*"Medical Marijuana Dispensary means a building or part thereof in which marijuana for medical purposes may be obtained directly by the public."*
- b) By deleting the following text in Section 5.19.1 the list of Permitted Uses in the C2 - General Commercial zone:  
*"Medical Marijuana Dispensary, subject to Section 6.26".*
- c) By deleting the following text in Section 5.20.1 the list of Permitted Uses in the C3 - Service Commercial zone:  
*"Medical Marijuana Dispensary, subject to Section 6.26".*
- d) By deleting the following text in Section 5.21.1 the list of Permitted Uses in the C4 - Highway Commercial zone:  
*"Medical Marijuana Dispensary, subject to Section 6.26".*
- e) By deleting the following text in Section 5.24.1 the list of Permitted Uses in the C7 – Core Business zone:  
*"Medical Marijuana Dispensary, subject to Section 6.26".*
- f) By deleting the entire Section 6.26 Medical Marijuana Dispensary operations that includes the following text:  
*"All Medical Marijuana Dispensaries shall conform to the following:*
  - 6.26.1 *A Medical Marijuana Dispensary is not permitted within 300 metres of nearest property line of a site containing a school.*
  - 6.26.1 *A Medical Marijuana Dispensary is not permitted within 1000 metres of the nearest property line of a site containing another Medical Marijuana Dispensary.*
  - 6.26.3 *A Medical Marijuana Dispensary is not permitted in conjunction with any other use.*
  - 6.26.4 *A Medical Marijuana Dispensary is not permitted in conjunction with an Automated Teller Machine (ATM) use."*

- g) By adding the following text to Section 4 Definitions:  
*“Cannabis Retail Store means a retail business in a building, or part thereof, in which cannabis and cannabis accessories, in all its forms and as licensed by the Province of British Columbia, are sold to individuals who attend the premises. This use does not include cannabis production, cultivation and distribution.”*
- h) By adding the following text to Section 5.19.1 the list of Permitted Uses in the C2 - General Commercial zone:  
*“Cannabis Retail Store, subject to Section 6.26”.*
- i) By adding the following text to Section 5.20.1 the list of Permitted Uses in the C3 - Service Commercial zone:  
*“Cannabis Retail Store, subject to Section 6.26”.*
- j) By adding the following text to Section 5.21.1 the list of Permitted Uses in the C4 - Highway Commercial zone:  
*“Cannabis Retail Store, subject to Section 6.26”.*
- k) By adding the following text to Section 5.24.1 the list of Permitted Uses in the C7 – Core Business zone:  
*“Cannabis Retail Store, subject to Section 6.26”.*
- l) By adding the following Section 6.26 Cannabis Retail Store operations :  
*“All Cannabis Retail Stores shall conform to the following:*  
*6.26.1 A Cannabis Retail Store is not permitted within 300 metres of the nearest property line of a site containing a school.*  
*6.26.2 A Cannabis Retail Store is not permitted in conjunction with any other use.*  
*6.26.4 A Cannabis Retail Store is not permitted in conjunction with an Automated Teller Machine (ATM) use.”*

READ A FIRST TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

A PUBLIC HEARING WAS HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

FINALLY ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Clerk

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**STAFF REPORT TO COMMITTEE OF THE WHOLE AND COUNCIL**

TO: Tim Pley, CAO

FROM: Flynn Scott, Manager of Bylaw Services  
Joe Calenda, Consulting City Planner to Port Alberni

DATE: November 19, 2018

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**SUBJECT: Cannabis Retail Stores – Post October 17, 2018**

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**Issue**

City Council consideration of changes to bylaw regulations to transition from medical marijuana dispensaries to cannabis retail stores in the City of Port Alberni.

**Background**

Council recently reviewed a staff report to amend Zoning Bylaw 4382 and Business Licence Bylaw 4543 to provide for cannabis retail uses in our commercial areas; Northport, Southport, Redford Area and Johnston Road East. They adopted the following recommendation.

*That the report dated August 29, 2018 from the Director of Development Services regarding the transition from medical marijuana dispensaries to cannabis retail stores be received and that Council for the City of Port Alberni endorsed the process outlined in the report.*

In January 2016, the City of Port Alberni approved changes to the Zoning and Business Licence Bylaws to allow for medical marijuana dispensaries. And while these uses were illegal under federal and provincial laws they were legal under our local bylaws. Clause 12.1 b) of the Business Licence Bylaw provides that, 'No person shall carry on business as a Medical Marijuana Dispensary without having signed an acknowledgement that a business licence is only 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.' Enforcement was neither contemplated nor necessary as long as the uses operated in accordance with the local bylaws.

The following outlines the amendments that were made to the bylaws in 2016:

**Zoning Bylaw**

December 20, 2018

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Add the following to the Definition Section of the Zoning Bylaw: “Medical Marijuana Dispensary” means a building or part thereof in which marijuana for medical 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.
2. A Medical Marijuana Dispensary is not permitted within 1000 metres of the nearest property line of a site containing another Medical Marijuana Dispensary.
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

1. Add the following to the Interpretation section of the Business Licence Bylaw: “Medical Marijuana Dispensary means a retail business in which marijuana for medical 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 person shall permit a minor (i.e. under 19 years of age) to enter or remain on the business premises of a Medical Marijuana Dispensary.
4. No person shall carry on business as a Medical Marijuana Dispensary between the hours of 8:00 pm and 8:00 am the following day.
5. No person shall smoke or consume marijuana in a Medical Marijuana Dispensary or within 3 metres of any doors of a dispensary.
6. No person shall block the windows of the business premises of a Medical Marijuana Dispensary with opaque material, artwork, posters, shelving or similar elements.
7. Signage at the entrance of a Medical Marijuana Dispensary, prohibiting minors (under the age of 19 years).
8. Product Warning signage at the entrance and service counter of a Medical Marijuana Dispensary.

December 20, 2018

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9. Must have a monitored security and fire alarm system, including video surveillance.

### October 17, 2018 – Weed Wednesday

The nationwide legalization of non-medical cannabis came into effect on October 17, 2018. In the Province of BC the wholesale distribution of non-medical cannabis will be regulated through the Liquor and Cannabis Regulation Branch. They will be responsible for licensing and monitoring the retail sector with a mixed public/private model. For the Province to issue a licence, applicants must have the support of the local government. As such, cannabis retail uses could only operate in Port Alberni with a BC licence and/or permit, a Port Alberni business licence and a Port Alberni development permit. (All Commercial Zones are designated Development Permit Area 2 in the OCP and all uses in these zones are required to secure development permits; the exceptions include interior construction only or construction under \$25,000.00 or limited alterations to the graphics on sign boards, canopies and similar.)

There were four Medical Marijuana Dispensaries operating in Port Alberni on October 17, 2018. None of them had a BC licence. On October 18 the RCMP visited two of the stores and removed their product and equipment. The other two stores closed their doors before being visited by the RCMP. Today all four stores have ceased operating as Medical Marijuana Dispensaries.

### Discussion

Canada is in the post October 17, 2018 environment. Cannabis retail and consumption is now legal and regulated at the federal, provincial and municipal levels. The City of Port Alberni should begin the process to amend the Zoning and Business Licence Bylaws to transition from medical marijuana dispensaries to cannabis retail stores.

The following is recommended as a working framework to make bylaw changes to provide for cannabis retail stores:

1. Delete the definition of Medical Marijuana Dispensary and add a definition of Cannabis Retail. There is no need for a separate medical marijuana permitted use, everything can be accommodated under cannabis retail.
2. Maintain the four commercial zones for cannabis retail.
3. Maintain the 300 metre school setback.
4. Delete the 1000 metre separation distance between cannabis retail stores. This regulation has been requested to be changed on several occasions. There is no need to have any separation distance between cannabis retail stores. They are fundamentally a regulated retail use and work and function the same as any other retail use that markets consumable and/or durable goods.
5. Delete regulation 2 and 9 from the Business Bylaw. With the legalization of cannabis these regulations are no longer necessary.
6. Maintain all other regulations.

### Conclusions

December 20, 2018

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Under the proposed changes the four existing medical marijuana dispensaries would have an opportunity to apply for a provincial licence for a cannabis retail store. And so would anybody else who wishes to get into the cannabis retail business. Port Alberni would review their applications for a development permit and business license.

Any changes to the Zoning Bylaw will require a formal public hearing. The City of Port Alberni should consider having some public involvement prior to beginning the formal bylaw changes. This could be done in a Committee of the Whole meeting with receiving input from the public, cannabis industry etc.

### **Recommendation**

2. That the attached amendment to the Zoning Bylaw 4832 be given first and second readings and a public hearing scheduled.
3. That the attached amendment to the Business License Bylaw 4543 be given first, second and third readings.

Respectfully submitted,

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Flynn Scott  
Director of Bylaw Services

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Joseph A. Calenda, MCIP, RPP (Rtd.), DTM  
Consulting City Planner to Port Alberni