

CITY OF PORT ALBERNI
PUBLIC HEARING AGENDA

Monday, January 25, 2016 at 5:00 pm in the City Hall Council Chambers

This Public Hearing is held pursuant to Sections 464, 465 and 466 of the *Local Government Act*.

Applicant: City of Port Alberni

Introductory Remarks by the Chair: The Chair of the Public Hearing will describe the Public Hearing procedures.

The applicant is applying to amend the Zoning Bylaw to include municipal regulations for the operation of a Medical Marijuana Dispensary within the City of Port Alberni.

The proposed bylaw is:

"Zoning Text Amendment No. T7 (Marijuana Dispensary Regulations), Bylaw No. 4893"

1. Description of the Application *(To be read by the Clerk)*

2. Background Information from the City Planner

3. Correspondence

Elaine McLeod

E-mail dated January 16, 2016 opposing medical marijuana dispensaries in our community due to her allergies.

4. Input from the Public regarding the Bylaw

5. Late Correspondence Regarding the Matter (To be read by the City Clerk)

6. Questions from Council: (Members of Council may ask questions, through the Chair, of the City Planner or of the members of the public who may have spoken.)

7. Calling for any Further Input: (To be asked three times by the Chair.)

8. Closing Remarks by the Chair:

After this Public Hearing has concluded, Council may, without further notice, give whatever effect Council believes proper to the representations made at this Hearing. In most cases, the Report of this Hearing will be presented to the next Regular Meeting of Council, where Council will decide whether or not to proceed with approving the application by way of passing further readings of the Bylaw.

Once this Public Hearing has terminated, members of Council may not, as a group or as individuals, receive any further oral or written presentations on this matter, including what might be perceived of as informal discussions immediately after the termination of this meeting. I ask all parties to comply with this.

9. Termination of the Public Hearing:

*Moved by _____, seconded by _____, that this
Public Hearing terminate at _____ pm.*



CITY OF PORT ALBERNI NOTICE OF PUBLIC HEARING

Pursuant to Sections 464, 465, and 466 of the Local Government Act, Notice is hereby given that a Public Hearing will be held in the Council Chambers at City Hall, 4850 Argyle Street, Port Alberni, BC on **Monday, January 25, 2016 at 5:00 pm** to hear representation about the following proposed bylaw:

A. "Zoning Text Amendment No. T7 (Marijuana Dispensary Regulations), Bylaw No. 4893".

(APPLICANT: City of Port Alberni) The applicant is applying to amend the Zoning Bylaw to include municipal regulations for the operation of a Medical Marijuana Dispensary within the City of Port Alberni. The proposed amendments are as follows:

Zoning Text Amendment:

A. Applying to amend the text of Port Alberni Zoning Bylaw 2014, No. 4832 as follows:

1. By adding the following text to 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."
2. By adding the following text to Sections 5.19.1 the list of Permitted Uses in the **C2 - General Commercial zone**: *"Medical Marijuana Dispensary, subject to Section 6.26".*
3. By adding the following text to Sections 5.20.1 the list of Permitted Uses in the **C3 - Service Commercial zone**: *"Medical Marijuana Dispensary, subject to Section 6.26".*
4. By adding the following text to Sections 5.21.1 the list of Permitted Uses in the **C4 - Highway Commercial zone**: *"Medical Marijuana Dispensary, subject to Section 6.26".*
5. By adding the following text to Sections 5.24.1 the list of Permitted Uses in the **C7 - Core Business zone**: *"Medical Marijuana Dispensary, subject to Section 6.26".*
6. By adding the following Section:
"6.26 Medical Marijuana Dispensary operations

All Medical Marijuana Dispensaries shall conform to the following:

6.26.1A Medical Marijuana Dispensary is not permitted within 300 metres of the nearest property line of a site containing a school.

6.26.1A Medical Marijuana Dispensary is not permitted within 1000 metres of the nearest property line of a site containing another Medical Marijuana Dispensary.

6.26.3A Medical Marijuana Dispensary is not permitted in conjunction with any other use.

6.26.4A Medical Marijuana Dispensary is not permitted in conjunction with an Automated Teller Machine (ATM) use."

TAKE NOTICE THAT persons who deem their interest in property affected by the above noted bylaw amendment shall be afforded an opportunity to be heard before Council on matters related thereto. Written submissions should be addressed to City Council, 4850 Argyle Street, Port Alberni, BC, V9Y 1V8. The above noted bylaw amendment, together with the Port Alberni Zoning Bylaw 2014, No. 4832, may be inspected at the offices of the Planning Department, City Hall, 4850 Argyle St., between Monday and Friday (exclusive of statutory holidays) from January 15, 2016 to January 25, 2016 during regular business hours (8:30 a.m. to 4:30 p.m.).

DATED AT PORT ALBERNI, B.C. this 15th day of January, 2016.
Scott Smith, City Planner



CITY OF PORT ALBERNI

PLANNING DEPARTMENT PUBLIC HEARING REPORT

TO: Tim Pley, Acting City Manager

FROM: Scott Smith, City Planner

DATE: January 19, 2016

SUBJECT: Zoning Amendments for Medical Marijuana Dispensaries

Issues

To consider an application for amendments to the Zoning Bylaw for medical marijuana dispensaries.

Background

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 medical marijuana dispensaries and the City of Victoria is considering similar regulations. City Council directed that amendments be prepared for Council's consideration to regulate medical marijuana dispensaries in the City of Port Alberni.

Discussion

Although the public hearing technically only covers the Zoning Bylaw amendments, the proposed changes to the business licence bylaw are also included in this report as they relate to medical marijuana dispensaries.

The following is a summary of the regulations that are being considered through the proposed amendment to the Zoning Bylaw and Business Licence Bylaw.

Zoning Bylaw regulations

1. Add a definition of Medical Marijuana Dispensary to the Definition section.
2. Add Medical Marijuana Dispensary as a permitted use in the following commercial zones, subject to provisions in the General Regulations section:
 - C2 – General Commercial;
 - C3 – Service Commercial;
 - C4 – Highway Commercial and
 - C7 – Core Business

3. Add the following to the General Regulations of the Zoning Bylaw:
 - a) A Medical Marijuana Dispensary is not permitted within 300 metres of the nearest property line of a site containing a school.
 - b) A Medical Marijuana Dispensary is not permitted within 1000 metres of the nearest property line of a site containing another Medical Marijuana Dispensary.
 - c) A Medical Marijuana Dispensary is not permitted in conjunction with any other use.
 - d) A Medical Marijuana Dispensary is not permitted in conjunction with an Automated Teller Machine (ATM) use.

Business Licence Bylaw

1. Add a definition of Medical Marijuana Dispensary to the Interpretation section of the Business Licence Bylaw.
2. Add a new section to the business licence bylaw related to Medical Marijuana Dispensaries as follows:
 - a) Requirement for a business licence from the City of Port Alberni.
 - b) Requirement to sign an acknowledgement that a City of Port Alberni business licence only represents local government compliance and is not a representation that the dispensary complies with other laws, including provincial and federal laws.
 - c) A Medical Marijuana Dispensary shall be conducted within a completely enclosed building.
 - d) No minors (i.e. under 19 years) may enter a Medical Marijuana Dispensary and signage to this effect is required to be posted.
 - e) Must have a monitored security and fire alarm system, including video surveillance.
 - f) Limit hours of operation between 8:00 am and 8:00 pm.
 - g) Shop fronts must be transparent.
 - h) No smoking or consumption of marijuana in the business or within 3 metres of doors.
 - i) Requirement for product warning signage. An example of the sign is attached.
3. Add business licence fee of \$220.00 for Medical Marijuana businesses.
4. Add some additional fines related to Medical Marijuana Dispensary regulations.

Status of the Application

At the December 17, 2015 meeting of the Advisory Planning Commission the following motions were carried:

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 Licence Bylaw, that non-profit societies operating a business within the City of Port Alberni, be required to obtain a City of Port Alberni business licence.

At its January 11, 2016 regular meeting, City Council received the APC recommendations and gave 1st and 2nd reading to Zoning Text Amendment T7 (Marijuana Dispensary Regulations), Bylaw No. 4893.

Conclusions

In considering the Zoning amendments, City Council should consider whether the proposed amendments are appropriate for the community.

Respectfully submitted,



Scott Smith, MCIP
City Planner

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.

CITY OF PORT ALBERNI

BYLAW NO. 4893

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. T7 (Marijuana Dispensary Regulations), Bylaw No. 4893"**.

2. Zoning Text Amendment

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

- a) By adding the following text to 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 adding the following text to Sections 5.19.1 the list of Permitted Uses in the C2 - General Commercial zone:
"Medical Marijuana Dispensary, subject to Section 6.26"
- c) By adding the following text to Sections 5.20.1 the list of Permitted Uses in the C3 - Service Commercial zone:
"Medical Marijuana Dispensary, subject to Section 6.26"
- d) By adding the following text to Sections 5.21.1 the list of Permitted Uses in the C4 - Highway Commercial zone:
"Medical Marijuana Dispensary, subject to Section 6.26"
- e) By adding the following text to Sections 5.24.1 the list of Permitted Uses in the C7 – Core Business zone:
"Medical Marijuana Dispensary, subject to Section 6.26"

- f) By adding the following Section 6.26 Medical Marijuana Dispensary operations :

"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."*

READ A FIRST TIME THIS 11TH DAY OF JANUARY, 2016.

READ A SECOND TIME THIS 11TH DAY OF JANUARY, 2016.

A PUBLIC HEARING WAS HELD THIS DAY OF , 2016.

READ A THIRD TIME THIS DAY OF , 2016.

FINALLY ADOPTED THIS DAY OF , 2016.

Mayor

Clerk

From: [Elaine & James](#)
To: [Scott Smith](#)
Subject: Proposed Regulations for Marijuana Public Hearing
Date: Saturday, January 16, 2016 10:17:20 PM

Dear Honorable Council Members,

I write to you today in regards to the upcoming hearing on medical marijuana dispensaries in our city. I wanted to attend this meeting but cannot due to a grass allergy. Unfortunately this allergy includes marijuana and as my allergist Dr. Kingsley Lee stated, "A grass is a grass is a grass, they all have similar components." The possibility of people who smoke or carry marijuana will be high at the hearing so I cannot attend due to the health risk.

I want you to know how this allergy has affected my life since the dispensaries have been opened. For the past 7 & 1/2 years I have worked in a job with marginalized people which occasionally exposed me to marijuana. I have been able to control the exposures with medication, air purifiers and public notifications; however, since the dispensaries have opened, I am exposed to marijuana in my workplace repeatedly on a daily basis, all day, every day. The increase in marijuana use is staggering and sadly I am limited to the amount of medication I can take. We have worked diligently to keep this out of my workplace but when people are high; they either don't care or are oblivious to what's around them. I have now had to order a allergy mask costing over \$100 just to be able to breathe at work. Somehow people think that their right to get high trumps someone's right to breathe and because marijuana is still illegal, WorkSafe has no policies or provisions for this. You can't take a flower into a hospital yet you can go wherever you want reeking of marijuana.

I fear I will no longer be to continue my career which I have worked so hard to build due to a substance that is being allowed to be sold in our community while it is still illegal. I fear I will go to work, have a bronchial spasm and be hospitalized or worse just because someone wants to get high. Furthermore, I cannot shop at any of the businesses near the dispensaries as the smell and pollen are carried out the door with the patrons. I used to shop at Flandangles but can't now. It not only affects me, it affects every business beside these dispensaries as people can't or won't shop there.

I'm not talking about medical marijuana, because that has always been and is properly regulated. I'm talking about the dispensaries where you can just has to go in sign a paper saying you have a disease and boom you're a purchasing member. You can even sign up online for WeeMedical membership. The Port Alberni Cannabis Club is not even a registered nonprofit and is run by a man with a criminal record. My medicine to counteract my reaction has to be prescribed by a doctor and I have to go to a pharmacy as true medicine is regulated and I know my pharmacist has had strict training and does not have a criminal record.

What you are doing is allowing people to conduct illegal activities under the guise of helping the ill. Marijuana is still illegal and our city should not condone illegal activities. I'm sure if I opened a business without a business license and sold illegal items besides marijuana, the city would not be considering anything. The police would have it shut down in an instant. So before you decide to put guidelines in place allowing such businesses, please think of the business owners around these facilities and how it can affect their business. They are long standing, taxpaying, licensed and legal businesses, following all the regulations and laws set before them, unlike the dispensaries. Also please consider their patrons who can or will no longer shop there due to the dispensaries. Lastly please consider us, the ones that are allergic, who could stop breathing because you have made a choice to allow an illegal substance to be sold in our city and carried anywhere in our community.

Sincerely,

E. McLeod

Elaine McLeod