



PUBLIC HEARING
Monday, September 9, 2019 @ 6:00 PM
George Fraser Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet

AGENDA

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1. CALL TO ORDER	
2. ACKNOWLEDGEMENT OF FIRST NATIONS TERRITORY	
<p>Council would like to acknowledge the Yuułu?if?atḥ First Nations on whose traditional territories the District of Ucluelet operates.</p>	
3. LATE ITEMS	
4. EXPLANATION OF PUBLIC HEARING PROCESS	
4.1. Rules Governing Public Hearing	
1. As provided for in the <i>Local Government Act</i> , the Council is required to hold a Public Hearing before adopting an Official Community Plan Bylaw, Zoning Bylaw or amendments thereto.	
2. At a Public Hearing all persons <u>who deem their interest in property affected</u> by the proposed bylaws shall be afforded an opportunity to be heard, or to present written submissions, on matters contained in the bylaw.	
3. The Council may give such effect, as it deems fit, to representations made at a Public Hearing, in the bylaws as adopted.	
4. At a Public Hearing the Council is under no obligation to enter into a debate on any issue. The purpose of a hearing is to <u>hear</u> public input, which will later be considered by the Council in their regular meeting.	
5. Following the Public Hearing, Council will not accept further communications or presentations from the public or the applicant respecting this bylaw.	
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DISTRICT OF UCLUELET

Bylaw No. 1228, 2018

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".

WHEREAS the District of Ucluelet Council proposes to amend the definitions within the District of Ucluelet Zoning Bylaw No. 1160, 2013 to clarify the definition of cannabis sales and production;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

District of Ucluelet Zoning Bylaw No. 1160, 2013 as amended is hereby further amended as follows:

1. By adding the following definition to Section 103.1, immediately following the definition of "Accessory Retail Sales and Administration Office":

"ACMPR" means the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230 under the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, or successor legislation.

2. By adding the following definitions to Section 103.1, immediately following the definition of "Camping Space":

"Cannabis" means any part of the cannabis plant, and includes its preparations and derivatives and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, but does not include: a non-viable seed of a cannabis plant; a mature stalk of a cannabis plant, without any leaf, flower, seed, or branch, and fiber derived from such stalks; and the roots or any part of the root of a cannabis plant.

"Cannabis Sales" means the retail or wholesale sale of *cannabis*, and includes an operation which provides referrals or facilitates access to *cannabis* not physically sold on the premises, but does not include:

- a) sales of *cannabis* by a British Columbia Registered Pharmacist in a British Columbia regulated Pharmacy; or
- b) authorized distribution by a Licenced Producer under Part 1 of the ACMPR by means other than retail sale.

"Cannabis Production" means the use of any land, building or structure for the growing, production, processing, destruction, storage or distribution of Cannabis, including by one or more persons under one or more registrations under Part 2 of the ACMPR, but does not include:

- a) *Cannabis Sales*; or
- b) Non-commercial activities by a registrant or designated person under Part 2 of the ACMPR.

3. By deleting the current Section 303.3(6) and replacing with the following:
“(6) *Cannabis Production* or *Cannabis Sales*, except as expressly permitted elsewhere in this Bylaw.”
4. This bylaw may be cited as “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018”.

READ A FIRST TIME this 24th day of **April, 2018**.

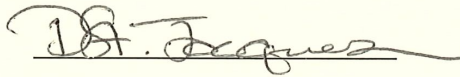
READ A SECOND TIME this 24th day of **April, 2018**.

PUBLIC HEARING held this 22nd day of **May, 2018**.

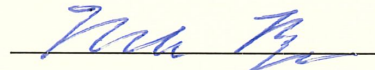
READ A THIRD TIME this 22nd day of **May, 2018**.

ADOPTED this 12th day of **June, 2018**.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018.”

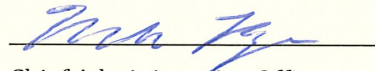


Mayor
Dianne St. Jacques



Chief Administrative Officer
Mark Boysen

THE CORPORATE SEAL of the District of Ucluelet was hereto affixed in the presence of:



Chief Administrative Officer
Mark Boysen



STAFF REPORT TO COUNCIL

Council Meeting: April 24th, 2018
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

REF NO: RZ18-01 **FILE NO:** 3360-20

REPORT NO: 18-35

SUBJECT: ZONING BYLAW AMENDMENTS TO CLARIFY THE DEFINITION OF CANNABIS SALES AND PRODUCTION;

RECOMMENDATION:

1. **THAT** Council, with regard to the proposed zoning amendment to further define cannabis sales and cannabis production, and to clarify that these uses are not currently permitted in any zone within the municipality:
 - a. give first and second reading to District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018;
 - b. advance the bylaw to a public hearing;

2. **and further, THAT** Council indicate to the community and any future applicants that the following can be expected in the future consideration of rezoning applications for cannabis sales:
 - a. any cannabis sales rezoning applications will be brought to Council no earlier than 90 days following the adoption of federal Bill C-45 and provincial legislation for the legal distribution and regulation of cannabis sales in BC, whichever is later;
 - b. Council will consider the merits of any rezoning applications for cannabis sales in the context of federal and provincial regulations, community input at a joint public hearing, and the following preliminary criteria:
 - i. on commercial property located at least 300m from school grounds, public playgrounds, licensed daycare facilities, the Ucluelet Community Centre, Ucluelet Aquarium and Municipal Hall, and at least 150m from Tugwell Sports Fields;
 - ii. low-key storefront design and signage befitting the form and character of the Ucluelet streetscape and surrounding commercial properties;
 - iii. all other aspects normally considered with a commercial rezoning application (access, location and amount of parking, landscaping, etc.);
 - iv. any components of the proposal which may help to mitigate impacts of the new use or provide a degree of public amenity to present a net public benefit to the community; and,
 - c. after hearing public input, Council may deny all applications or approve one or more applications up to a maximum of two cannabis sales retail locations in Ucluelet at this point in time.

PURPOSE:

In anticipation of upcoming new federal and provincial legislation and regulations, this report is intended to give Council information on a zoning amendment to further clarify the zoning regulations for cannabis sales and production. The bylaw amendment would define “cannabis sales” as a distinct use from “retail” and clarify that cannabis sales is not a permitted use in any zone which currently exists in Ucluelet. This report also suggests criteria for Council to consider with any future site-specific rezoning application which may seek to allow cannabis sales as a permitted use on a property, once the federal and provincial legislation has been adopted.

BACKGROUND:

The Government of Canada has introduced legislation to legalize the recreational use of cannabis. Bill C-45, the *Cannabis Act*, which will regulate and restrict the production, distribution, sale, and use of this product, has completed Second Reading in the Senate (March 22nd, 2018) and is expected to pass into law sometime in the fall of 2018. The progress of Bill C-45 can be followed at:

<http://www.parl.ca/LegisInfo/BillDetails.aspx?billId=8886269>

This Federal legislation creates significant responsibilities for all levels of government. Provincial and Territorial governments have begun to make new policy decisions in response to the Federal legislation, and most have done so with some form of public and/or stakeholder consultation. The frameworks implemented by the Provincial and Territorial Governments provide a more detailed context for local governments to make decisions about the infrastructure, local regulations and enforcement needed to support these policy changes. On February 5, 2018 the BC Provincial Government announced decisions on public consumption, retail sales model, and personal cultivation. This has outlined in more detail the context within which BC municipalities will need to operate. More information on the provincial regulatory framework can be found at:

<https://www2.gov.bc.ca/gov/content/safety/public-safety/cannabis>

DISCUSSION:

The District of Ucluelet, like all local governments, must determine what changes are needed to ensure an effective response to the proposed new cannabis legalization. In managing this major legal and social change, municipalities are guided by the specific objectives of Bill C-45, which include:

- preventing youth from accessing cannabis;
- providing for controlled access to cannabis by adults; and
- providing for responsible regulation and oversight.

The District of Ucluelet is seeking to develop a balanced, appropriate, and evidence-based response to cannabis legalization and its many implications. Local governments need to balance public safety concerns associated with cannabis legalization with a recognition that the possession and consumption of cannabis will become legal in Canada with the adoption of Bill C-45.

The first step in preparing for the adoption of Bill C-45 is to further define and improve our legal framework within the Zoning Bylaw for the production and sale of cannabis. The two areas of focus in the proposed bylaw are the definitions of Cannabis Production and Cannabis Sales:

Cannabis Production

Currently the production of cannabis is restricted under the District of Ucluelet Zoning Bylaw 1160, 2013 (the “**Zoning Bylaw**”):

303.3 Without limiting the generality of Subsection 303.1, the following uses are prohibited in all Zones:

(6) medical and other federally licensed marihuana production facilities, including parts thereof licensed under the federal Medical Marihuana for Medical Purposes Regulation;

Staff are proposing to delete S.303.3 (6) and replace it with the following:

“(6) Cannabis Production or Cannabis Sales, except as expressly permitted elsewhere in this Bylaw.”

The proposed modification of this section clarifies that there is a difference between production and sales, and anticipates future applications for legal production under the Access to Cannabis for Medical Purposes Regulations (ACMPR) or retail operations under the Cannabis Act and provincial regulations. Staff are also proposing to add the following definition to the zoning bylaw regarding cannabis production:

“Cannabis Production” means the use of any land, building or structure for the growing, production, processing, destruction, storage or distribution of Cannabis, including by one or more persons under one or more registrations under Part 2 of the ACMPR, but does not include:

- a) Cannabis Sales; or
- b) Non-commercial activities by a registrant or designated person under Part 2 of the ACMPR.

The addition of this definition is a clarification of the Cannabis Production use. Any future application for a cannabis production facility would still need a zoning amendment to allow that use but the use will have been clearly defined.

Cannabis Sales

In preparation of the expected fall 2018 adoption of Bill C-45, Staff in consultation with the municipal solicitors have proposed the following additions to Section 103.1(Definitions) of the zoning bylaw:

Cultivation for personal use:

Note the proposed bylaw amendments would leave the Zoning Bylaw silent on the cultivation of cannabis for personal use. The federal regulations are drafted to allow the cultivation of up to 4 plants in a dwelling (defined to include the property on which a dwelling is located). Once legalized by federal law, growing up to 4 pot plants on your property would, as a land use, be considered a permitted accessory use to a residence (no different than growing carrots or begonias).

Municipalities may have authority to restrict the location of personal cultivation on grounds of mitigating nuisance or health concerns. This area of regulation is expected to have a high degree of public interest and, if enacted, could generate a large volume of bylaw complaints.

Staff recommend that the District await the adoption of federal and provincial legislation and regulations - and then monitor this activity. If complaints or concerns arise from the personal cultivation of cannabis, Council could consider at a future date whether there is a need for municipal regulation, the details of such regulations and a practical enforcement mechanism.

“Cannabis” means any part of the cannabis plant, and includes its preparations and derivatives and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, but does not include: a non-viable seed of a cannabis plant; a mature stalk of a cannabis plant, without any leaf, flower, seed, or branch, and fiber derived from such stalks; and the roots or any part of the root of a cannabis plant.

“Cannabis Sales” means the retail or wholesale sale of cannabis, and includes an operation which provides referrals or facilitates access to cannabis not physically sold on the premises, but does not include:

- a) sales of cannabis by a British Columbia Registered Pharmacist in a British Columbia regulated Pharmacy; or
- b) authorized distribution by a Licenced Producer under Part 1 of the ACMPR by means other than retail sale.

The addition of these definitions clarifies cannabis and cannabis sales and allows Council the opportunity to review future applications with improved clarity in regard to location, regulatory measures and bylaw enforcement.

Smoking Regulations

The Ucluelet Smoking Control Bylaw No. 1187, 2016, already bans the smoking or vaping of tobacco, “weed” or other substances in parks, playgrounds, beaches, trails or other public places, within 8m of a building opening or customer service area, or in restaurants. The bylaw enacts a \$50 fine for non-compliance. Bylaw No. 1187 would still fully apply to the smoking of cannabis in public places after Bill C-45 is enacted, and does not need to be amended at this time.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Setting up the specific policy and regulatory measures will be part of any future rezoning application and be part of the normal duties of the Planning department. Staff anticipate that any future cannabis rezoning applications could generate significant public interest and may warrant one or more public information meetings or town hall-type meetings in addition to a formal public hearing or hearings on the bylaws.

FINANCIAL IMPACTS AND FUTURE WORK:

The District of Ucluelet has accrued minor legal costs in preparing a response to Bill C-45. A portion of the costs of Staff time involved in preparing the policy and regulatory measures needed for future rezonings will be recouped through the respective application fees. The financial impacts to the District of Ucluelet as a result of the approval of a zoning amendment to define cannabis retail or production will also be reviewed through the respective zoning amendment application process.

If and when the District receives a rezoning application for allowing cannabis sales, a concurrent review of the Business Licence Bylaw would be warranted to insert the new business category and licence fees.

POLICY OR LEGISLATIVE IMPACT:

The proposed bylaw is the immediate required response to the possible adoption of Bill C-45. Staff will be able to provide additional direction on specific strategies around Cannabis sales and production after the federal and provincial framework is in place, and within the context of legal rezoning applications.

SUMMARY:

The zoning bylaw amendment proposed in this report is the first step in the District of Ucluelet's response to the possible adoption of Bill C-45 in the fall of 2018. When Bill C-45 is adopted and clear policy framework for the regulating and licensing of non-medical cannabis is available, the District of Ucluelet could then accept rezoning applications for those respective uses. Staff would create the appropriate site-specific zoning amendments and regulatory measures for Council to review at that time.

The draft Bylaw No. 1228 would clarify the definition of cannabis sales and position the community to consider any future applications seeking approval to open a retail cannabis store in Ucluelet. Any such application would need a site-specific zoning amendment. To achieve that a zoning amendment bylaw would need to be adopted by Council; that process would involve a public hearing on the specific proposal or proposals being considered.

The regulatory direction announced (but not yet adopted) by the provincial government indicates that Council will have full control over whether and how many cannabis retail sales licences are issued in the municipality. The rezoning of a property to allow cannabis sales would be a first step for a potential cannabis retailer to seek community support for their application and proposed location.

Staff recommend that Council consider adopting a motion signaling to the community and any future applicants some ground rules and preliminary criteria for what can be expected in the future consideration of rezoning applications for cannabis sales. By indicating this list of criteria and process, Council would clarify community expectations for those business and/or property owners considering applying for a zoning amendment. Staff expect significant community interest in the details of where, what and how many cannabis sales proposals are submitted. By bringing the first wave of applications forward together – after the federal and provincial legal framework is clear – the community could see the details before providing its input and Council would be able to make a fully informed decision on the merits of each application.

Municipalities have discretion over whether to permit any retail cannabis sales within their boundaries, or alternatively to allow any number of such businesses. Staff recommend that if there is support from the community for future rezoning applications Council consider approving up to two sites. Staff would advise against approving a single site (thereby setting up a monopoly in town), and suggest that for a community of this size more than two are probably not warranted.

OPTIONS:

1. **THAT** Council, with regard to the proposed zoning amendment to further define cannabis sales and cannabis production, and to clarify that these uses are not currently permitted in any zone within the municipality:
 - a. give first and second reading to District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018;
 - b. advance the bylaw to a public hearing;

(Recommended)

2. **and further, THAT** Council indicate to the community and any future applicants that the following can be expected in the future consideration of rezoning applications for cannabis sales:
 - a. any cannabis sales rezoning applications will be brought to Council no earlier than 90 days following the adoption of federal Bill C-45 and provincial legislation for the legal distribution and regulation of cannabis sales in BC, whichever is later;
 - b. Council will consider the merits of any rezoning applications for cannabis sales in the context of federal and provincial regulations, community input at a joint public hearing, and the following preliminary criteria:
 - i. on commercial property located at least 300m from school grounds, public playgrounds, licensed daycare facilities, the Ucluelet Community Centre, Ucluelet Aquarium and Municipal Hall, and at least 150m from Tugwell Sports Fields;
 - ii. low-key storefront design and signage befitting the form and character of the Ucluelet streetscape and surrounding commercial properties;
 - iii. all other aspects normally considered with a commercial rezoning application (access, location and amount of parking, landscaping, etc.);
 - iv. any components of the proposal which may help to mitigate impacts of the new use or provide a degree of public amenity to present a net public benefit to the community; and,
 - c. after hearing public input, Council may deny all applications or approve one or more applications up to a maximum of two cannabis sales retail locations in Ucluelet at this point in time.

(Recommended)

3. That Council defer the readings and advancement of Bylaw No. 1228, 2018 to seek further information from Staff.

Respectfully submitted: Bruce Greig, Manager of Planning
John Towgood, Planner
Mark Boysen, Chief Administrative Officer



STAFF REPORT TO COUNCIL

Council Meeting: May 22nd, 2018
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, MANAGER OF COMMUNITY PLANNING

REF NO: RZ18-01 **FILE NO:** 3360-20

REPORT NO: 18-47

SUBJECT: ZONING BYLAW AMENDMENTS TO CLARIFY THE DEFINITION OF CANNABIS SALES AND PRODUCTION;

ATTACHMENT: APPENDIX A - DISTRICT OF UCLUELET ZONING BYLAW AMENDMENT BYLAW NO. 1228, 2018.

RECOMMENDATION:

1. **THAT** Zoning Bylaw Amendment Bylaw No. 1228, 2018 be given third reading.

PURPOSE:

To give third reading to the Zoning Bylaw Amendment Bylaw No. 1228, 2018.

BACKGROUND:

At the April 24th, 2018 regular council meeting, Council gave first and second reading to Zoning Bylaw Amendment Bylaw No. 1228, 2018 which amends the District of Ucluelet Zoning Bylaw No. 1160, 2013 by adding and clarifying the definitions for cannabis sales and production. A public hearing was held for Bylaw No.1228 prior to the regular council meeting on May 22nd, 2018.

OPTIONS REVIEW:

1. That Zoning Bylaw Amendment Bylaw No. 1228 be given third reading. (**Recommended**)
2. That Council defer the reading of Bylaw No. 1228 to a future date to be identified; or,
3. That Council provide alternative direction to staff.

Respectfully submitted: Bruce Greig, Manager of Planning
John Towgood, Planner
Mark Boysen, Chief Administrative Officer



STAFF REPORT TO COUNCIL

Council Meeting: JUNE 12, 2018
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: MARLENE LAGOVA, DEPUTY MUNICIPAL CLERK **FILE NO:** 3360-20 & 3900-25
SUBJECT: ADOPTION OF BYLAW NO. 1228 & BYLAW NO. 1231 **REPORT NO:** 18-57
ATTACHMENT(S): DISTRICT OF UCLUELET ZONING BYLAW AMENDMENT BYLAW NO. 1228, 2018
ELECTION & ASSENT VOTING BYLAW NO. 1231, 2018

RECOMMENDATION(S):

1. **THAT** Council adopt District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018; and
2. **THAT** Council adopt Election and Assent Voting Bylaw No. 1231, 2018.

PURPOSE/DESIRED OUTCOME:

The purpose of this report is to request Council adopt Bylaw No. 1228 and Bylaw No. 1231.

BACKGROUND:

Bylaw No. 1228 - Zoning Bylaw Amendment (Cannabis Sales and Production)

At the April 24, 2018 regular council meeting, Council gave first and second reading to Zoning Bylaw Amendment Bylaw No. 1228, 2018 which amends the District of Ucluelet Zoning Bylaw No. 1160, 2013 by adding and clarifying the definitions for cannabis sales and production.

A public hearing was held for Bylaw No. 1228 on May 22, 2018. Following the public hearing, Council gave third reading to Bylaw No. 1228 at its regular council meeting.

Bylaw No. 1231 – Election and Assent Voting

At the May 22, 2018 regular council meeting, Council gave first, second, and third reading to the Election and Assent Voting Bylaw No. 1231, 2018.

Updating the District's election bylaw is necessary to reflect recent amendments to the *Local Government Act* (LGA). Adoption of Bylaw No. 1231 will result in the following changes to the District's election procedures:

1. In accordance with the LGA, moving the general local election from every 3 years to 4 years, and from the 3rd Saturday of November to the 3rd Saturday of October; and
2. In the event of a tie vote following a judicial recount, the District will conduct a run-off election for the tied candidates only.

Respectfully submitted: Marlene Lagoa, Deputy Municipal Clerk
Bruce Greig, Manager of Community Planning
Mark Boysen, Chief Administration Officer



STAFF REPORT TO COUNCIL

Council Meeting: July 9, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1

FILE NO: 3360-20

SUBJECT: CANNABIS RETAIL SALES – GENERAL CONTEXT

REPORT NO: 19- 91

ATTACHMENT(S): APPENDIX A – CANNABIS RETAIL STORE – TERMS AND CONDITIONS HANDBOOK

RECOMMENDATION:

There is no recommendation. This report is provided for information only.

PURPOSE:

To provide Council with updated information and background context on the newly adopted Federal and Provincial cannabis legislation, and to allow an opportunity for Council to deliberate more broadly on the community impact of retail cannabis sales before considering specific applications.

BACKGROUND:

Government of Canada - *The Cannabis Act*

On October 17, 2018, the Government of Canada gave royal assent to the *Cannabis Act*, which regulates and restricts the production, distribution, sale, and use of cannabis allowing for the legal sale of recreational cannabis at the federal level. This new legal framework then enabled the provinces to independently pass legislation to further regulate the production, distribution, sale, and use of cannabis.

Province of British Columbia - *Cannabis Control and Licensing Act*

The Province of British Columbia offers the following summary of the *Cannabis Control Licensing Act (CCLA)*:

The Cannabis Control and Licensing Act is guided by the Province's priorities of protecting children and youth, promoting health and safety, keeping the criminal element out of cannabis, keeping B.C. roads safe, and supporting economic development. The Act:

- *Sets 19 as the provincial minimum age to purchase sell or consume cannabis;*
- *Allows adults to possess up to 30 grams of cannabis in a public place;*
- *Prohibits cannabis smoking and vaping everywhere tobacco smoking and vaping are prohibited, as well as at playgrounds, sports fields, skate parks, and other places where children commonly gather;*
- *Prohibits the use of cannabis on school properties and in vehicles;*

- *Authorizes adults to grow up to four cannabis plants per household, but the plants must not be visible from public spaces off the property, and home cultivation will be banned in homes used as day-cares;*
- *Establishes a cannabis retail licensing regime similar to the current licensing regime for liquor;*
- *Provides enforcement authority to deal with illegal sales;*
- *Creates a number of provincial cannabis offences which may result in a fine ranging from \$2,000 to \$100,000, imprisonment of three to 12 months, or both; and*
- *Where necessary, to comply with Charter Rights and human rights law, exemptions will provide to individuals who are federally authorized to purchase, possess and consume medical cannabis.*

The CCLA also includes consequential amendments to various statutes, including:

- *Liquor Control and Licensing Act to ensure administrative consistency between that Act and the CCLA;*
- *Residential Tenancy Act and Manufactured Home Park Tenancy Act to prohibit cannabis smoking under existing leases that prohibit smoking tobacco and to prohibit the personal cultivation of cannabis under existing leases, except for federally authorized medical cannabis. For new leases, the existing provisions of each Act that allow landlords and tenants to negotiate the terms of leases will apply;*
- *Police Act to set provincial priorities for policing and require municipal police boards to take provincial priorities and the priorities of the municipal council into account as they develop their own priorities;*
- *Community Safety Act to reflect that with legalization cannabis will no longer be a controlled substance under the federal Controlled Drugs and Substances Act;*
- *Provincial Sales Tax Act to add a reference to cannabis in the definition of “small seller” consistent with liquor; and*
- *Business Practices and Consumer Protection Act to recognize that the CCLA is a complete licensing scheme.*

Province of British Columbia - Cannabis Distribution Act

The Province of British Columbia offers the following summary of the Cannabis Distribution Act (CDA):

The Province has decided that the Liquor Distribution Branch will be the wholesale distributor of non-medical cannabis in B.C. and will run provincial cannabis retail stores. The Cannabis Distribution Act establishes:

- *A public wholesale distribution monopoly; and*
- *Public (government-run) retail sales, both in stores and online.*

As noted in the *Cannabis Distribution Act*, the Liquor and Cannabis Regulation Branch (LCRB) will be responsible for the provincial licensing of non-medical private cannabis stores. The Province has published a detailed Cannabis Retail Store – Terms and Conditions Handbook (Appendix A). The following are terms and conditions from the Handbook which are important to highlight in this report:

- *Cannabis retail stores are authorized for the sale of dried cannabis, cannabis oil, cannabis seeds and cannabis accessories for non-medical purposes in a private retail store for patrons to purchase and consume offsite.*

Specific regulations to providing a safe and responsible service:

- *Staff working at a Cannabis retail store must obtain a security verification.*
- *Social Responsibility materials must be displayed when developed.*
- *A licensee must not sell non-medical cannabis or cannabis accessories to a minor (in B.C., those under the age of 19).*
- *There can be no Cannabis use within a store.*
- *A person intoxicated cannot enter or remain in a store*
- *A person asked to leave cannot return for 24 hours and may be arrested if they do.*
- *An incident log must be kept.*
- *The provincial licence must be posted in a prominent and visible location.*
- *The store may not appear to be associated to another business in any way.*
- *The store must be in a permanent building.*
- *Cannabis, cannabis accessories and transactions involving those products may not be visible from outside the store.*
- *Cannabis must be locked in display cases or storage rooms and may not be kept off site.*
- *Online sales and delivery services are not permitted.*
- *Smell jars are permitted.*

See the Cannabis Retail Store – Terms and Conditions Handbook (Appendix A) for an explanation of the above terms and condition.

As mentioned above all *Cannabis Retail* stores must receive a provincial license from the LCRB. This process involves robust security screenings including criminal and police record checks and financial integrity checks of the applicants and their associates.

Local Government’s Role in LCRB Licensing

LCRB requires a positive recommendation from the local government in which the application is located to issue a non-medical *Cannabis Retail* license. For clarity, applicants will not receive provincial licenses, if local government does not provide a positive recommendation or local government chooses not to give a recommendation.

The following is LCRB’s criteria for a positive recommendation:

- *be in writing (this may or may not be in the form of a resolution).*
- *show that the local government has considered the location of the proposed store.*
- *include the views of the local government on the general impact on the community if the application is approved.*
- *include the views of residents if the local government has gathered residents’ views, and a description of how they were gathered.*
- *include the local government’s recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.*

Staff will bring forward the framework for a licensing recommendation from Council in the third reading report on any application that reaches that stage of rezoning for *Cannabis Sales* (i.e., after Council has held a public hearing on a rezoning bylaw to gather input from the community).

District of Ucluelet - Bylaws

On June 12, 2018, the District of Ucluelet adopted Zoning amendment Bylaw 1228, 2018, to clarify the zoning regulations for cannabis sales and production. This bylaw defined “Cannabis Sales” as a specific use and thereby requires an amendment to District of Ucluelet Zoning Bylaw 1160, 2013 (the “Zoning Bylaw”) for anyone wishing to sell recreational cannabis.

At the April 24, 2018 regular meeting of Council indicated that the following would be expected in the future consideration of rezoning applications for cannabis sales:

- *Council will consider the merits of any rezoning applications for cannabis sales in the context of federal and provincial regulations, community input at a joint public hearing, and the following preliminary criteria:*
 - *on commercial property located at least 300m from school grounds, public playgrounds, licensed daycare facilities, the Ucluelet Community Centre, Ucluelet Aquarium and Municipal Hall, and at least 150m from Tugwell Sports Fields;*
 - *low-key storefront design and signage befitting the form and character of the Ucluelet streetscape and surrounding commercial properties;*
 - *all other aspects normally considered with a commercial rezoning application (access, location and amount of parking, landscaping, etc.);*
 - *any components of the proposal which may help to mitigate impacts of the new use or provide a degree of public amenity to present a net public benefit to the community; and,*
- *after hearing public input, Council may deny all applications or approve one or more applications up to a maximum of two cannabis sales retail locations in Ucluelet at this point in time.*

To date three rezoning applications have been received for Cannabis Retail and the reports for these applications will follow this report on this meeting’s agenda.

DISCUSSION:

With the adoption of Federal, Provincial and Municipal legislation, the District of Ucluelet is now in a position to rezone appropriate properties to make retail *Cannabis Sales* a permitted use. Council has signaled rough location criteria, and that a up to a maximum of two cannabis sales retail locations in Ucluelet would be considered at this point in time.

Health and Social Welfare

Legalization of recreational cannabis is the biggest change to cannabis law in the past two decades of prohibition. This legalization of cannabis may have a large spectrum of impacts with health consequences ranking at the top of those impacts. Legalization could make some people believe that cannabis is completely safe to use, with no adverse effects. As with alcohol, there are negative effects to cannabis use that can have long term implications for the health and social welfare of the community.

Currently the LCRB reviews and restricts the number of alcohol retail outlets in communities. The LCRB considers the following factors before issuing an alcohol retail license:

- The number of stores in a community;
- The health of the community; and,
- The social welfare of the community.

The LCRB does not take this approach with cannabis retail. Instead these considerations are left to the local governments.

The use of cannabis has not had extensive or long-term academic study on the full consequences of widespread cannabis use. The clinical studies that have been done are showing concerning links to mental health risks for young people:

- *Research shows that the brain is not fully developed until around the age of 25. Cannabis use can have an impact on brain development as the THC in cannabis affects the same parts of the brain that directs brain development. Some of the harm done to the brain by using cannabis during adolescence may not be fully reversible once cannabis use stops.*
- *In some people, cannabis use increases the risk of developing mental illnesses such as psychosis or schizophrenia. The risk increases if there is a family or personal history of psychosis and/or schizophrenia. Schizophrenia usually emerges at the end of adolescence or in early adulthood, with heavy cannabis use emerging as a direct cause. The prevalence of schizophrenia in the general adult population is 1%, which doubles to 2% in heavy cannabis users.*
- *Frequent cannabis use has also been associated with an increased risk of suicide, depression and/or anxiety disorders.*
- *Increased harm is likely if cannabis use during adolescence is frequent and continues over time. The younger someone starts using cannabis, the greater the risk of harm. Cannabis products with concentrated levels of THC can also increase the risk of mental health harm in adolescents.*

Concerns have also been noted for cannabis use during pregnancy and breastfeeding:

- *Cannabis use during pregnancy and breastfeeding poses a risk to the child. Use has been linked to lower birth weights, and difficulties with learning, behaviour and mental health in later life. Recent research has also shown that both maternal and paternal cannabis use is linked to psychotic like experiences in their children.*
- *Since there is no known safe amount of cannabis to use during pregnancy or breastfeeding, the safest approach is to not use cannabis.*

For more information please refer to the District’s cannabis legislation webpage:

<http://ucluelet.ca/community/planning-building-services/cannabis-legalisation/cannabis-and-youth>

It is hoped that Council and the community at large will review this material and start a dialog with the community, friends and family, as there is mounting clinical evidence of serious risks and consequences associated with the recreational use of cannabis.

Upcoming Rezoning Applications

The three retail *Cannabis Sales* applications submitted to this point are to be reviewed separately but will go through the rezoning processed concurrently. The current zoning of proposed retail *Cannabis Sales* sites allows *Retail* as the primary use; it should therefore be noted that these properties could potentially support similar types of uses such as a cold beer and wine store

without a rezoning. That being said, rezoning to permit *Cannabis Sales* could have impacts such as increased foot and vehicle traffic, and potential for smoking around the premises.

As this is a rezoning, which is a discretionary decision of Council, it would be within Council's right to ensure the property frontages, landscaping, utility rights-of-way, pedestrian and vehicle movements are considered and secured as part of any rezoning. As each location is unique, the specifics of each application will be addressed in their respective reports.

Liquor & Cannabis Regulation Branch Retail Sale Cannabis Outlets – Government-run

To date, the District has received no indication from the Liquor & Cannabis Regulation Branch that Ucluelet is being considered for a government-run retail *Cannabis Sales* location.

Temporary Use Permits

Some communities are handling applications for cannabis retail sales through Temporary Use Permits; given the strict licensing controls enacted by the province, and the degree of capital investment required for a new retail cannabis store plus the associated adjacent works on public roads, staff recommend that a Temporary Use Permit is less appropriate than a site-specific zoning amendment. These are applications for the retail sale of a legal product, similar in many ways to existing businesses within the community.

Development Permit

In addition to the rezoning, a Development Permit will form part of the process for applicants proposing new structures, new retail storefronts or site changes. The permit would be approved at the time of adopting a successful Zoning Bylaw amendment.

Historically cannabis paraphernalia shops and “compassion club” style medical marijuana shops have had a less than desirable look and associated activities. With the legalization of cannabis retail and the terms and conditions associated with Provincial licensing, there should be an expectation that these businesses have a more polished look and operate in a way appropriate to our commercial core. For a smooth transition of the new use of retail *Cannabis Sales*, it will be important to ensure the form and character of any successful application is consistent with the respective Official Community Plan (OCP) guidelines and that the built form of the store is finished and of high quality.

Smoking Regulations

The Ucluelet Smoking Control Bylaw No. 1187, 2016, already bans the smoking or vaping of tobacco, “weed” or other substances in parks, playgrounds, beaches, trails or other public places, within 8 metres of a building opening or customer service area, or in restaurants. The bylaw enacts a \$50 fine for non-compliance. Bylaw No. 1187 would still fully apply to the smoking of cannabis in public places after Bill C-45 was enacted and does not need to be amended at this time.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Should the application proceed, staff time will be required to process these Zoning Bylaw Amendments, including giving notice of a Public Hearing.

FINANCIAL IMPACTS:

As part of this process the Business Bylaw and the Fees and Charges Bylaw will need to be amended to include *Cannabis Sales*. A separate report will be presented to Council after a public hearing for the *Cannabis Sales* rezoning applications, to review any required amendments to those Bylaws.

POLICY OR LEGISLATIVE IMPACTS:

The addition of cannabis retail to an existing commercial zone would not require an Official Community Plan amendment as *Cannabis Sales* is considered a commercial use.

SUMMARY

Although cannabis is now legal to use, distribute, sell and produce, cannabis use still has known and unknown health and social wellbeing consequences similar to alcohol use. With the LCRB deferring to local governments to control the number of retail stores in our community Council should be cautious in approving the location and number of properties zoned for retail *Cannabis Sales* use. While the earlier motions of Council indicated that a maximum of two locations may be approved in the community at this time, Council is free to weigh the current (and any future) applications on their merits.

OPTIONS REVIEW:

1. **THAT** Council review the current rezoning applications for retail *Cannabis Sales* on their relative merits, and determine whether any or all are to proceed further.
2. **THAT** Council direct staff to hold a public information meeting prior to the public hearings of the current retail *Cannabis Sales* zoning amendments to inform the public on the terms and condition of the federal, provincial, and District of Ucluelet legislation.
3. **THAT** Council indicate that *Cannabis Sales* be considered via issuance of Temporary Use Permits at this time.

Respectfully submitted: John Towgood, Planner 1
Bruce Greig, Manager of Planning
Mark Boysen, Chief Administrative Officer

Cannabis Retail Store Terms and Conditions

A handbook for the sale of
non-medical cannabis in
British Columbia

February 2019



Update Summary

Date	Update Description (Click on blue link to jump to section)	Updated Pages
February 2019	<p>Introduction</p> <p>Providing Safe and Responsible Service Minors</p> <p>The Store Associations with Other Businesses</p> <p>Store Layout</p> <p>Smell Jars</p> <p>Selling Non-Medical Cannabis & Cannabis Accessories</p> <p>Advertising Branding</p> <p>Connections to Federally Licensed Producers (Tied houses)</p> <p>Educational Events and Activities</p> <p>Glossary</p>	<p>5</p> <p>6</p> <p>12</p> <p>12</p> <p>13</p> <p>15</p> <p>17</p> <p>17</p> <p>17</p> <p>18</p> <p>21</p>
January 2019	<p>Identification (ID) Requirements Primary ID</p> <p>Secondary ID</p> <p>Compliance & Enforcement</p>	<p>7</p> <p>7</p> <p>19</p>
October 2018	<p>Providing Safe and Responsible Service Worker Qualification</p> <p>Controlling the Store</p> <p>The Cannabis Licence Making Changes to the Licence</p> <p>The Store Store Security Requirements</p> <p>Online Sales</p> <p>Delivery Service</p> <p>Gift Cards</p>	<p>6</p> <p>6-7</p> <p>9-10</p> <p>12</p> <p>13</p> <p>13</p> <p>13</p>

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Cannabis Retail Store Licence

Terms and Conditions

A handbook for the sale of non-medical cannabis in British Columbia

Please note: This handbook was last updated on 25 February 2019. Updated content is highlighted by notes in the left margin.

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Introduction

The purpose of the **cannabis retail store licence** is to authorize sale of dried cannabis, cannabis oil, cannabis seeds and cannabis accessories for non-medical purposes in a private retail store for patrons to purchase and consume offsite.

This handbook outlines the requirements of the *Cannabis Control and Licensing Act*, Regulations and terms and conditions that relate to owners and operators of non-medical cannabis retail stores in B.C. It is the responsibility of the licensee to be aware of and to operate in compliance with these rules.

Licensees must follow provincial laws and these terms and conditions at all times, as well as any further terms and conditions that might be printed on their licence or in letters issued to them by the general manager of the Liquor and Cannabis Regulation Branch (Branch). Failure to comply with the provincial laws or terms and conditions set out in this handbook or those printed on the licence or other direction from the general manager may result in enforcement action against the licensee including, but not limited to, a monetary penalty, suspension or cancellation of the licence.

Licensees are also responsible for knowing and complying with any federal, local government and/or Indigenous nation laws, bylaws and requirements.

Licence terms and conditions may change from time to time. Stay up to date by referring to this handbook, which is posted online and updated from time to time, and periodically checking the branch's [policy directives page](#).

A range of helpful information is found here: www.gov.bc.ca/cannabisregulationandlicensing

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Feb. 2019

Contact Information

If you have any concerns or questions, please contact your local liquor and cannabis inspector or the branch at:

Mailing Address

PO Box 9292 Stn Prov Govt,
Victoria, BC V8W 9J8

Office Address

400-645 Tyee Road
Victoria, BC
V9A 6X5

E-mail

cannabisregs@gov.bc.ca

Phone

250-952-5787 in Victoria

Licensing Help Desk

250 952-7049 in Victoria or call our toll-free number

Toll Free Phone

1-866-209-2111

Providing Safe and Responsible Service

Responsible Service Training

In the future, people involved in the sale of non-medical cannabis will be required to complete a mandatory course. Licensees will receive notice when this training becomes available.

Worker Qualification

Effective November 30, 2018, licensees must ensure that workers in retail stores obtain a security verification from the province. This includes any adult performing work-related activities in a retail store as an employee, independent contractor or volunteer on a full-time or part-time basis. This process is separate and distinct from the licensing process.

Security guards in a retail store who hold a valid licence under the *Security Services Act* and perform security work authorized under that licence do not need to obtain a security verification under this process.

Effective November 30, 2018, licensees must keep a record of every worker's security verification for inspection by inspectors, including when the worker's security verification expires.

Worker security verification is fully portable within British Columbia (e.g. if a worker obtains a security verification, they may work for any non-medical cannabis retail licensee in British Columbia until the security verification expires or is revoked by the general manager).

For more detailed information regarding worker security verification, please see [Worker Information](#).

Display of Social Responsibility Materials

In the future, social responsibility materials will be developed. Once created, these materials will be mailed to licensees and they will be required to display the materials in a prominent location in their stores. Updated materials will be provided to licensees at regular intervals, free of charge. Additional copies will be available from a licensee's local liquor and cannabis inspector (inspector) or on the branch's website.

Minors

A licensee must not allow minors to enter or be in the retail store and minors cannot be employed in the retail store. In addition, cannabis, cannabis accessories and any transactions involving these products must not be visible to minors from outside the store. As a means to minimize unlawful entry by minors, it is recommended that licensees post signage at the entrance to their stores indicating that minors are not permitted.

A licensee must not sell non-medical cannabis or cannabis accessories to a minor (in B.C., those under the age of 19). Licensees and their employees must be proactive about meeting this legal requirement and must ensure that reasonable steps are taken to prevent youth access and exposure. If a licensee or an employee allows a minor to enter their store or to purchase cannabis or cannabis accessories, the licensee's licensing privileges could be jeopardized and they risk prosecution under provincial legislation.

Identification (ID) Requirements

A licensee is responsible for ensuring that minors do not enter their retail store and are not sold non-medical cannabis or cannabis accessories. If there is any doubt whether a patron is 19 or over, licensees and their employees must take reasonable steps to verify age by requesting two pieces of ID, examine both pieces carefully, and act on the authenticity of the identification. If a licensee or employee cannot demonstrate that they have done this, the licensee could be held responsible for allowing a minor to enter their store and/or for selling cannabis or cannabis accessories to a minor.

Primary ID

- Must be issued by a government agency; and
- Must include the holder's name, date of birth and picture.

Examples of primary ID include:

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January
2019

- Province or State driver's licence
- Passport
- Photo BC Services Card
- Citizenship card
- Certificate of Indian Status
- Federal Firearms Possession and Acquisition licence

Note that the B.C. Driver's Licence and Services Card, which combines the B.C. Driver's Licence and Services cards (formerly CareCard), counts as only one piece of ID.

Secondary ID

Used to verify the authenticity of the first piece, and:

- Must include the holder's name; and
- Must include either the holder's signature OR picture.

Any acceptable piece of primary ID can be used as secondary ID. Examples of other acceptable secondary ID include:

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January
2019

- BC CareCard/BC Services Card (separate to a BC Driver's licence)
- Interim driver's licence (issued by ICBC)
- BC Transit ProPASS
- University or college student card
- Credit card
- Canadian Blood Services donor card
- Transport Canada's Pleasure Craft Operator's Card
- Many bank cards and rewards cards
- National Defence ID

A licensee or employee can accept expired and foreign ID, as long as it is readable and the customer can be recognized from the picture.

A licensee and their employees must decide on a case-by-case basis if the ID presented proves that the person is not a minor. If the person cannot produce two pieces of acceptable identification, service must be refused. A licensee and their employees must cooperate with an inspector or peace officer if asked to determine whether a person is a minor.

Controlling the Store

A licensee and their employees are responsible for controlling the behaviour of their patrons.

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Oct. 2018

If security has been hired for a retail store, a licensee must ensure that the individual is licensed under the *Security Services Act*. Please visit <http://www2.gov.bc.ca/gov/content/employment-business/business/security-services/security-industry-licensing> for more information.

Cannabis use must not be permitted in-store.

A licensee must ensure that no weapons are brought into the store without lawful excuse (lawful excuse does not include having personal possession of a weapon for self-protection), and that no criminal activity takes place in the store. If employees, patrons or members of the community have reason to be concerned that there is a threat to their safety, a licensee must act on these concerns.

Revised
Oct. 2018

If there is an imminent threat to people's safety, the general manager can suspend a cannabis licence for 24 hours and order the immediate removal of patrons. In this situation, a licensee is required to take all reasonable steps to ensure that patrons vacate the premises and the store is closed immediately. In extraordinary circumstances, the general manager may suspend a licence or impose terms and conditions for up to 14 days without a hearing.

A licensee must ensure that any person who works on a temporary basis to repair, inspect or construct something in the establishment is supervised by a manager or supervisor.

Preventing Disturbances in the Vicinity of the Store

Licensees and employees must take reasonable measures to prevent disturbances. This means performing actions that are appropriate in the circumstances and within their capacity to do. Examples of reasonable measures include:

- Installing adequate lighting outside the store and in the parking lot
- Supervising parking areas
- Posting signs asking patrons not to disturb the neighbours

Intoxicated Patrons

Licensees and employees must not let a person who is intoxicated (liquor, cannabis or other drugs), or exhibiting signs of intoxication, enter or remain in the store. Licensees and employees must refuse the intoxicated person service, request that they leave the store and ensure they depart safely.

Violent or Disorderly Conduct

Licensees and employees must not allow violent or disorderly conduct or unlawful activities to take place in the store. This includes behaviour that might cause a reasonable person to believe their safety is threatened. If a licensee or employee knows or suspects this kind of behaviour has taken place, is currently taking place, or may take place, they must notify a peace officer immediately.

A person who has been asked to leave or has been barred from entering the store must not return for at least 24 hours. If they return within 24 hours, notify a peace officer; they are committing an offence and may be arrested.

Incident Log

When an incident occurs in or adjacent to a retail store, the details must be recorded in an incident log. All incidents that adversely affect patrons, staff, people who live or work in adjacent buildings, or that affect the operation of the store must be recorded in the log and be available to an inspectors or peace officers.

Examples of these incidents include:

- Refusing entry at the door to a potentially troublesome person or anyone who is causing a disturbance
- Refusing entry of an intoxicated person
- Removing an intoxicated person
- An injury or accident on the premises, including a fight
- Any incidents where emergency personnel were called (police, fire, or ambulance)
- Any illegal acts

An incident report should include key details such as the date, time and description of events, the parties involved, any action taken, and any relevant sales records. Other details such as the names of the employees on shift and witness accounts are also important.

The records in an incident log must be kept for at least six years.

The Cannabis Licence

Availability of the Licence and Floor Plans

A licensee must post their non-medical cannabis retail licence in a prominent location in the sales area of their store. They must also ensure it is immediately available for inspection by inspectors and peace officers. A licensee's LCRB approved floor plans must also be immediately accessible on request, but they do not need to be posted.

Licence Renewal

A licensee must renew their non-medical cannabis retail licence before the licence expiry date each year and pay an annual licence fee.

Please note: the licence renewal fee must be paid each year, regardless of any other applications (for example, transfer of ownership) that may be in progress at the time.

[A link to more detailed information regarding licence renewal will be available soon. Please check back for details.](#)

Making Changes to the Licence

The details of a licensee's non-medical cannabis retail licence application were the basis for granting them the licence. Licensees must inform the Branch of any changes that alter the original information they provided, or of a change in circumstance related to their licence.

Some changes require the Branch's prior approval, while others require the licensee to report the change within 10 days. This is important because failure to obtain approval or report changes is a licensing contravention and subject to penalty. Below is a table of changes that need prior approval and those that require reporting. These are in addition to any items that are addressed elsewhere in this handbook.

Type of Change	How to Report	When Approval Required
Transfer of Location- this change requires a positive recommendation from local government/Indigenous nation for the area where the new store will be located	Application	Before relocation occurs
Structural Change*	Application	Before structural change occurs
Permanent Change to Licence: <ul style="list-style-type: none"> • Store/business or licence name change • Request for change in terms and conditions • Hours of sale 	Application	Before permanent change to cannabis licence occurs
Permanent Change to Licensee: <ul style="list-style-type: none"> • Change of directors, officers, or senior manager (corporation, society) • Name change of licensee, person or sole proprietor • Addition of receiver or trustee • Addition of executor or administrator 	Application	Within 10 days of permanent change
Transfer of Ownership (including sale of cannabis business and its assets)	Application	Before transfer of ownership occurs

Table
Revised
Oct. 2018

Table
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Oct. 2018

Share Transfers or Changes** <ul style="list-style-type: none"> • Licensee issues new shares to existing shareholder or existing shareholder transfer shares to existing shareholders (internal transfer of shares) • Licensee issues new shares to persons who are not existing shareholders or existing shareholders transfer shares to persons who are not existing shareholders. • Amalgamation of corporate licensee, holding company or subsidiary 	Application	Within 10 days of share transfer or changes
Loss of Valid Interest <ul style="list-style-type: none"> • Licensee no longer owns and runs store • Licensee does not have certificate of title or lease/sub lease for store location 	Letter	Within 10 days of loss of valid interest
A producer or marketer obtains a financial interest in the retail licence or a person with a financial interest in the licensee obtains a financial interest in a producer, or an immediate family member of the retail licence holder obtains a financial interest in a producer.	Letter	Within 10 days
Convictions (applicable to any individual licensee, or partner, shareholder, director, or officer of the licensee) <ul style="list-style-type: none"> • Criminal Code offence • Drug and liquor-related offence under Motor Vehicle Act or similar legislation elsewhere (in or outside of Canada) 	Letter	Within 10 days of conviction and confirmation at renewal
Court Action Involving Disposition of Cannabis Licence	Letter	Within 10 days of notice received
Dormancy***	Form	Within 10 days of dormancy occurring

*Structural Change

If a licensee is making changes to the current approved floor plan, other than cosmetic changes, a structural alteration application is required. Some examples are:

- Physical expansion
- A change in the position of access and exit (including addition of a vestibule) points leading to or from a sales area
- A change in the position of a wall, floor or ceiling surrounding a sales area

A licensee does not need approval for cosmetic changes such as flooring, countertops, painting.

** Share Transfers or Changes

A licensee must report an internal transfer of shares respecting the licence or the licensee if the removal of the shareholder or redemption or dissolution of shares results in any of the remaining shareholders moving from owning less than 10% of voting shares to owning 10% or more of voting shares in the licensee. Additionally, a licensee must report issuing new shares, or transferring shares, to persons who are not existing shareholders if, as a result, the new shareholders hold more than 10% or more of the voting shares in the licensee.

***Dormancy

If a licensee is planning to close their store for an extended period of time (for example, during extensive renovations), they must report this closure to the branch and they must also notify the branch when they plan to restart regular operations (this notification requirement does not apply to seasonal closures). All licences are permitted to be dormant for a period of two years. If the store is dormant because of extensive renovations caused by a fire, flood or other event beyond a licensee's control, they may apply for an extension to dormant status. The extension may be granted if a licensee can provide evidence of the incident and their efforts to rebuild. If the licensee cannot provide such evidence and their efforts to rebuild their licence may be cancelled after two years of dormancy.

Selling the Business

If a licensee is selling their business and wants to transfer their licence to a new owner, the new owner must apply to transfer the licence to their name. If a new owner is acquiring the business by buying some or all of the shares in the company, the existing licensee must notify the branch. Please note that the person acquiring an interest in a licence may be subject to a security screening and financial integrity assessment.

The current licensee must continue to operate and be responsible for the retail store in compliance with the Act, Regulation and terms and conditions of the licence until successful completion of the licence transfer. If the current licensee does not want to operate the store during the transfer process, the store must remain closed until the transfer application has been approved.

Store Relocation

A licensee may apply to relocate their store anywhere within the province. In order for the LCRB to consider the application, the local government and/or Indigenous nation for the area in which the store is proposed to be located or is located will, in most cases, be required to provide a recommendation that the licence be issued or amended.

Providing Information to the Branch

A licensee must be forthright in providing information to the Branch. Making a misleading statement or failing to disclose a material fact (such as shares being transferred or that the lease on the property is about to expire, etc.) are licensing contraventions. Submitting false or misleading information or failing to disclose a material fact are offences.

A licensee must keep the following records, as applicable, for a period of at least six years from the date the records were created:

- a. Non-medical cannabis purchase records
- b. Non-medical cannabis sales records, including quantity of non-medical cannabis sold and prices charged
- c. Non-medical cannabis disposal records
- d. Sales records respecting cannabis accessories and prepaid purchase cards (gift cards) sold by the licensee in the store
- e. Contracts with other licensees
- f. Invoices and purchase receipts for all equipment and other inventory that is used in the operation of the store
- g. Leases or other property agreements that are related to the store
- h. Records of court orders and judgments against a licensee respecting the sale, service or production of cannabis and
- i. Employee records including names, addresses, salaries, qualification information, responsible training information (when this becomes available), primary job responsibilities, shift schedules and dates of employment.

The Store

Associations with Other Businesses

A licensee must not sell non-medical cannabis as part of another business (co-location).

A licensee's business must not appear to be associated with another business, with the exception of another licensed non-medical cannabis retail store in B.C. or a cannabis store located anywhere outside of B.C.

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Feb. 2019

A licensee must not:

- Use a name or other visual identifier (e.g. trademarks) of another business (other than another licensed non-medical cannabis retail store in B.C. or a cannabis store located anywhere outside of B.C.),
- Jointly advertise with another business,
- Offer discounts in the store based on purchases in another business, or
- Operate a patron loyalty program, whether or not it is in association with another business, or
- Operate a gift card program with another cannabis retail store or non-cannabis business.

Store Layout

A cannabis retail store must be located in a permanent building or structure and be enclosed by floor-to-ceiling walls that are not transparent. Non-medical cannabis, cannabis accessories and transactions involving those products must not be visible from outside the store. Displays must not permit self service by patrons (including dispensing devices). All patrons must be assisted by a store employee, as all cannabis and cannabis accessories must be displayed in a way that products are not accessible to patrons.

Revised
Feb. 2019

If the general manager has approved a shared common area (e.g. vestibule) licensees are not permitted to advertise or erect displays within the shared common area. There must be floor to ceiling walls that are not transparent separating the store from the shared common area and non-medical cannabis, cannabis accessories and transactions involving cannabis and cannabis accessories must not be visible from the shared common area. If a shared common area is approved by the general manager, a licensee must notify the Branch if the adjoining business changes during the term of their licence.

Store Security Requirements

A cannabis retail store must, at a minimum, have the following security requirements:

1. Intruder and fire monitoring alarm systems
2. Locked retail product display cases
3. Locked cannabis storage room
4. Secure perimeter door locks
5. Security cameras with full unobstructed view of:
 - a. the retail sales area
 - b. any product storage area
 - c. both the interior and exterior of all store entrances/exits.

The cameras must be active and recording at all times, including when your store is not open for business. Licensees must store security camera footage for at least 30 days after recording.

Licensees must post a written notice in the retail sales area informing their patrons that video surveillance is being used on the premises. This notice must be visible at all times.

Revised
Oct. 2018

Licensees must provide a copy of security camera footage to LCRB at any time for use in investigating possible contraventions of the *Cannabis Control and Licensing Act*, its regulations, and/or these terms and conditions.

Security camera footage may also be used by LCRB at enforcement hearings held under the CCLA.

Please see the following guide from the Office of the Information and Privacy Commissioner for additional guidance on using video surveillance and privacy considerations: <https://www.oipc.bc.ca/guidance-documents/2006>

A licensee must also meet any security requirements imposed by the local government and/or Indigenous nation for the area where their store is located.

If necessary, the general manager may impose further security requirements by way of additional terms and conditions on a licence.

Drive-throughs

No drive-through sales are permitted from a retail store.

Online Sales

Online sales of non-medical cannabis are not permitted. In addition, a licensee must not list any cannabis products online.

Online sales of cannabis accessories and gift cards are permitted if the website has an age verification tool that restricts website entry to adults only.

Delivery Service

A licensee cannot operate a non-medical cannabis delivery service or enable one to be operated in association with their store. A licensee must not sell cannabis to someone who intends to deliver cannabis to another person for compensation.

Gift Cards

The sale of gift cards is permitted from a non-medical cannabis retail store location or online. The gift card must be licence specific and cannot be redeemed at another cannabis retail store or other business. Gift cards must not be sold to minors.

The denomination of a gift card must not exceed \$100. A licensee may not sell more than \$300 in gift cards to an individual on a single day.

Note: if a non-medical cannabis retail store licensee also holds a liquor licence, they must not sell gift cards that can be used at both stores.

Shopping Bags

Licensees are permitted to provide or sell shopping bags to their patrons. A licensee must ensure that the bags comply with advertising and promotional requirements.

Smell Jars

Licensees may only allow their patrons to smell and view the types of cannabis product they have available through the use of a smell jar. The smell jar must be physically attached to a display case or counter and may remain on the display case or counter after hours. The cannabis must not be accessible to touch by the patron.

The cannabis used for smell jar display cannot be sold and must be disposed of according to a licensee's disposal plan (see Disposing of Cannabis). The cannabis must also be recorded in the cannabis register.

Buying Non-Medical Cannabis & Cannabis Accessories

A licensee must purchase their non-medical cannabis supply directly from the Liquor Distribution Branch. They are not permitted to purchase any cannabis products directly from a federally licensed producer, other licensed retail store, or any other source.

Revised
Oct. 2018

Revised
Feb. 2019

It is a serious contravention to buy cannabis for retail sale from any source other than the Liquor Distribution Branch or to purchase cannabis that is not recorded against a licensee's licence number.

Revised
Oct. 2018

The exception to this requirement is that if a licensee needs to close their business, the general manager may authorize the sale of cannabis to another licensee (please note, the general manager's authorization must be obtained prior to sale). The general manager may consider other exceptional circumstances as well.

Cannabis accessories can be obtained from sources other than the Liquor Distribution Branch.

Storing Cannabis

A licensee's non-medical cannabis stock must be stored at their retail store. Off-site storage is not permitted. In addition, the local government and/or Indigenous nation for the area in which the store is located may require a licensee to take specific security measures to protect on the floor inventory and stored inventory.

Disposing of Non-Medical Cannabis

A licensee must have a written plan to direct employees about the disposal of non-medical cannabis that cannot be sold, including cannabis from smell jars. The non-medical cannabis must be altered or denatured to such an extent that its consumption and propagation are rendered impossible or improbable. For example, shredding a cannabis product into pieces, mixing it with water to turn it into sludge, and adding cat litter to control odor before disposal would be an effective means to destroy cannabis. After cannabis waste is rendered to a state that is unfit for human or animal consumption it can be disposed of by composting, or landfill if composting is not available or feasible.

Revised
Oct. 2018

A licensee must keep a record of non-medical cannabis disposal that includes:

- Date of disposal
- Type of cannabis disposed
- Amount of cannabis disposed
- How it was rendered inconsumable
- Where it was disposed

Unlawful or Private Cannabis

A licensee must not buy, keep, sell or give unlawful cannabis to anyone. Unlawful cannabis is defined as:

- Cannabis obtained from an unauthorized source
- Cannabis not purchased under the licence
- Stolen cannabis or smuggled cannabis
- Cannabis intended for export
- Cannabis that has been altered or had anything added to it

Revised
Oct. 2018

Licensees are accountable for any unlawful cannabis found anywhere on their premises.

If a licensee or an employee becomes aware that a patron has brought unlawful cannabis into the store, they must ask the patron to leave the store immediately. This must be reported in the incident log.

If a licensee recently purchased a retail store and acquired a licence through a transfer, they must immediately conduct a thorough audit of all cannabis on the premises to ensure none is unlawful.

Cannabis Register

A cannabis register is a record of all a licensee's purchases and sales (i.e. receipts and invoices) for their non-medical cannabis inventory. A licensee must keep a cannabis register, and these records must be available for inspectors at all times. Cannabis registers may be hardcopy or digital.

An inspector or peace officer may look at the register and compare it to the stock to make sure the licensee has purchased the non-medical cannabis lawfully. The licensee must be able to account for all cannabis on site.

If an inspector or peace officer is unable to verify that the cannabis in a non-medical cannabis retail store was purchased from the Liquor Distribution Branch, the cannabis may be seized. It is therefore in a licensee's best interest to ensure records are kept in a legible, orderly fashion so that an inspector can easily match the stock to the records.

A licensee must also be able to account for any cannabis that was returned to the Liquor Distribution Branch or disposed of due to spoilage or other reasons. This can be done by either keeping a written record in a log book or by making a notation on the original receipt or invoice.

Revised
Oct. 2018

In addition, a licensee must keep records of the cannabis used in smell jars, including:

- The specific tracking number of the cannabis product that goes into a smell jar.
- The date the licensee purchased that product (including the invoice number of the order it was taken from).
- The date the original package of cannabis was opened for use in a smell jar.

The original package of cannabis must be kept for inspection purposes until the smell jar cannabis is destroyed.

Best practices for keeping a cannabis register:

- Keep all receipts and invoices for cannabis purchases in chronological order and separate from receipts and invoices for non-cannabis purchases.
- Photocopy or scan receipts printed on thermal paper to protect the record from fading over time.
- Maintain a separate log book to record any cannabis lost or destroyed.

The records in the cannabis register must be kept for at least six years.

Selling Non-Medical Cannabis & Cannabis Accessories

Revised
Feb. 2019

Non-medical cannabis

A licensee may sell dried cannabis, cannabis oil, and cannabis seeds from their retail store only. Online sale of these cannabis products is not permitted. The cannabis products for sale must have been purchased from the Liquor Distribution Branch. A licensee is not authorized to sell other forms of cannabis, such as edibles.

Cannabis must be sold in the original unopened package.

A licensee must not give patrons samples of cannabis.

A licensee must not sell, in one transaction, more than 30 grams of dried cannabis or its equivalent to a patron.

Revised
Oct. 2018

	Quantity that is equivalent to 1 g of dried cannabis
Dried cannabis	1 g
Fresh cannabis	5 g
Solids containing cannabis	15 g
Non-solids containing cannabis (e.g. cannabis oil)	70 g
Cannabis solid concentrates	0.25 g
Cannabis non-solid concentrates	0.25 g
Cannabis plant seeds	1 seed

Cannabis Accessories

A licensee may sell cannabis accessories as defined by the federal *Cannabis Act*, such as rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers. The sale of e-juice, e-liquid, or e-substance is prohibited.

A licensee is not authorized to sell snacks, tobacco (or products containing nicotine), or other items that are not related to cannabis.

Who a Licensee Can Sell To

A licensee is restricted to selling non-medical cannabis, cannabis accessories, gift cards, and shopping bags to retail patrons that are 19 years of age or older.

Hours of Sale

A licensee may sell non-medical cannabis at their store between the hours of 9 a.m. and 11 p.m., unless their hours are further restricted by the local government and/or Indigenous nation for the area in which the store is located. Patrons cannot enter the retail store outside of the operating hours as indicated on the licence.

If there are patrons in the store at 11 p.m. who have not yet made their purchase, the licensee or an employee must encourage these patrons to make their purchases as quickly as possible. Licensees should consider having a strategy in place to clear the store.

Pricing

A licensee must not sell non-medical cannabis at a price lower than the price they paid to purchase the non-medical cannabis from the Liquor Distribution Branch.

Loyalty programs of any kind are not permitted.

A licensee may adjust prices at any time throughout the day, but the price must never go below the minimum price as outlined above.

Revised
Oct. 2018

Non-Medical Cannabis Sales

The sale (payment and transfer of personal possession) of non-medical cannabis must take place inside the cannabis retail store.

Games and Entertainment

Games and entertainment are not permitted in the store.

Alternate Use

A licensee must not use their business for another purpose at any time.

Advertising

Branding

The name of the business and exterior signage must comply with provincial requirements and be approved by the Branch. All business names and signage must comply with the advertising terms and conditions and cannot mislead the public as to what type of business the licensee operates.

Revised
Feb. 2019

As a retailer of non-medical cannabis, a licensee cannot choose a name that would lead people to believe that they are associated with another business (other than another non-medical cannabis retail store in B.C. or a cannabis store located anywhere outside of B.C.) or are a provider of medical cannabis. For example, the business name must not include the name of another business, or the words, in traditional or non-traditional spelling, "pharmacy," "apothecary," or "dispensary." Graphics associated with a pharmacy, including for example, a green cross, are prohibited. Store names cannot also use language that encourages intoxication.

A licensee also cannot advertise or brand their store in a way that indicates that the store is associated with the government or is exercising a function of the government; this includes the use of words, phrases, designs, domain names or other branding elements or indicia.

Internet Group Discounts

Third-party companies offering internet group discounts are not licensed to sell cannabis and must not legally include cannabis as part of a promotion with a retail store. A licensee must not participate in internet discount promotions that include cannabis.

Relations with Federally Licensed Producers and their Marketers

There are certain rules that govern how a licensee can work with federally licensed producers and their marketers to promote their products. Federally licensed producers and their marketers may hire employees or contract with a person to promote and market the producer's cannabis products that the marketer is authorised to represent. The marketer must provide their employees with identification establishing them as a marketing representative for the federal producer.

A retail licensee cannot act in the capacity of a Marketer.

Connections to Federally Licensed Producers (Tied houses)

Where there is an association, connection or financial interest between an applicant and a federally licensed producer or the licensee's agent, the general manager may determine that there is a risk that, if licensed, the B.C. retailer would promote the federally licensed cannabis producer's products. The general manager may therefore determine that the risk can only be eliminated if the licence contains a condition prohibiting the B.C. licensed retailer from selling any products of the associated federally licensed producer. In such a situation, the general manager may issue or renew a licence with such a condition.

Revised
Feb. 2019

The general manager will consider the following to determine if there is a likelihood the licensee will promote a particular federal licensed producer's product:

1. The financial interconnectedness of a cannabis retailer and a federal cannabis licensed producer.
 - Whether a federal licensed producer is a significant shareholder (control of 20% or more of the voting shares) of a B.C. cannabis retailer or the federal licensed producer is a significant shareholder of a significant shareholder of a B.C. cannabis retailer.
 - Whether a B.C. cannabis retailer is a significant shareholder (control of 20% or more of the voting shares) of a federal licensed producer or the B.C. cannabis retailer is a significant shareholder of a significant shareholder of a federal licensed producer.

- Whether a person, partnership or company is a significant shareholder (control of 20% or more of the voting shares) in both a B.C. cannabis retailer and a federal licensed producer or a person, partnership or company is a significant shareholder in a company that is a significant shareholder in both a federal licensed producer and a B.C. cannabis retailer.
- 2. Whether an immediate family member of the licensee has **any** interest in a federal licensed producer. Immediate family members include spouses, parents, siblings, children, sons-in-law and daughters-in-law.
- 3. The general manager will also consider any other association, connection or financial interest between a B.C. cannabis retail licensee and federal licensed producer. There may be a combination of factors that when taken together lead to a reasonable conclusion there is a likelihood to promote.

Where an association, connection or financial interest exists between an applicant and a federal licensee or the licensee's agent the general manager may determine that it is necessary to restrict the person from selling any products of the associated federal licensed producer. Doing so eliminates the risk that the person would promote the federal licensee's cannabis, enabling the general manager to issue a licence. In such cases, the general manager may issue a licence with such a restriction.

Activities Not Permitted: Inducements

A licensee is not permitted to ask for or receive financial or other benefits from a federally licensed producer or marketer in exchange for selling or promoting their products. For example, a licensee must not:

- Pay money or provide other benefits to secure their ability to purchase a federal producer's products,
- Request money or other benefits from a federal producers or their marketer in return for buying their products from the LDB,
- Accept money or other benefits in exchange for agreeing not to stock a competitor's product, or
- Make agreements that give them exclusive access to a producer's product, or product line.

A licensee may hire and pay for their own outside consultant or financial advisor, or they may accept information and ideas to help improve their business, directly from a producer or marketer; however, the producer or marketer cannot pay for an outside consultant or financial advisor to help a licensee.

A licensee is also prohibited from accepting any items, products or services from a federal producer or marketer that are necessary for the operation of their business. This includes financial assistance as well as permanent fixtures, furnishings, or display structures.

In addition:

- Federal producers or marketers cannot buy shelf space, offer weight discounts, or offer discounted product in exchange for marketing benefits.
- A licensee must always pay for their own advertising. A cannabis producer or marketer must not pay any of a licensee's advertising costs (or vice versa), nor are joint marketing plans permitted. With permission from a producer or marketer, a licensee can include the producer's logo in ads, but they cannot demand or receive any kind of compensation in return.
- A licensee must carry and make available to consumers a representative selection of brands of cannabis products from a variety of suppliers that are not associated with or connected with each other.

Product Samples

A licensee must not accept product samples for themselves or their employees from a federal producer, marketer, or any other person.

Product Vouchers

A licensee must not accept product vouchers for cannabis or cannabis accessories (i.e. certificates for a specific quantity of cannabis or a cannabis accessory that patrons redeem for no charge).

Educational Events and Activities

A licensee, employee or both may attend educational events or activities hosted by a federal producer or marketer.

A licensee, employee or both may accept payment from the federal producer or marketer for legitimate travel, meals, accommodation and entertainment expenses associated with the educational event, up to \$1,500 per licensee location per year.

Revised
Feb. 2019

If a licensee has multiple licensed stores (i.e. a chain of cannabis retail stores), they may also accept expenses of \$1,500 per person to a maximum of \$4,500 per head office per year.

Hospitality

A cannabis producer or marketer may pay for a licensee's hospitality expenses not associated with an educational event at a rate of up to \$1,000 per licensee location per year.

Compliance & Enforcement

As a licensee, you are required to:

1. Comply with the *Cannabis Control and Licensing Act*, its Regulations and the terms and conditions in this publication.
2. Always allow Liquor and Cannabis Regulation Branch inspectors and/or police officers to enter your establishment. Never impede their entry in any way.
3. Upon request, provide inspectors with any documents and/or records as outlined in this handbook.
4. **Never draw attention to inspectors inside your establishment.** This can affect the inspectors' safety.

Drawing the attention of patrons to the fact that branch inspectors, minor agents contracted to the branch, and/or police are present in your establishment may put the safety of the inspectors, minor agents contracted to the branch, and police at risk. Accordingly, your actions must not cause the attention or focus of patrons to shift towards inspectors, minor agents contracted to the branch, or police at any time; including at the time of entry, during an inspection, or when exiting your establishment. Actions such as announcing the arrival of inspectors, raising or flashing lights, turning down music, playing particular soundtracks (e.g. "Bad Boys" or "Hawaii Five O"), using spotlights, or any other similar actions are not permitted. You may not take, save or distribute photographs or video of inspectors or minor agents contracted to the branch in any manner (e.g. on a staff bulletin board, print media, social media or the internet).

If your licence is suspended, you are not permitted to sell, cannabis in your establishment.

For more information please visit the Liquor and Cannabis Regulation Branch's [Compliance & Enforcement web pages](#). Please note that the "Cannabis Licensee Penalty Schedule" is not yet posted to within these pages. Please check back for updates.

Other ministries also have terms and conditions that licensees and employees must follow. Please refer to [this page](#) on the LCRB website for more information.

Revised
Jan. 2019

Glossary

“the Branch” means the Liquor and Cannabis Regulation Branch, the provincial government agency that administers the private retail sales of non-medical cannabis.

Revised Feb. 2019 **“cannabis retail store”** or **“non-medical cannabis retail store”** means a licensed establishment that is authorized to sell non-medical dried cannabis, cannabis oil, and cannabis seeds for non-medical use in B.C.

Revised Oct. 2018 **“federal producer, or federally licensed producer”** means a person who produces cannabis under a licence under the *Cannabis Act* (Canada)

“general manager” refers to the general manager appointed under section 4 of the *Cannabis Control and Licensing Act*, who has legislative authority to make decisions regarding cannabis licensing in British Columbia.

Revised Feb. 2019 **“licensee”** refers to any individual, partnership, corporation or Indigenous nation that holds a British Columbia cannabis licence. *Any person appointed by the licensee to act in the licensee's place or with the licensee's authority, such as a manager, authorized representative, or person in charge of the licensee's cannabis retail store will be required to ensure the requirements, terms and conditions of the licence are met and the licensee will be accountable for the actions of any such persons..*

“marketer” refers to a person that holds a marketing licence and is hired by a cannabis producer to represent/promote their cannabis products, solicit/receive/take order for the sale or purchase of cannabis, or act as an agent for the sale or purchase of cannabis

“peace officer” means an officer as defined in the Police Act, or a member of the Royal Canadian Mounted Police who is deemed to be a provincial constable under section 14 (2) (b) of the Police Act;

Revised Oct. 2018 **“security verification”** means a verification provided by the general manager to an individual stating that the individual has passed a security screening under the *Cannabis Control and Licensing Act*.



DISTRICT OF UCLUELET

Excerpts from the April 24, 2018 Regular Council Meeting

13.4 REPORT - Zoning Bylaw Amendments to Clarify the Definition of Cannabis Sales and Production

Bruce Greig, Manager of Community Planning

Bruce Greig, Manager of Community Planning, provided the following responses to Council's questions:

- The 90 days following adoption of federal and provincial legislation is only a recommendation of a reasonable amount of time for applications to be submitted. The timeline can be changed at Council's discretion.
- The 150m buffer from Tugwell Sports Fields was based on the size of the field and local geography. Increasing the buffer to 300m would exclude most commercial and industrial properties in that area of town.
- Limiting to two cannabis sales retail locations was based on it being a good number to begin with for a community of our size. If only one business licence was permitted it might establish a monopoly.

It was moved by Councillor Noel and seconded by Councillor McEwen

THAT Council approve recommendation 1 from report item, "Zoning Bylaw Amendments to Clarify the Definition of Cannabis Sales and Production" which states:

1. *THAT Council, with regard to the proposed zoning amendment to further define cannabis sales and cannabis production, and to clarify that these uses are not currently permitted in any zone within the municipality:*
 - a. *give first and second reading to District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018;*
 - b. *advance the bylaw to a public hearing;*

CARRIED.

It was moved by Councillor Noel and seconded by Councillor McEwen

THAT Council approve recommendation 2 from report item, "Zoning Bylaw Amendments to Clarify the Definition of Cannabis Sales and Production" which states:

2. *THAT Council indicate to the community and any future applicants that the following can be expected in the future consideration of rezoning applications for cannabis sales:*

- a. *any cannabis sales rezoning applications will be brought to Council no earlier than 90 days following the adoption of federal Bill C-45 and provincial legislation for the legal distribution and regulation of cannabis sales in BC, whichever is later;*
- b. *Council will consider the merits of any rezoning applications for cannabis sales in the context of federal and provincial regulations, community input at a joint public hearing, and the following preliminary criteria:*
 - i. *on commercial property located at least 300m from school grounds, public playgrounds, licensed daycare facilities, the Ucluelet Community Centre, Ucluelet Aquarium and Municipal Hall, and at least 150m from Tugwell Sports Fields;*
 - ii. *low-key storefront design and signage befitting the form and character of the Ucluelet streetscape and surrounding commercial properties;*
 - iii. *all other aspects normally considered with a commercial rezoning application (access, location and amount of parking, landscaping, etc.);*
 - iv. *any components of the proposal which may help to mitigate impacts of the new use or provide a degree of public amenity to present a net public benefit to the community; and,*
- 3. *after hearing public input, Council may deny all applications or approve one or more applications up to a maximum of two cannabis sales retail locations in Ucluelet at this point in time.*

CARRIED.

13.5 BYLAW - District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018

It was moved by Councillor McEwen and seconded by Councillor Mole

THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018 be given first reading.

CARRIED.

It was moved by Councillor Mole and seconded by Councillor Oliwa

THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018 be given second reading.

CARRIED.



DISTRICT OF UCLUELET

Excerpts from the May 22, 2018 Public Hearing

4. PUBLIC HEARING - Zoning Amendment Bylaw No. 1228, 2018

4.1 Presentation of Bylaw No. 1228, 2018

- Bruce Greig, Manager of Community Planning, stated that in general terms the purpose of the proposed bylaw is to amend the zoning bylaw by: adding the definition for cannabis, cannabis sales, and cannabis production; and replacing section 303.3(6) with "Cannabis Production and Cannabis Sales, except as expressly permitted elsewhere in the Bylaw".
- Purpose of the bylaw amendment is to differentiate between regular retail sales and cannabis retail.
- Any cannabis sales location would need to rezone to permit that use following the adoption of the federal and provincial legislation.
- Noted staff did have a copy of the Official Community Plan and Zoning Bylaw available for members of the public.

4.2 Reports and Materials for Bylaw No.1228, 2018

4.3 Excerpts from Previous Council Meetings

4.4 Public Representations for Bylaw No. 1228, 2018

- a. There were no written submissions.
- b. Mayor St. Jacques asked a first time if there were any representations from the public.

There were no comments from the public.
- c. Mayor St. Jacques asked a second time if there were any representations from the public.

There were no comments from the public.
- d. Mayor St. Jacques asked a third and final time if there were any representations.

There were no comments from the public.



DISTRICT OF UCLUELET

Excerpts from the May 22, 2018 Regular Council Meeting

13.1 REPORT - Zoning Bylaw Amendments to Clarify the Definition of Cannabis Sales and Production

Bruce Greig, Manager of Community Planning

It was moved by Councillor McEwen and seconded by Councillor Mole

THAT Council approve recommendation 1 of legislation item, "Zoning Bylaw Amendments to Clarify the Definition of Cannabis Sales and Production" which states:

- 1. THAT Zoning Bylaw Amendment Bylaw No. 1228, 2018 be given third reading.*

CARRIED.

13.2 BYLAW - District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018

It was moved by Councillor Oliwa and seconded by Councillor McEwen

THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018 be given Third reading.

CARRIED.



DISTRICT OF UCLUELET

Excerpts from the June 12, 2018 Regular Council Meeting

13.1 REPORT - Adoption of Bylaw No. 1228 & Bylaw No. 1231

Marlene Lagoa, Deputy Municipal Clerk

It was moved by Councillor McEwen and seconded by Councillor Noel

THAT Council approve recommendation 1 & 2 of legislation item, "Adoption of Bylaw No. 1228 & Bylaw No. 1231" which states:

- 1. THAT Council adopt District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018; and*
- 2. THAT Council adopt Election and Assent Voting Bylaw No. 1231, 2018.*

CARRIED.

13.2 BYLAW - District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018

It was moved by Councillor McEwen and seconded by Councillor Oliwa

THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1228, 2018 be adopted.

CARRIED.



Excerpts from the July 9, 2019 Regular Council Meeting

12.4 Cannabis Retail Sales - General Context

John Towgood, Planner 1

Bruce Greig, Manager of Community Planning, presented this report. Highlights included:

- Explained that the Provincial licensing authority will only approve applicants that are approved by local governments.
- Noted that unlike liquor stores, the Provincial licensing authority will not limit the number of cannabis outlets in each municipality.
- Explained that all retail cannabis outlets in Ucluelet must apply for rezoning because of an amendment to local zoning bylaws passed last year.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at the Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet B.C., on **Monday, September 9, 2019**, commencing at **6:00 p.m.** on the following proposed Bylaws and Licences pursuant to Sections 464, 466 and 499 of the *Local Government Act*.

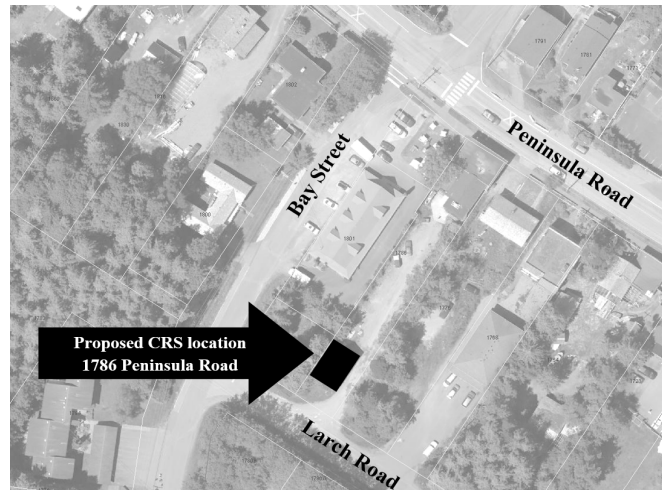
A.

District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019

In general terms the purpose of this proposed bylaw is to amend the CS-2 Service Commercial regulations within Schedule B of the Ucluelet Zoning Bylaw No. 1160, 2013, to allow *Cannabis Retail* as an additional principal use on the property at 1786 Peninsula Road (Lot B, District Lot 282, Clayoquot District, Plan 49357). In addition, a general amendment would limit the maximum gross floor area of any *Cannabis Retail* use within the CS-2 zone to a maximum of 93m² (1,000 sq.ft.).

Provincial application for a Non-Medical Cannabis Retail Store Licence: 1181569 B.C. LTD. dba "Ucluelet Cannabis Co."

The applicant, Andrew Hanson, has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence proposed to be located at 1786 Peninsula Road. The application requests operating hours from 9:00am to 11:00pm, seven days a week. The LCRB will not issue a CRS licence without a positive recommendation from the local government. This public hearing is the opportunity for Council to collect and consider community input on the proposed use, location, and whether it would affect nearby residents.



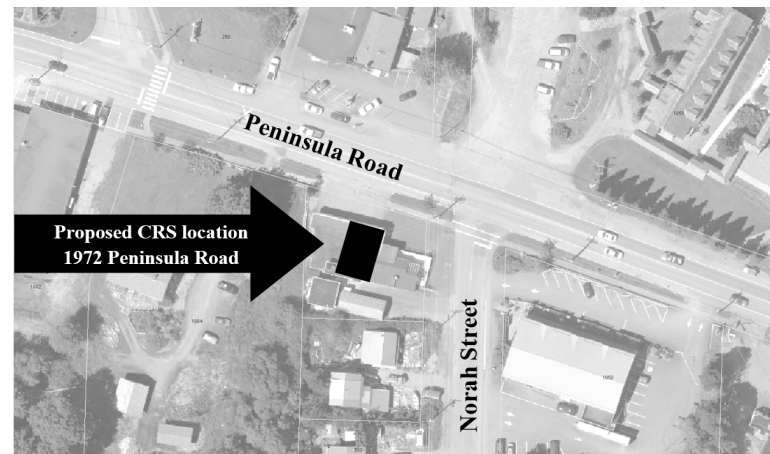
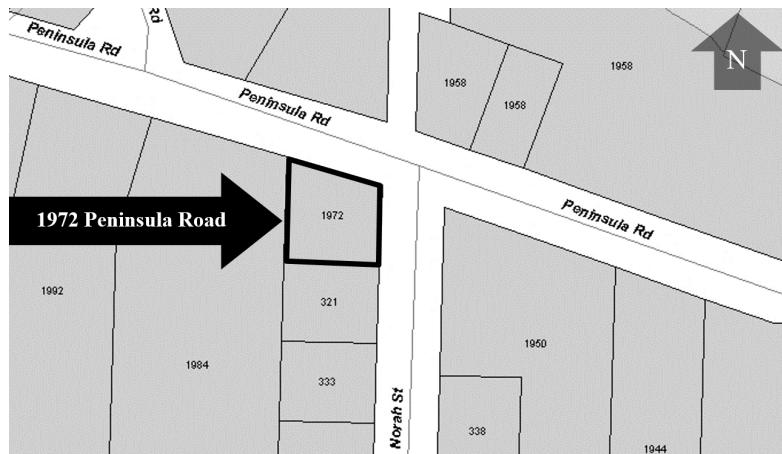
B.

District of Ucluelet Zoning Amendment Bylaw No. 1255, 2019

In general terms the purpose of this proposed bylaw is to amend the CS-2 Service Commercial regulations within Schedule B of the Ucluelet Zoning Bylaw No. 1160, 2013, to allow *Cannabis Retail* as an additional principal use on the property at 1972 Peninsula Road (Lot 1, District Lot 284, Clayoquot District, Plan VIP7983).

Provincial application for a Non-Medical Cannabis Retail Store Licence: Platinum Cannabis Ltd.

The applicant, Charles Philp, has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence proposed to be located at 1972 Peninsula Road. The application requests operating hours from 9:00am to 11:00pm, seven days a week. The LCRB will not issue a CRS licence without a positive recommendation from the local government. This public hearing is the opportunity for Council to collect and consider community input on the proposed use, location, and whether it would affect nearby residents.



Anyone who believes the proposed bylaws or Non-Medical Cannabis Retail Store licences will affect their interests will be given an opportunity to be heard at the public hearing. Inquiries, comments and concerns may also be directed to the District of Ucluelet's Planning Department by telephone at 250-726-7744 or email: jtowgood@ucluelet.ca. Written submissions may be mailed to the District of Ucluelet, P.O. Box 999, Ucluelet B.C., V0R 3A0, or faxed to 250-726-7335 but must be received before the commencement of the Public Hearing. Submissions received after the Public Hearing can not be accepted. Written submissions must include your name and street address and will be considered part of the public record pursuant to the *Freedom of Information and Protection of Privacy Act*.

A copy of the proposed bylaws, application materials, staff reports and other relevant information may be inspected at the District of Ucluelet office at 200 Main Street from the date of this notice until the public hearing, between the hours of 8:30 a.m. to 4:00 p.m. weekdays except statutory holidays.

DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1254, 2019

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsections in alphanumeric order:

a.) to Section CS-2.1 Permitted Uses:

"CS-2.1.3 In addition to the permitted uses under CS-2.1.1, *Cannabis Retail* is also permitted as a principal use on the following properties:

(1) PID: 014-935-368: Lot B, District Lot 282, Clayoquot District, Plan VIP49257 [1786 Peninsula Road]."

b.) to Section CS-2.4 Maximum Size (Gross Floor Area), under subsection CS-2.4.1 Principal Building:

"(3) Cannabis Retail 93m² (1000ft²)"

2. This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019".

READ A FIRST TIME this 13th day of August, 2019.

READ A SECOND TIME this 13th day of August, 2019.

PUBLIC HEARING this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Mark Boysen
Corporate Officer

FROM: JOHN TOWGOOD, PLANNER 1

FILE NO: 3360-20-RZ18-10

SUBJECT: ZONING AMENDMENT FOR CANNABIS SALES AT 1786 PENINSULA ROAD

REPORT NO: 19-93

ATTACHMENT(S): APPENDIX A – APPLICATION FOR 1786 PENINSULA ROAD

RECOMMENDATION:

1. **THAT** Council, with regard to the requested zoning amendment to add *Cannabis Sales* as a permitted use on a portion of the property at 1786 Peninsula Road:
 - a. encourage the applicant to amend their application to utilize a more appropriate location for an active retail store, rather than the Larch Road frontage;
 - b. encourage the applicant to provide detailed plans suitable for a Development Permit to show the resulting form and character of the proposal; and,
 - c. direct staff to prepare a zoning amendment bylaw for further consideration.

PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No. 1160, 2013, (the “Zoning Bylaw”) to allow *Cannabis Sales* at 1786 Peninsula Road, Lot B, Plan VIP49257, Clayoquot District: (the “Subject Property” see Figure 1).

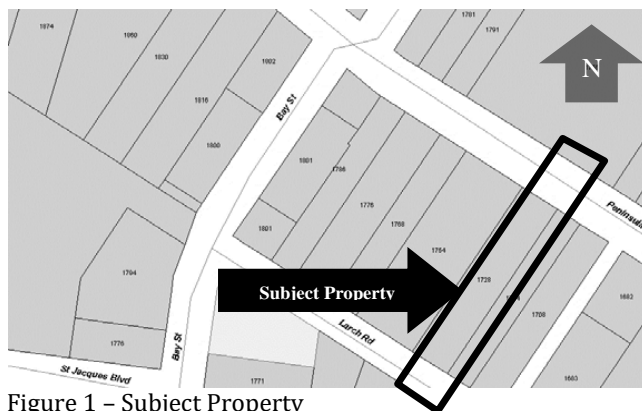


Figure 1 – Subject Property

BACKGROUND:

This application for *Cannabis Sales* was received March 27, 2019. For more general information on Cannabis Sales and associated legislation please see the preceding general report in this agenda.

DISCUSSION:

This application for a zoning amendment to permit *Cannabis Sales* is for an existing storage building located on the Larch Road frontage of the property at 1786 Peninsula (Figure 2).



Figure 2 – Proposed Building for Cannabis Sales

This property contains two existing buildings. One is the cold beer and wine store fronting Peninsula Road with a residence above and the other, the subject building, is an old garage/storage structure. This structure was built in 1974 as a garage under building permit U74-40 and it is currently in a somewhat rundown state - and is currently used for storage.

Zoning

The subject property is currently zoned CS-2 and this zone has a variety of possible commercial uses with *Retail* being the closest use to *Cannabis Sales*. The *Cannabis Sales* is defined in the Zoning Bylaw as follows:

“Cannabis Sales” means the retail or wholesale sale of cannabis, and includes an operation which provides referrals or facilitates access to cannabis not physically sold on the premises, but does not include:

- a) sales of cannabis by a British Columbia Registered Pharmacist in a British Columbia regulated Pharmacy; or

b) authorized distribution by a Licenced Producer under Part 1 of the ACMPR by means other than retail sale.

Location

The subject building is located in a low-key location fronting Larch Road, one property east of Bay Street. Larch Road currently divides two distinctly different types of uses, Commercial and Residential as defined by Ucluelet’s Zoning Bylaw and the 2011 Official Community Plan (OCP).

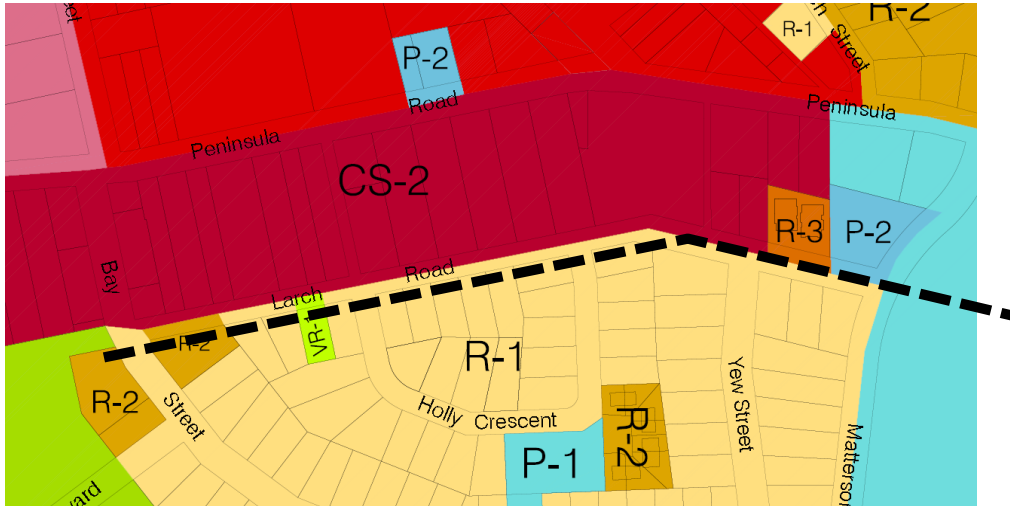


Figure 3 -The Zoning Map

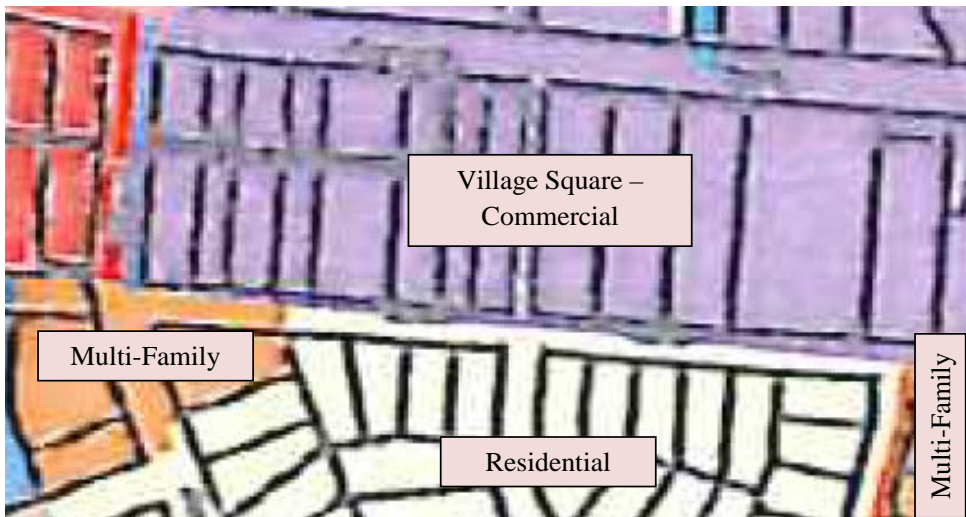


Figure 4 – OCP (Bylaw 1140) Land Use Plan

These bylaws would support intense commercial uses such as the proposed retail *Cannabis Sales* in the proposed location. Planning Staff have reviewed this policy and have proposed a different

approach to the area in the Draft OCP (*District of Ucluelet Official Community Plan Bylaw No. 1236, 2018*) which is currently at first reading.

Because of the strikingly different uses across the road from each other, a use such a Multi-Family would be more appropriate and a better transition than the more intense commercial use currently contemplated. The draft land use plan indicates that the long rectangular lots which front both Peninsula Road and Larch Road should be split zoned with the Larch Frontage area moving to a Multi-Family use over time (Figure 5).

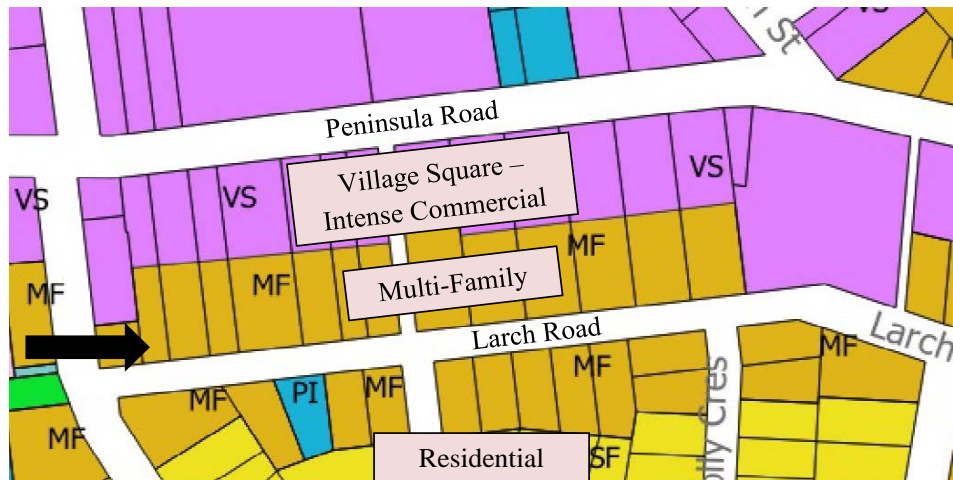


Figure 5 – The Draft OCP Proposed Land Use Plan

Because the Draft OCP Bylaw has reached first reading Council can hold this rezoning application until the new OCP is adopted, or it can consider this policy for the current rezoning application.

The following chart lists the minimum distances from the locations specified in the April 24, 2018 Council report:

School grounds (Min 300m)	600m
Public playground Holly Crescent (Min 300m)	288m
Licensed daycare facilities (Min 300m)	none in the area
Ucluelet Community Centre (Min 300m)	700m
Ucluelet Aquarium (Min 300m)	600m
Municipal Hall (Min 300m)	560m
Tugwell Sports Fields (Min 150m)	970m

It should be noted that these minimum distances are not legislated distances and Council can weigh the relative importance of these distances against the merits of each application.

Liquor and Cannabis Regulation Branch Approval

This applicant’s provincial application to become a licensed cannabis retailer has received preliminary approval by the LCRB at the time of the writing of this report.

Form and Character

The proposed building is in a very poor state of repair and it has only been approved as a garage. Since the proposed *Cannabis Sales* use is a "change of use", the building will need be brought up to the standard of the current building code under a building permit. From a review of the exterior of the building and from the drawings on file, staff consider that the building will need to be substantially rebuilt. The rebuilding will form part of a Development Permit and that applicant will require full Development Permit drawing package describing the rebuilding of the building and landscaping prior to a public hearing, if the proposal is to progress to that stage. Staff note that building views, signage and floor plans have already been provided; a more detailed site plan would be appropriate.

Parking and Pedestrian Access

Parking is to be accessed off Larch behind the proposed building. There is currently a single gravel lane accessing the property and the parking area has a gravel base. To allow for a two-lane access, the applicant will need to widen and pave the access. Widening of the access will encroach into the neighboring lot. The applicant owns the neighboring lot and has stated that he will register an easement for that access and that the easement would be in place before adoption of the requested rezoning amendment (Figure 6).

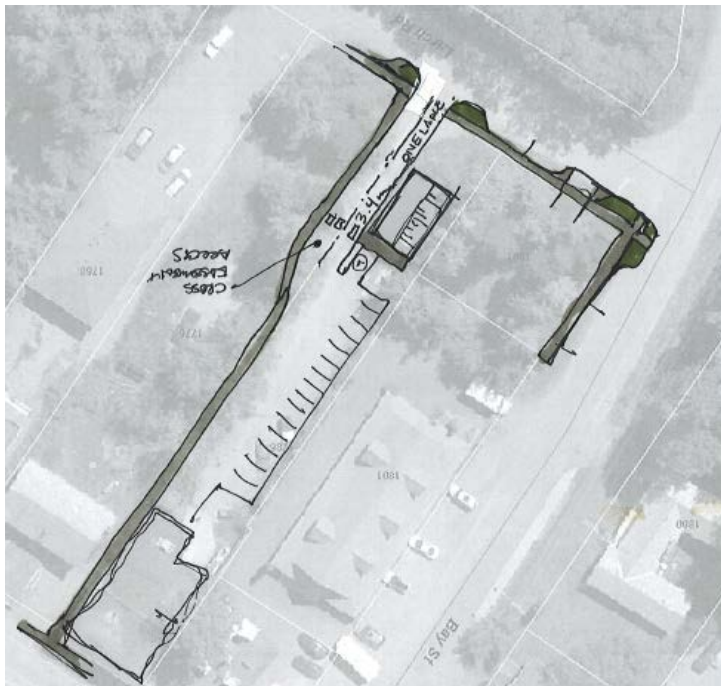


Figure 6 –Parking for Subject Property

Pedestrian access will be off of Peninsula Road and the applicant has indicated that they will create a gravel path as indicated in the sketch above. The applicant has also offered to create a gravel path across the Larch Road frontages of his properties. This work will be required to be professionally

designed, estimated, and financially secured before the potential adoption of the requested zoning amendment. Based on the detailed design and cost estimate, the applicant should confirm their commitment to providing these new works on the public road right-of-way.

LANDSCAPING:

The applicant is proposing to fully landscape the Larch Road frontage. This landscaping will need to be fully designed, estimated and reviewed prior to the public hearing.

MITIGATE THE IMPACT TO THE NEW USE:

The landscaping, the rebuilding of the building with new materials consistent with the OCP's Development Permit guidelines and the paving of the vehicle access should help mitigate the new proposed use.

NET PUBLIC BENEFIT:

The proposed street improvements represent a minor public benefit.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Should the application proceed, staff time will be required to process this Zoning Bylaw amendment and associated permits, including giving notice of a Public Hearing.

FINANCIAL IMPACTS:

There are no direct financial implications to the District.

POLICY OR LEGISLATIVE IMPACTS:

The addition of Cannabis Sales to a commercial zoning would not require an Official Community Plan amendment as Cannabis Sales is considered consistent with the current designation of the property for commercial use. A Development Permit will need to be submitted for review and potential approval could be issued at the time of bylaw adoption, if the application proceeds to that point.

SUMMARY:

The applicant is an established and supportive member of our business community and has run multiple business in town successfully, and to the benefit of the community. That being said, the location may not be appropriate for the intensity of retail traffic (foot and vehicle) that would be expected to occur with *Cannabis Sales*. As the applicant has obtained initial approval from the LCRB the applicant is encouraged to look for a more appropriate location, fronting a street sharing existing commercial uses.

OPTIONS REVIEW:

Staff recommend that the proponent be encouraged to amend their application to utilize a more appropriate location, and on that basis proceed to preparation of a zoning amendment bylaw. Alternatively, Council could direct the following:

2. **THAT** Council direct staff to prepare a bylaw for further consideration for the requested zoning amendment to add *Cannabis Sales* as a permitted use on a portion of the property at 1786 Peninsula Road, and encourage the applicant to provide detailed plans suitable for a Development Permit, prior to scheduling a public hearing, to show the resulting form and character of the proposal.
3. **THAT** Council give notice of its intent to consider issuing a Temporary Use Permit for *Cannabis Sales* on the property at 1786 Peninsula Road at this time, and reserve consideration of a zoning amendment bylaw to a future date once the use has an established track record in this location.
4. **THAT** Council reject the application.
5. **THAT** Council provide alternative direction to Staff and/or the applicant.

Respectfully submitted: John Towgood, Planner 1
 Bruce Greig, Manager of Planning
 Mark Boysen, Chief Administrative Officer

APPENDIX A

Dear Mayor and Council

As of October 17th 2018, the federal government legalised cannabis and the provincial government established a process through which we submitted our application. As of January 2019, the provincial government has approved our proposed Ucluelet location pending local government approval.

About the property -

We are applying to rezone 1786 Peninsula Road, PID 014-935-368, Legal – Lot B, DL 282, Clayoquot District, Plan VIP 49257, to allow for retail cannabis sales. The current zoning of the property is CS2. As can be seen in the renderings and site plans, there is an existing liquor store (approx. 2000 sq ft) with a 2-bedroom apartment above it and a vacant building (approx. 800 sq ft) at the back of the property. This vacant building is the proposed location of the cannabis retail store.

About the proposed site plan –

With the proposed application there will be -

- new landscaping along Larch Street, to beautify the property and provide some street screening.
- a pedestrian path between 1786 and 1776 Peninsula Road to allow for foot traffic off Peninsula.
- there will be new fencing around the loading area at the back of the liquor store to reduce its visibility for residents on Larch Street and new fencing around the residential backyard of 1776 Peninsula Road.
- the vacant building itself will see upgrades to its façade, with new windows and siding as well as an upgraded entrance
- there will be new signage on the side of the liquor store, directing cars to the off-street parking - of approximately 15 spaces - at the back of the liquor store, which will reduce the need for customers to park on Peninsula Road.

About the store -

The proposed location for our cannabis retail store size is approximately 650 square feet. The entrance to the store would face into the courtyard of 1786 Peninsula Road (facing north east), as shown on the attached renderings and site plans. Our provincial application has store hours of 9-11pm daily and we would have approximately 3 full time and 3 part time employees, including a manager and assistant manager. We have provided some of our current liquor store staff with housing. We are exploring the idea of supplying more staff housing.

About the applicant -

We have been in the business of selling government controlled, age restricted retail goods for 12 years and in the hospitality industry for over 20 years. As a long-time reseller of these types of products, we are familiar with government regulations, terms and conditions and specific employee training needed for the responsible sale of these products. Our current liquor store policies go above and beyond the minimum standards and we have created our own additional store policies to ensure we maintain a high standard of public and employee safety. A couple of examples of these policies are; our employees are required at the start of their shift to acknowledge, in writing, that they will ask for the correct identification before a sale is completed and at the end of their shift, they are asked to cite any concerns they had or any unusual customer interactions using a log book. We would adopt these policies and more in a cannabis retail environment, enforcing a mandatory ID checks policy for all customers, ensuring everyone entering the store meets minimum age requirements.

About environmental impact -

At our liquor store we have started purchasing reusable bags, as a step towards a plastic free store and a plastic free peninsula. We will take the same approach with cannabis and offer reusable bags or encourage people to bring their own bags to reduce landfill waste. We believe that there are locals and tourists alike who would appreciate a cannabis retail location close to the centre of Ucluelet, that can be reached easily on foot or by bike.

About the community impact -

Controlled substances have impacts on communities and as a liquor store owner we are exposed to them. Having long term, local staff has given us the chance to build customer relationships and allowed us the opportunity to get to know our regulars and support the community in various ways. These relationships have also given us a level of trust and let us to interact with our customers. In the cannabis store, our approach will be the same - to understand your customer and build relationships in a safe and secure environment. This is the beginning of an era that will lead to the removal of cannabis from the black-market, while also giving us the chance to provide direction through education. We can supply legal, licenced products from a trusted source in a regulated, safe manner.

These are new developments in a new industry. We are aware that this is not a normal rezoning request. We are looking forward to working with the council and the neighbourhood to provide a cannabis retail store, and an improved property, that will provide a service for the community for many years to come.

assessment is complete, you will be notified of the LCRB's determination. You may choose to withhold your recommendation until the LCRB has made a final decision regarding the applicant's suitability.

If you choose not to make any recommendation regarding this application, please contact the LCRB at the earliest convenience. Please note that a Cannabis Retail Store Licence cannot be issued unless the LCRB receives a positive recommendation from the local government or Indigenous nation. Similarly, if a local government or Indigenous nation decides not to make any recommendation, the LCRB will not consider the application any further.

If you have any questions regarding this application please contact me at 778-698-9037 or at Fiona.Goudy@gov.bc.ca.

Sincerely,



Fiona Goudy
Senior Licensing Analyst

Attachment

copy: LCRB Inspector
Andrew Hanson

Meeting with RCMP

Meeting with Sergeant Steve Mancini, Ucluelet RCMP

On December 17th 2018, I had a meeting with Sergeant Steve Mancini to discuss the proposed cannabis store location at 1786 Peninsula Road. The discussion was about safety and crime prevention.

We talked about –

- Access to the location
- Area lighting
- Security cameras
- Security systems
- And our policies on crime prevention

Although he was unable to give a written letter of support, Sergeant Mancini was pleased with the plan and agreed that it was ok to share the outcome of our meeting.

Andrew Hanson

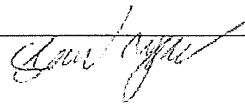
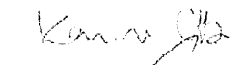
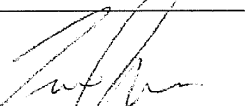
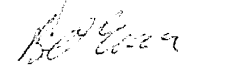
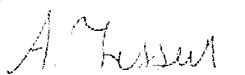
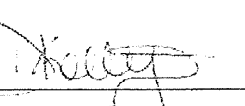



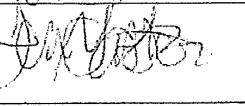
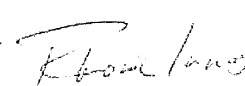
Signature sheet break down total

Signatures from December 31,2018 to January 6, 2019

Locals signatures	92
Travelers from Vancouver Island and BC	16
Total	108

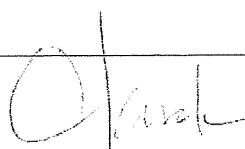

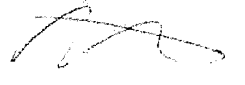




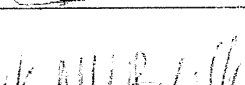
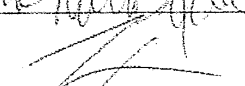
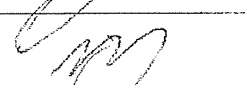
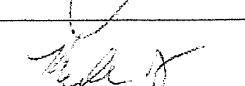
Dear Mayor and Council,

I am signing this to confirm that I have no objection to a Cannabis Retail Store being located at 1786 Peninsula Road, behind the Ucluelet Liquor Store.

Printed Name	Signature	Address	Date
1 David Myers		Box 857 Ucluelet BC	31 Dec 2018
2 Kimora Gordon		Box 887 Ucluelet BC	31 Dec, 2018
3 Zac Meadows		2710 Fraser St Vancouver	31 Dec, 2018
4 Bryce O'Leary		2312 Main St. Smithers, BC	31 Dec, 2018
5 Aliah Tussler		1550 Larch Rd	31 Dec, 2018
6 Kinsey Kelly		102 South Dogwood St. CR.	31 Dec 2018
7 KYLE DUNCAN		41 ATLICK, WOSS	" "
8 TRAVIS		1520 Port Albin	" "
9 RYDER		1445 Helen	" "
10 TERTI		Box 1333 Ucluelet BC	Dec 31, 2018
11 Rhonda Lane		1786 PENINSULA PO Box 183	Dec 31/18

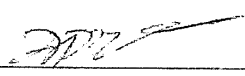
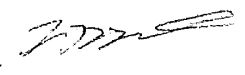
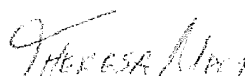

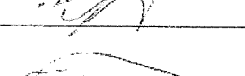






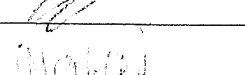
Dear Mayor and Council,

I am signing this to confirm that I have no objection to a Cannabis Retail Store being located at 1786 Peninsula Road, behind the Ucluelet Liquor Store.

	Printed Name	Signature	Address	Date
12	Colin Kuck		1984 Mathews Rd. Ucluelet	31 Dec 2020
13	Sean McDermott		150, East Keefe, Ucluelet	31 Dec 18
14	Karl Hansch		218 Cormorant Crescent	31 Dec
15	Clay Billett		8321 Bayview	31 Dec
16	Con Billett		8321 Bayview	31 Dec
17	Nicole Hamrick		4771 Hammond Bay Peninsula	31 Dec
18	Carman		Holly Crest	31 Dec
19	Michelle M. Bynock		1303 Hitchen	Dec 31
20	Tom Henry		1638 Laich	Dec 31 18
21	Tim Stevenson		211 Armit Road, Tofino 10R220	Dec 31 2018
22	Kyle Deakin		1738 Peninsula Rd.	Dec. 31

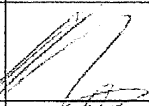
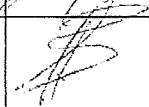
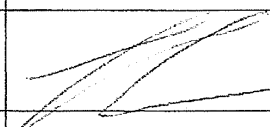

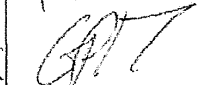
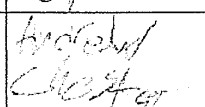
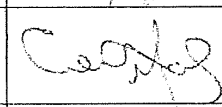
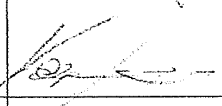
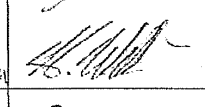
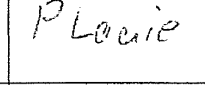
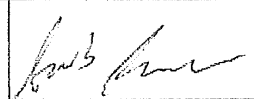
Dear Mayor and Council,

I am signing this to confirm that I have no objection to a Cannabis Retail Store being located at 1786 Peninsula Road, behind the Ucluelet Liquor Store.

	Printed Name	Signature	Address	Date
23	Mike McCarty		Terrace B.C.	31 Dec
24	Carl McCarty		Terrace B.C.	31 Dec
25	Sharon Musk		Ucluelet B.C.	31/Dec
26	Spencer Laid		Ucluelet	Dec 31st
27	Devon Lest		Vancouver	
28	Larry Price		Ucluelet	31st
29	Roy Miller		Sechelt/Ucluelet	2019
30	Pet Dunn		Salmon Beach	31st
31	DEAN MCCARTY		UCLUELET	DEC 31ST
32	Alex Perri		2915 104th St N. Surrey	DEC 31
33	Olivia Tarselli		DUNCAN	DEC 31
34	Lynette Gross		Duncan BC	Dec 31

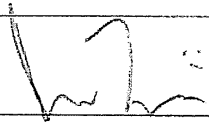
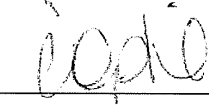
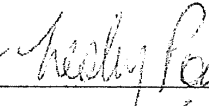
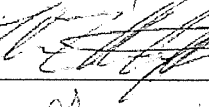
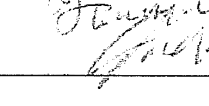
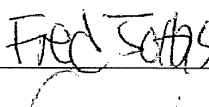
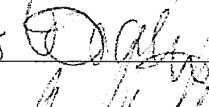
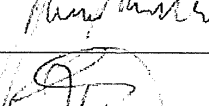
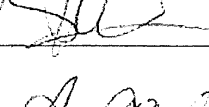
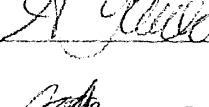

Dear Mayor and Council,

I am signing this to confirm that I have no objection to a Cannabis Retail Store being located at 1786 Peninsula Road, behind the Ucluelet Liquor Store.

Printed Name	Signature	Address	Date
35 Alex Harper		1212 Thunderbird Dr.	12/31/18
Sam		Cree	12/31/18
Trent Larsen		Emforest Ln.	12/31/18
Karen Innes		Ghetto	12/31/18
Greg Ilzeyk		1741 Bay St.	12/31/18
Neilson			12/31/18
LEWIS MAUR		1956 CYNARA	12/31/18
KEN LEWIS		1786 PENINSULA	12/31/18
Henry William		Ghetto	12/31/18
Paul Louie		210 Hit-tat-Soo	12/31/18
45 Jacob Parsons		1690 Holly Cr.	12/31/18

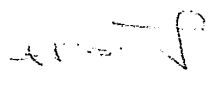
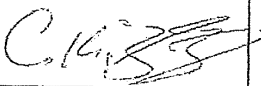

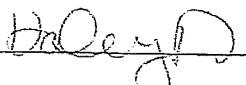
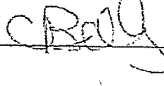


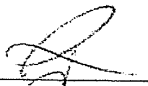


Dear Mayor and Council,

I am signing this to confirm that I have no objection to a Cannabis Retail Store being located at 1786 Peninsula Road, behind the Ucluelet Liquor Store.

Printed Name	Signature	Address	Date
146 Jack Roper		N/A	Dec 31 st
CARY ORTON			Dec 31
Lesley Poire		444 Orca	Dec 31
Thomas Franklin		250 Hemlock St.	Dec 31
Tamara Jackson		_____	Jan 1
Fred Sobushin		117 Ucluelet East side	Jan 1
Brian Roberts		464 Orca	Jan 1
Jesse McLachlan		7301 Pine	Jan 1
Corrine Gardner		262 Leest	Jan 1
ANGIE Gardner		HERE 30 yrs	JAN 1
156 Rob Jackson		PO Box 183	Jan 1

Dear Mayor and Council,

I am signing this to confirm that I have no objection to a Cannabis Retail Store being located at 1786 Peninsula Road, behind the Ucluelet Liquor Store.

Printed Name	Signature	Address	Date
Ableigh Diamond		1755 Fairforest lane	Dec 31/17
Colin Kiss		1695 Lofell RD	Dec 31/18
Jennifer Mraz		Box 35, ucluelet BC	31/Dec/18
Haley Nikkels		250 main street ucluelet	31/Dec/18
Johanna Bell		Box 1340 ucluelet - (road) Albert Road BC	31/Dec/18
when is it open			
Christina Klotz		PO box 244 ucluelet	Dec 31/18
Scott Sutherland			
Marle		Box 1351	Jan/19
Lance Farmer		UKEE, 1142	Jan 19
Cal Chouwen		PO 293	JAN 19

Dear Mayor and Council,

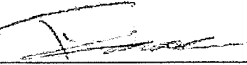




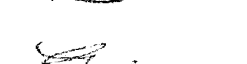
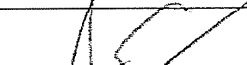
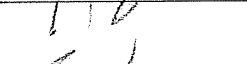

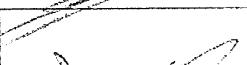


I am signing this to confirm that I have no objection to a Cannabis Retail Store being located at 1786 Peninsula Road, behind the Ucluelet Liquor Store.

Printed Name	Signature	Address	Date
Amanda Jost		1061581 Ave	Jan 2 2019
Chris Berghat		6001581 Ave	Jan 2 / 2019
DEAN MCKAY		UCLUE	JAN 2 / 2019
ANTHONY KOVEFALL		3741 PACIFIC CRES	JAN. 2 / 19
Medhan Bingham		416 Humphreys	Jan 2 / 19
RAYMOND TYNE Raymond Tyne		PO BOX 133	Jan 3 / 19
Shannon Bortman		PO BOX 1008	Jan 3 / 19
Todd Sietzko		"	"
Joel Tom		20 Hwy 1211	
Terry Lynn		So Bay 537	Jan 3 / 2019
STEVE Purdie		1992 PENINSULA	JAN 3 / 2019

26


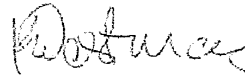
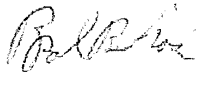
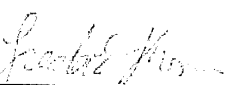
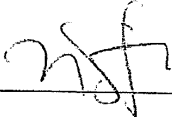



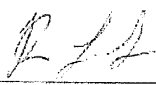



Dear Mayor and Council,

I am signing this to confirm that I have no objection to a Cannabis Retail Store being located at 1786 Peninsula Road, behind the Ucluelet Liquor Store.

Printed Name	Signature	Address	Date
Tom Kubit		238 Main Ave.	Jan 3, 2018
Kyle Deaman		1541 Bay	Jan 4 2018
Kerry Roper		1293 Peninsula	"
Jeanine		UKEE	Jan 4 / 19
Natalie S		Ucluelet	Jan 4
Lindsay K.		Ucluelet, Haulukit	Jan 4 18
Alex Roberts		Ucluelet, Haulukit	Jan 4
Ron Williams		UKEE East	JAN 5
Jay Rose		Millstream	Jan 5
Darin Lewis		Millstream	Jan 5
Paul G...		Ucluelet	Jan 5
Elise Eyford		1638 Larch	Jan 5 18

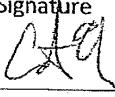




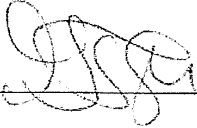
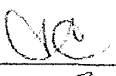
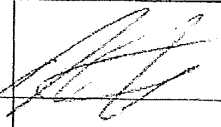
Dear Mayor and Council,

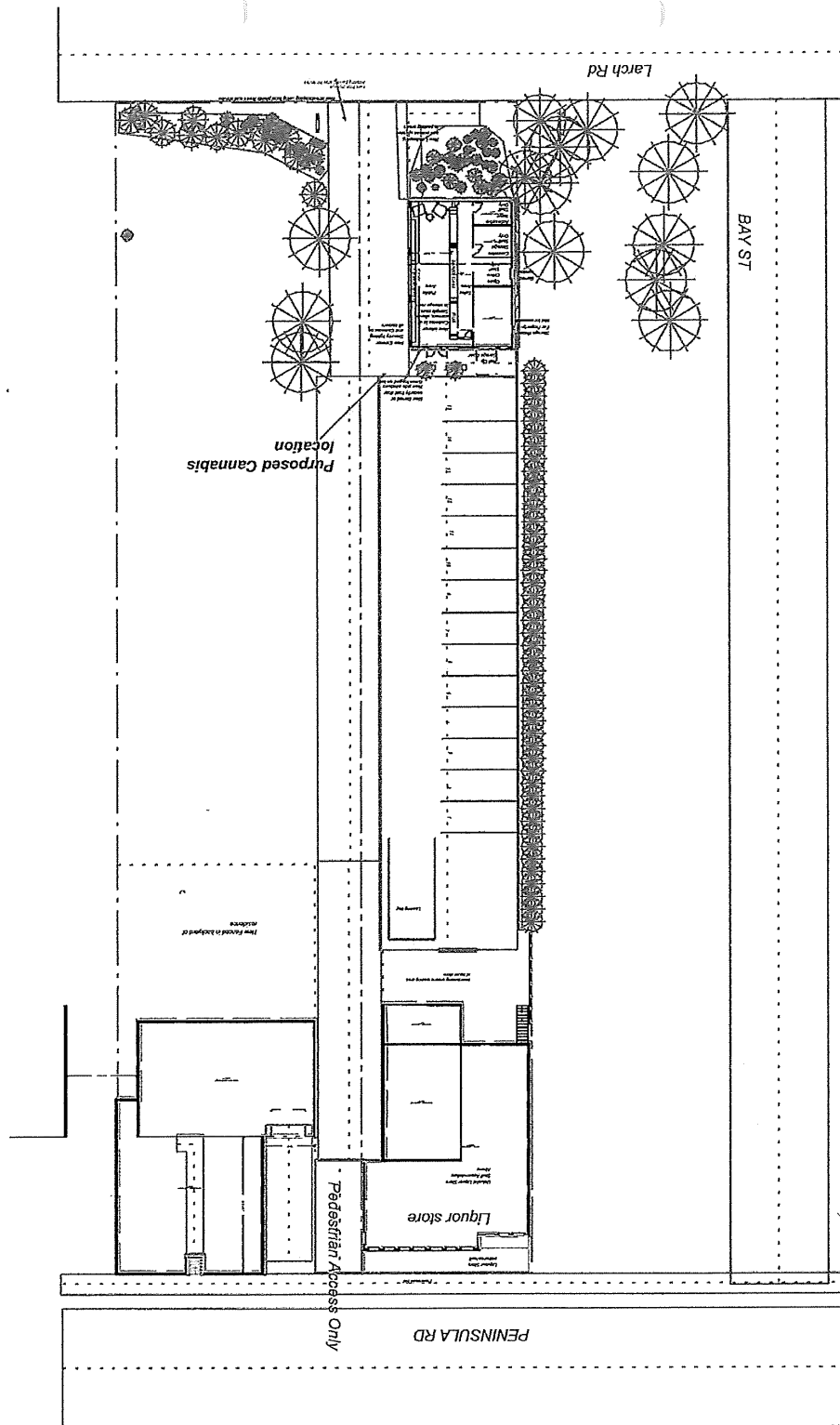
I am signing this to confirm that I have no objection to a Cannabis Retail Store being located at 1786 Peninsula Road, behind the Ucluelet Liquor Store.

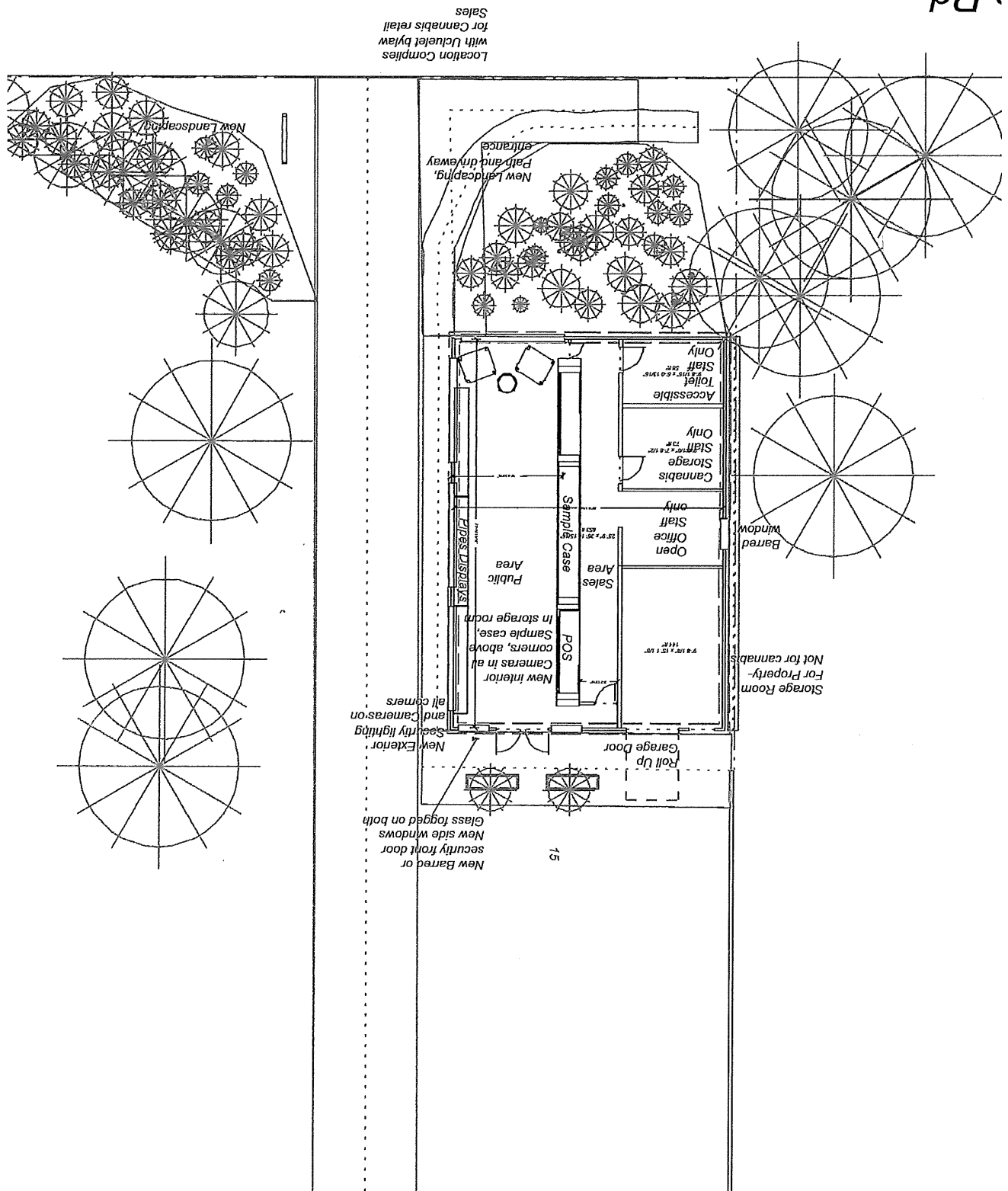
Printed Name	Signature	Address	Date
Kyle Deiana		96 Thurston Rd	Jan 1/19
K. Westman		1104-415 Michigan St.	Jan 1, 2019
Paul Buckowski		426 BARKLE/ CREB	Jan 17/19
Freda Thomas		1022281 Totino BC 1022281	Jan 1/19
NICOLE STEVENSON		1301 KWE	1-1-19
Kyrtten Olson		462 circa crescent	Jan 2/2019
Shane Magnusson		462 circa crescent	Jan 22/2019
Robert Zurewski		1752 Cypress Rd	2 Jan 19
Reid Laiser-Lamb		27760 Totino-Ucluelet	2 Jan 19
STEVE SMITH		720 EAST 21	JAN. 19
Alexis Mason		14 Alex Mason	Jan 2/18
Cody William		Comal Panda @ Oesthok	Jan 2/10

Dear Mayor and Council,

I am signing this to confirm that I have no objection to a Cannabis Retail Store being located at 1786 Peninsula Road, behind the Ucluelet Liquor Store.

Printed Name	Signature	Address	Date
Catherine Taylor		609A Port Albion	Jan 5/19
Justin Jackson		609 B St	Jan 5/19
Brandon Hilborn		1550 Larch	Jan 5.
Jesse Couchie		374 Pacific Cr.	Jan 5
RUSTIN OCEAN		204-250 Howland	JAN 6/19
Brittany Hall	B. Hall	804 Peninsula	Jan 6/19
G. Taylor		153 HEWLOCK	Jan 6.
J. CAMPBELL		1532 Eder Rd.	JAN 6/19
R. DeWitt		Blacklock Resort	Jan 6-19

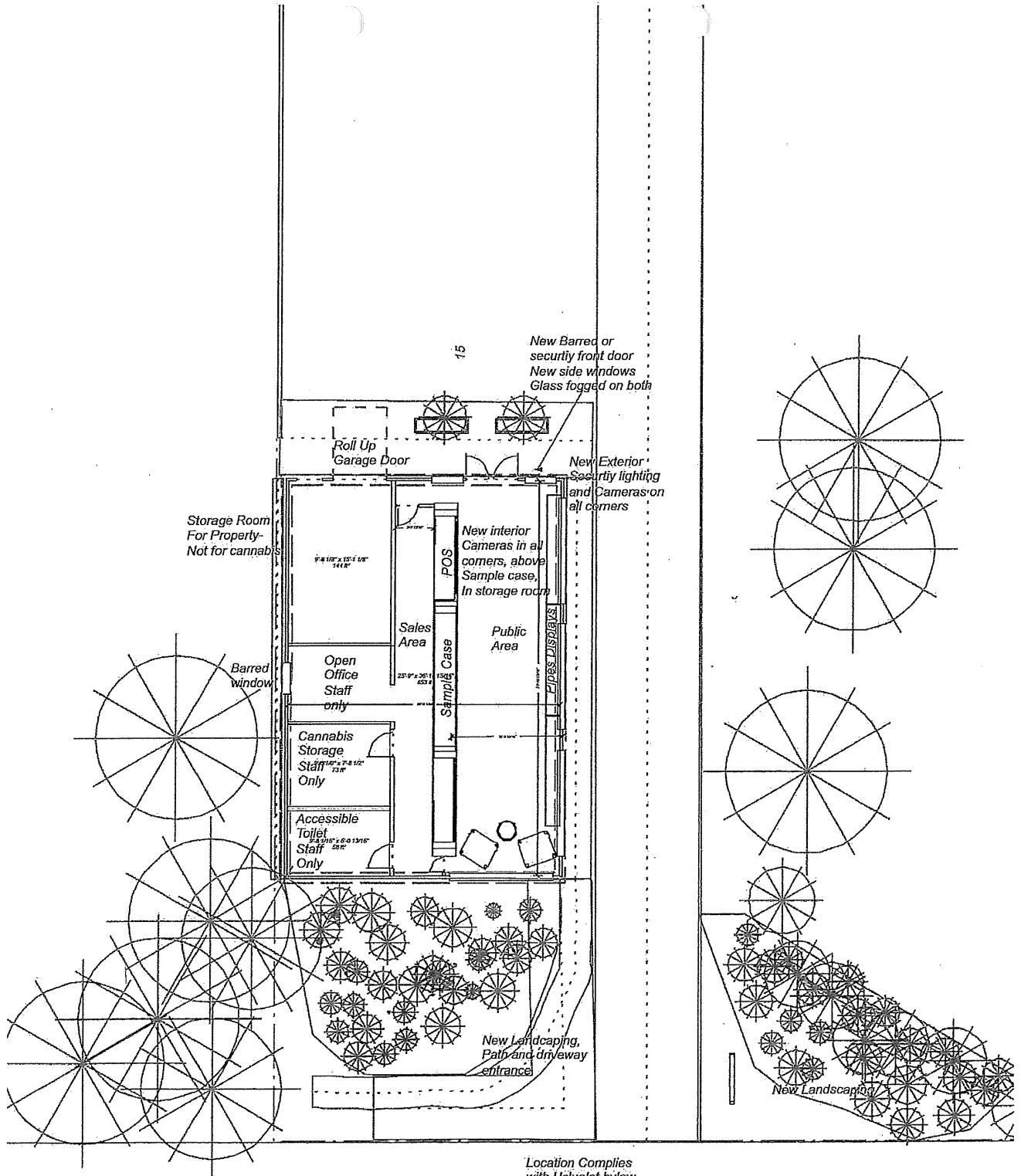




Location Complies with Ucluelet bylaw for Cannabis retail Sales

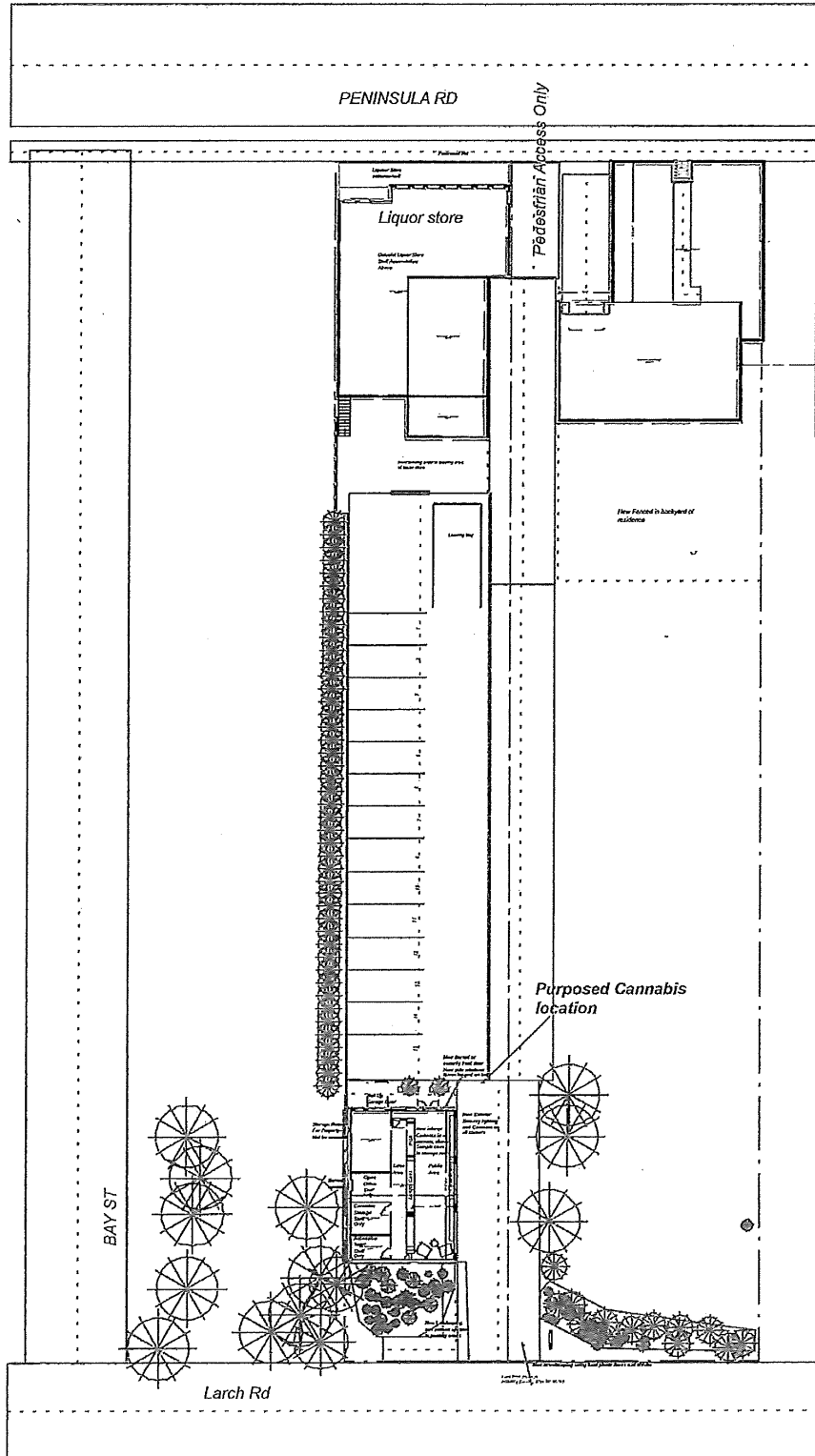
New Barred or security front door
 New side windows
 Class fogged on both
 New Exterior Security lighting
 and Cameras on all cameras

New Landscaping

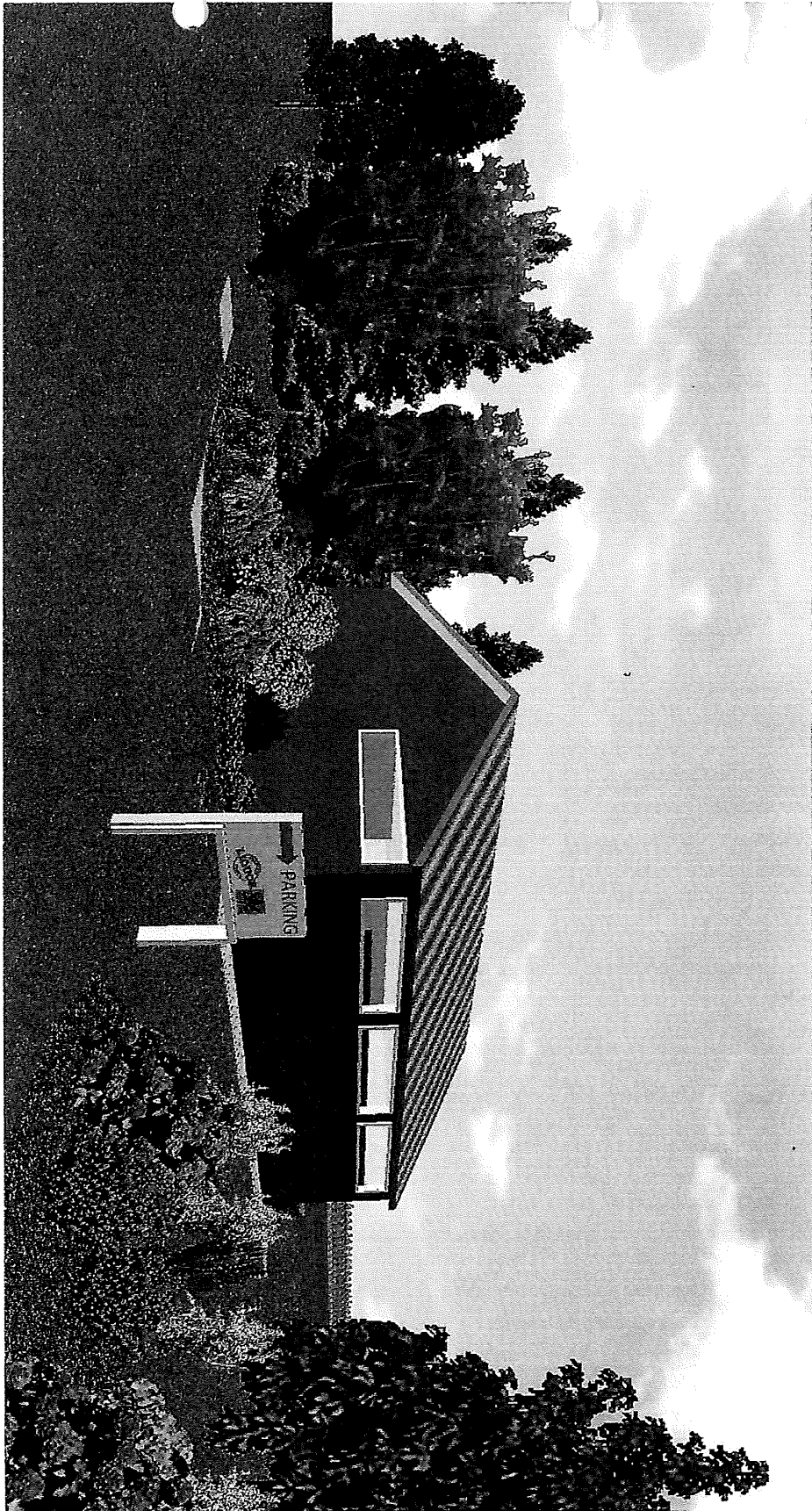


Rd

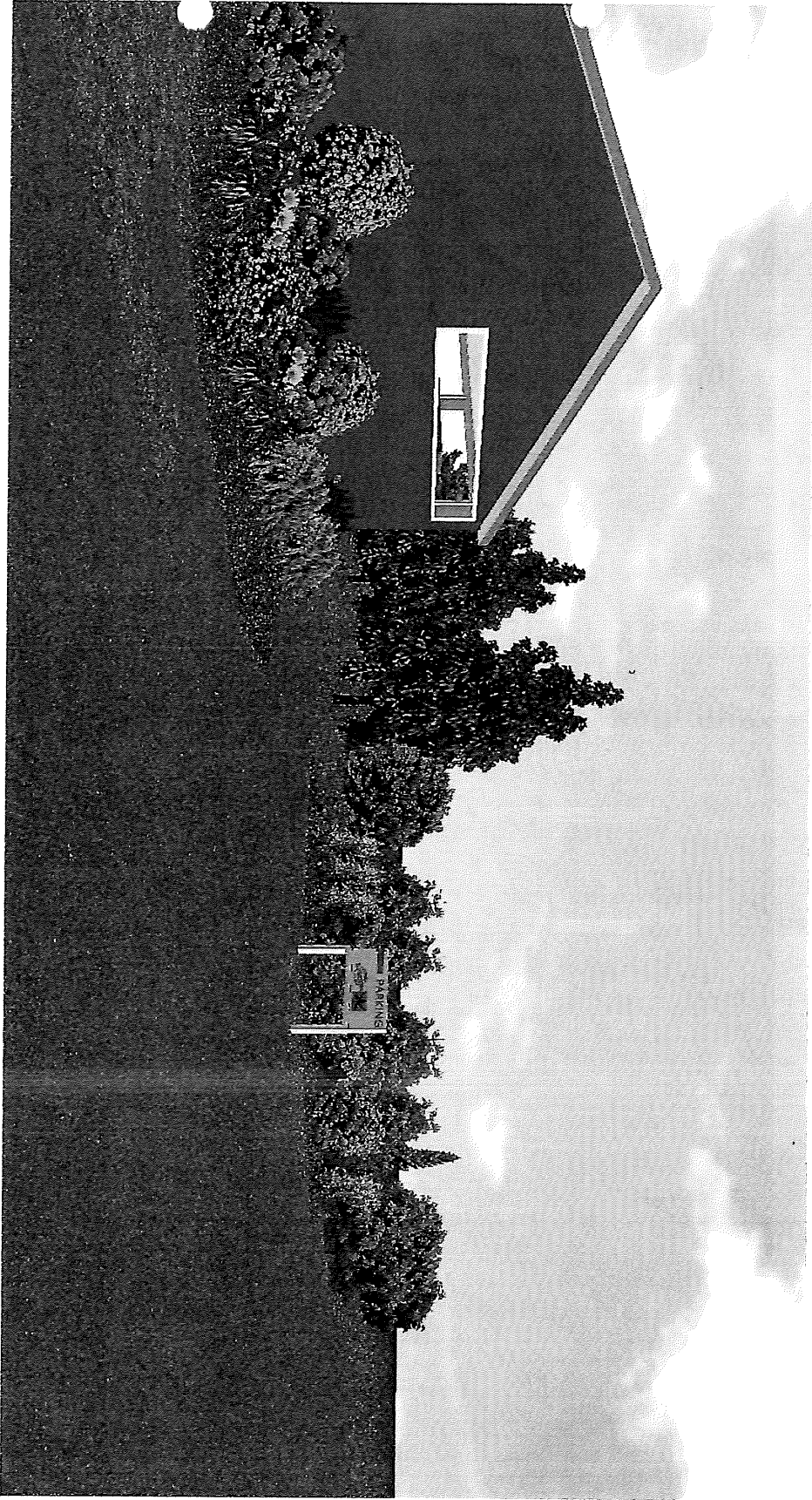
Location Complies with Ucluellet bylaw for Cannabis retail Sales



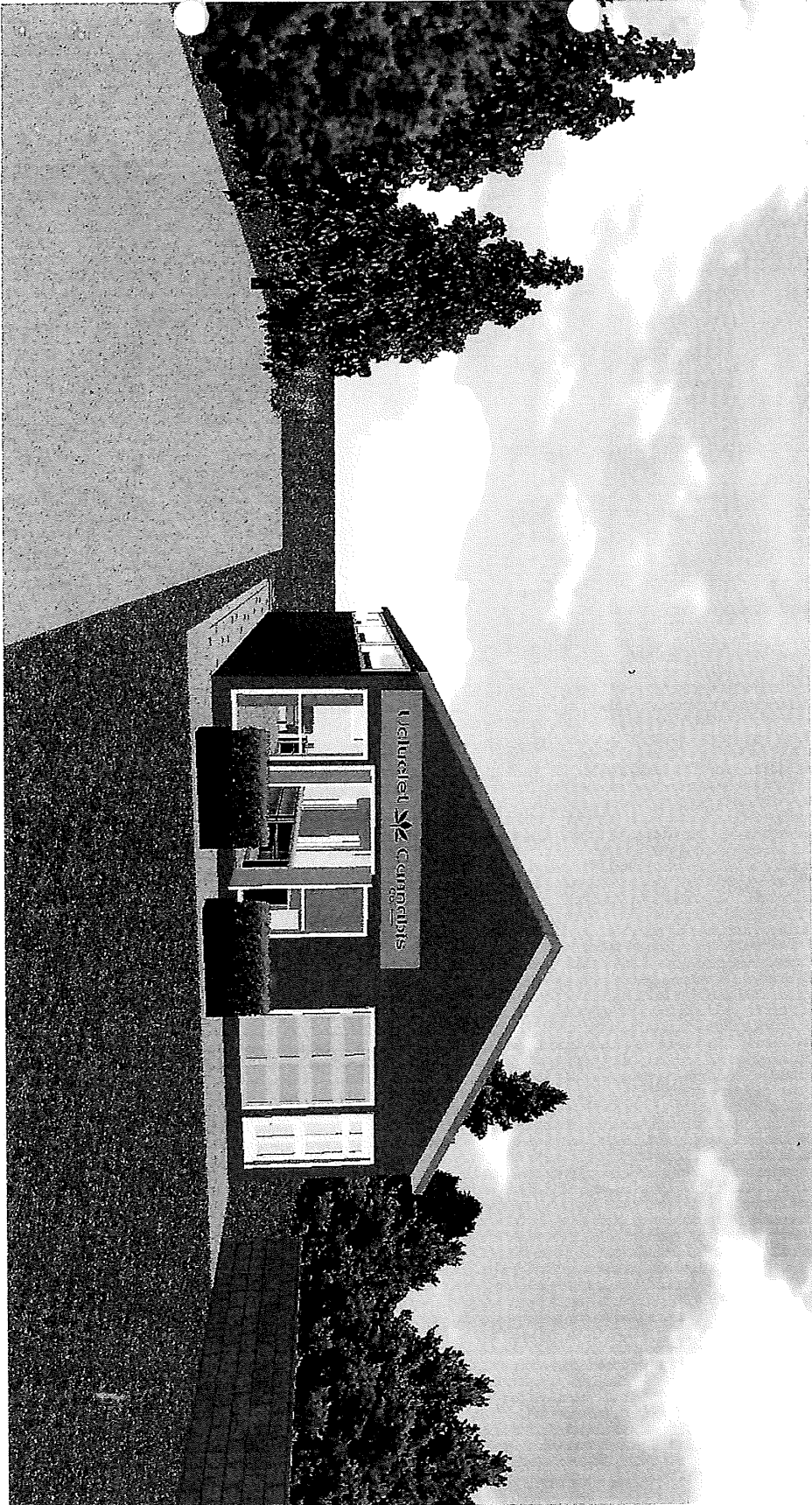
Northwest Facing view on Larch Street



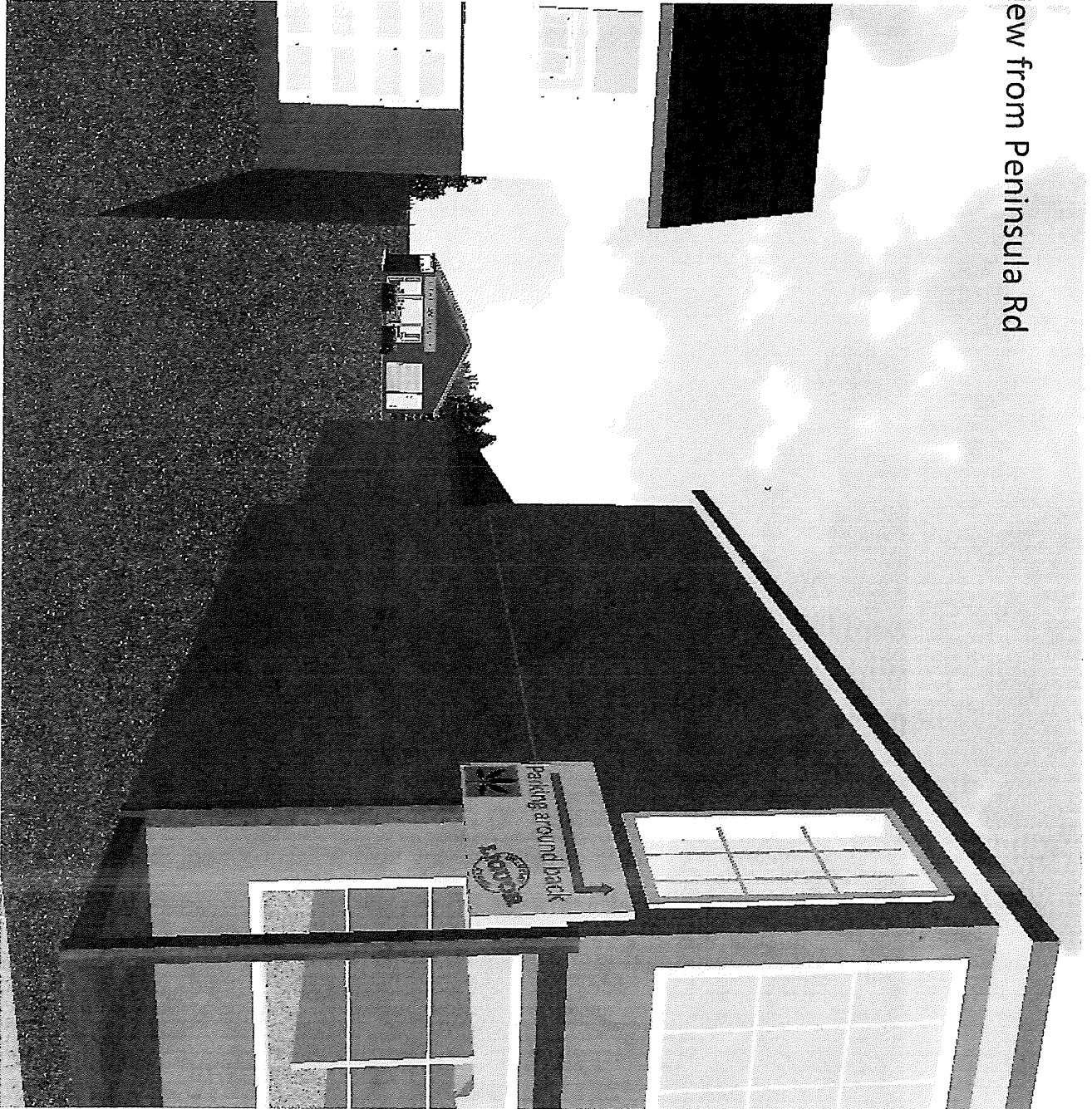
South East Facing view on Larch street



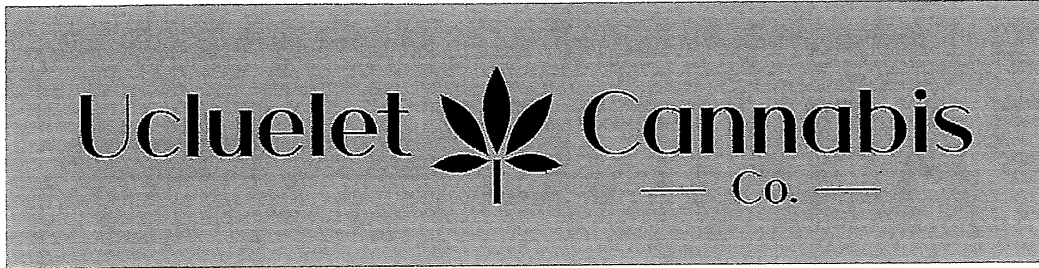
Store Front from Courtyard 1786 Peninsula Rd



View from Peninsula Rd



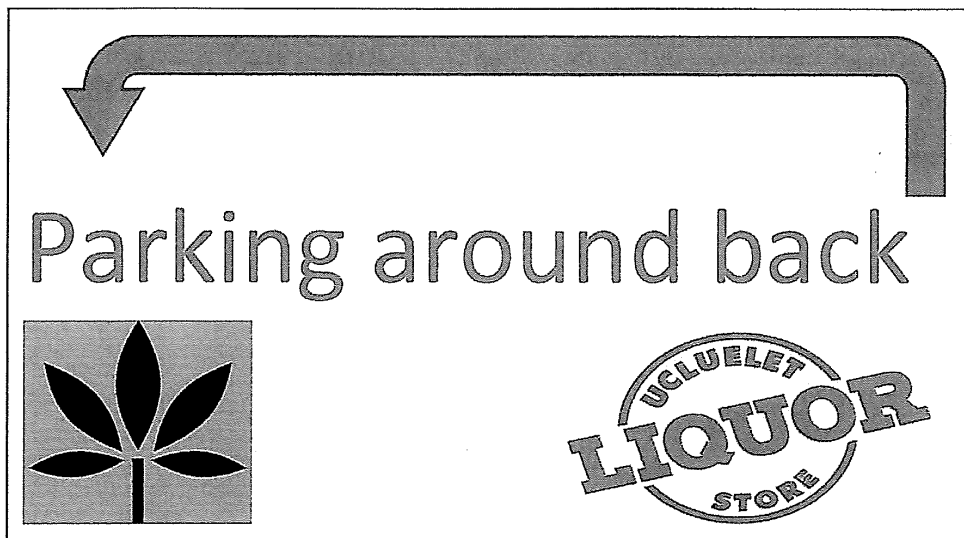
36x 120 in Store front sign



24x48in Parking sign Larch street

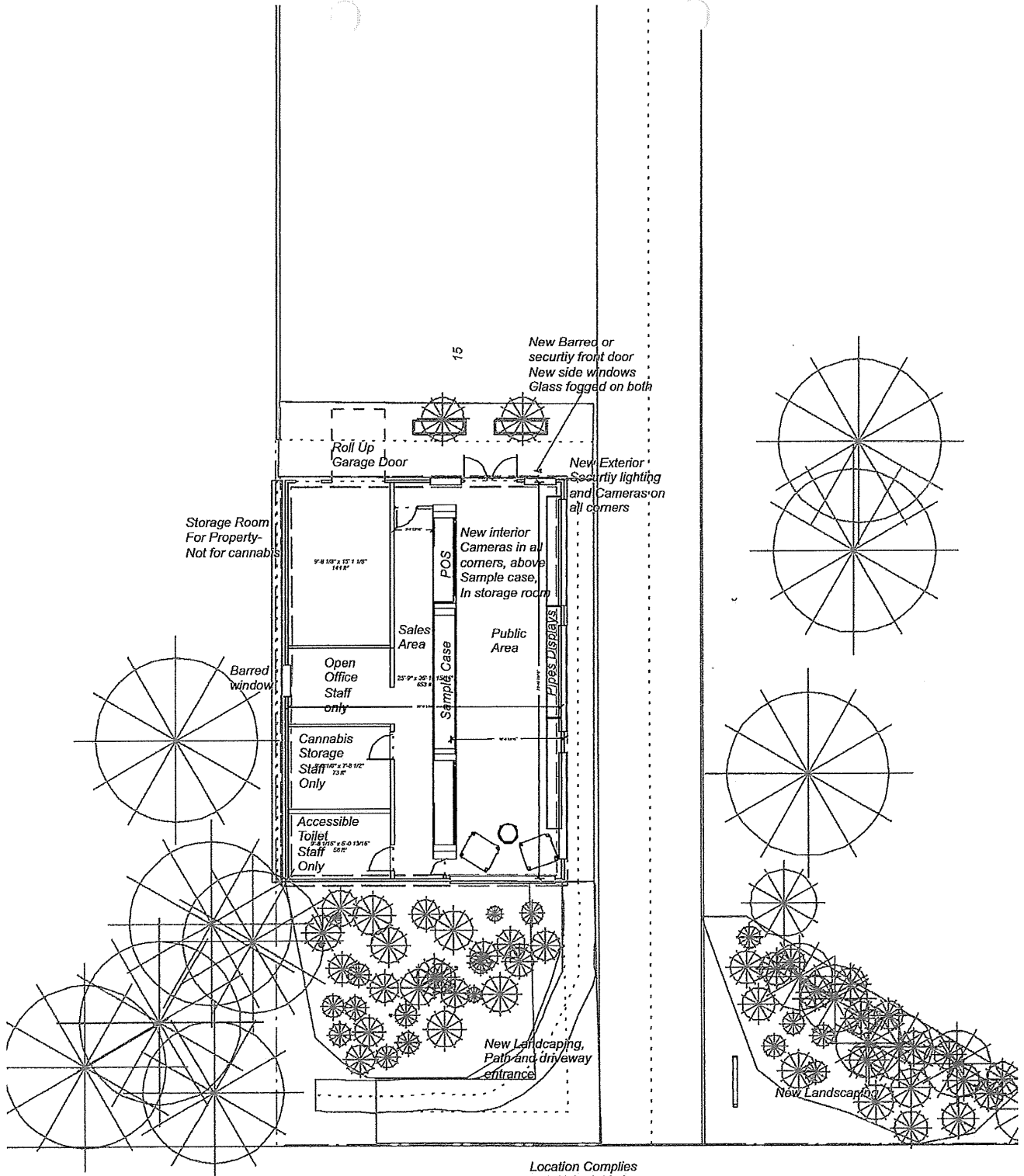


36x60 in Parking sign on Southeast side of liquor store building



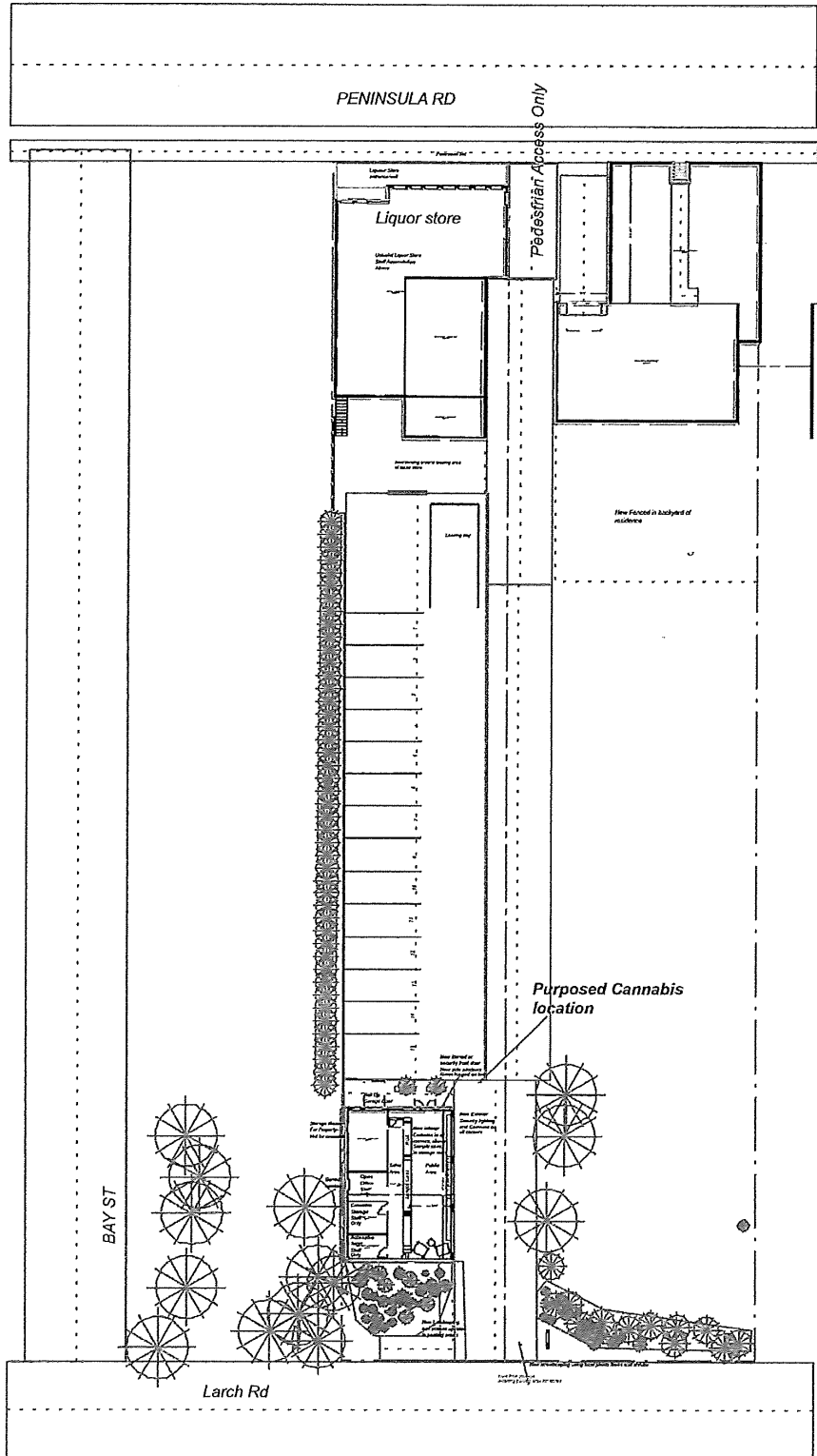
36x60in Parking sign on northwest side of liquor store building



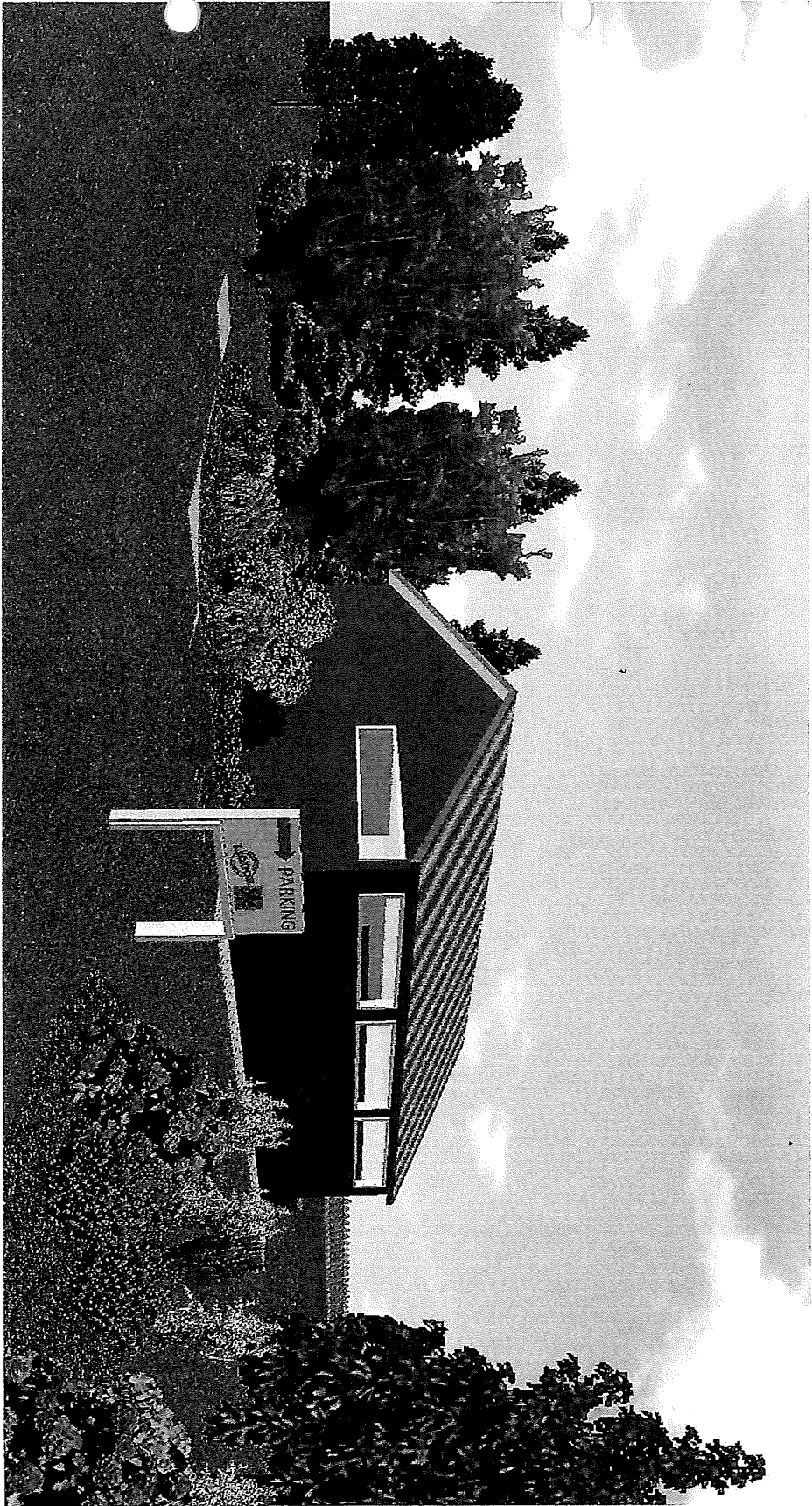


1 Rd

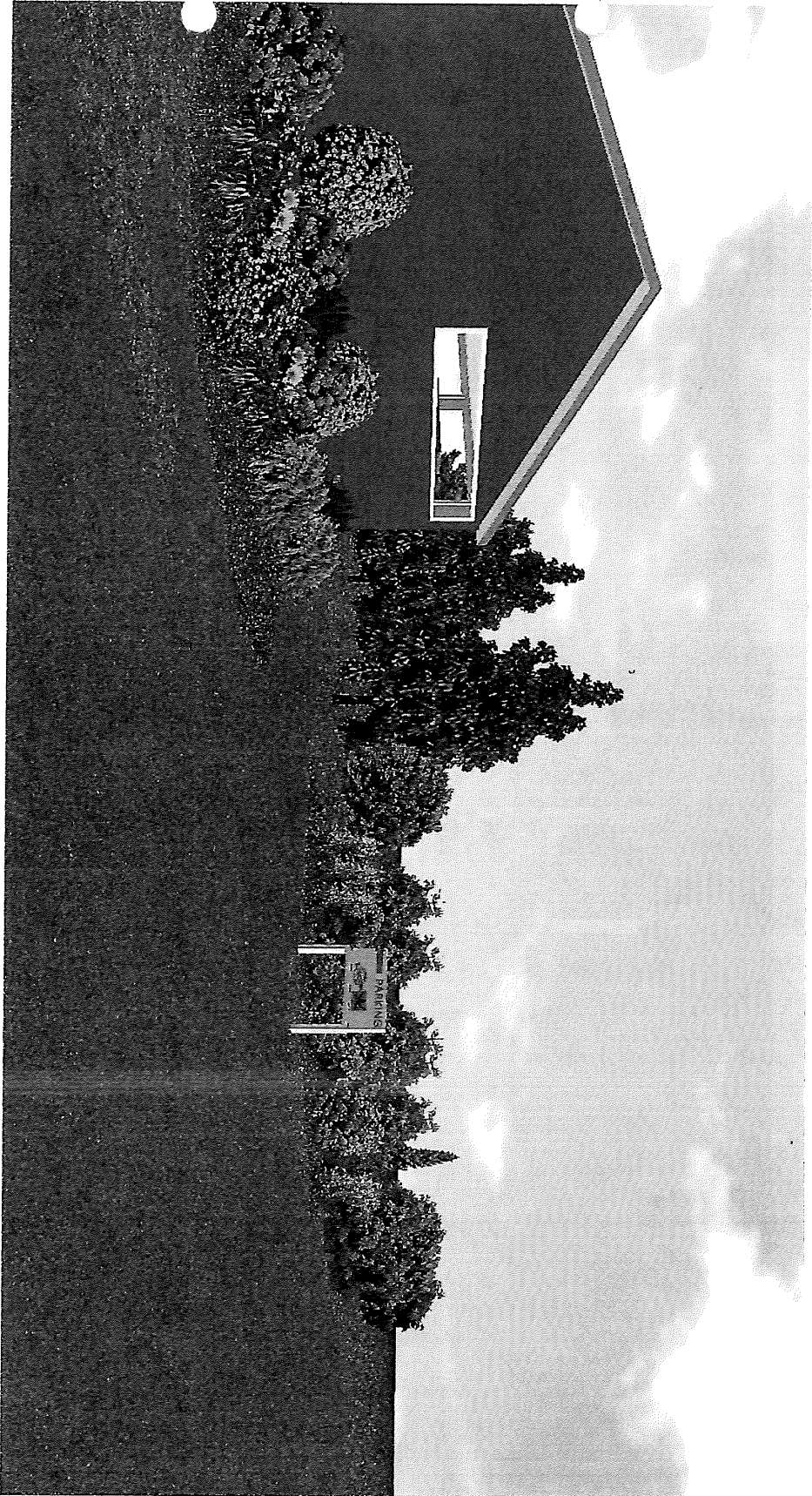
Location Complies with Ucluelet bylaw for Cannabis retail Sales



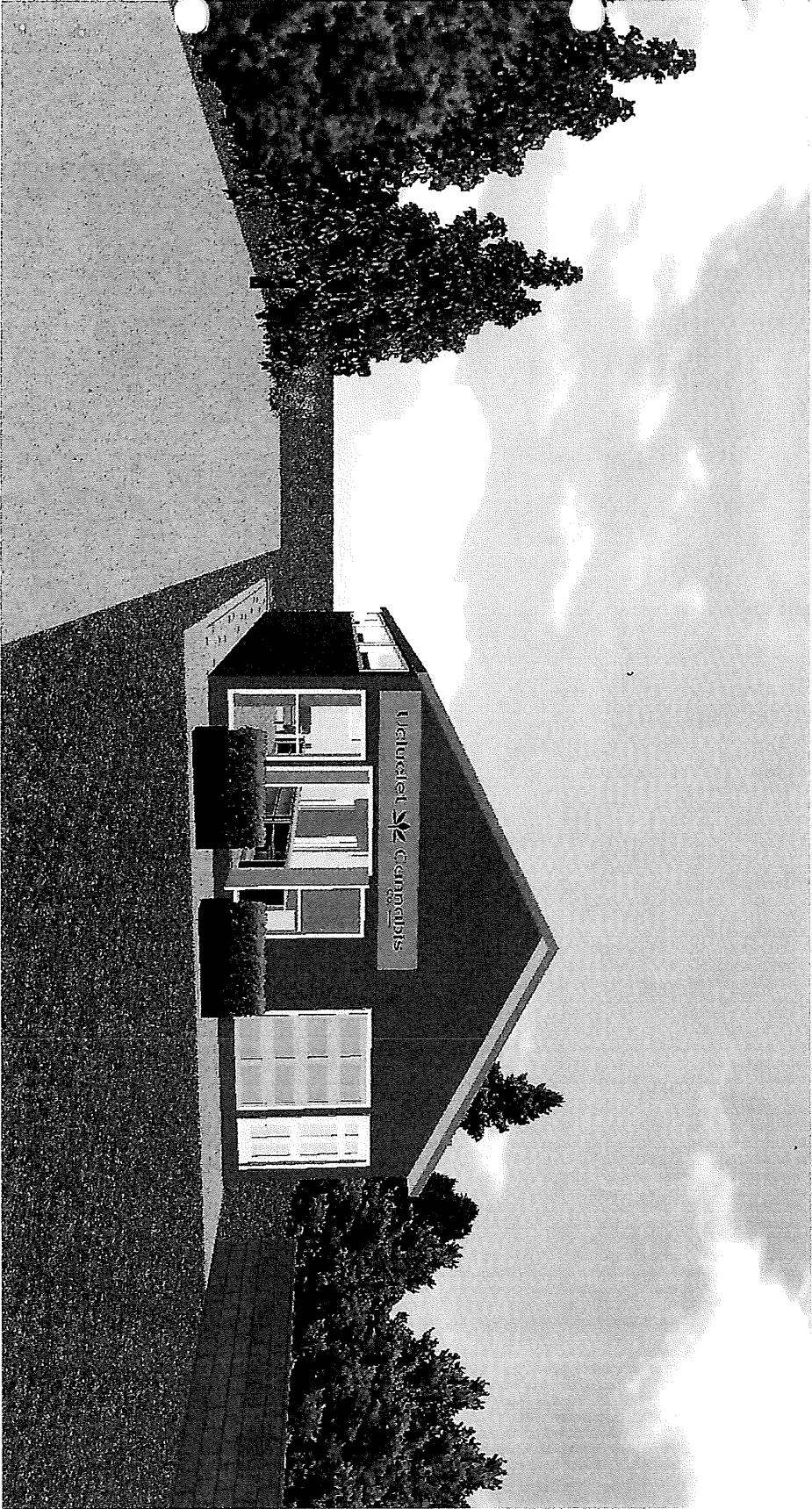
Northwest Facing view on Larch Street



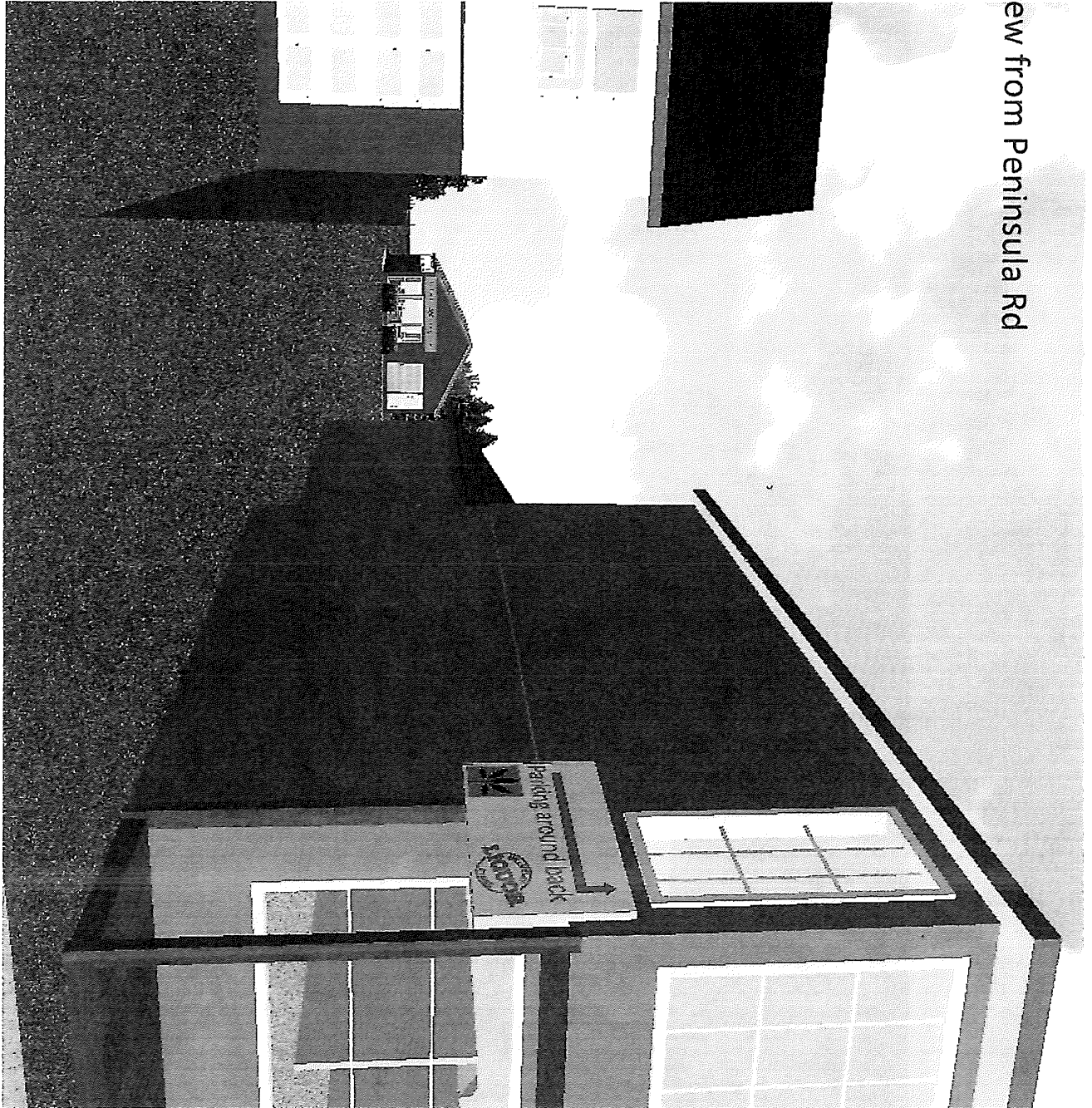
South East Facing view on Larch street



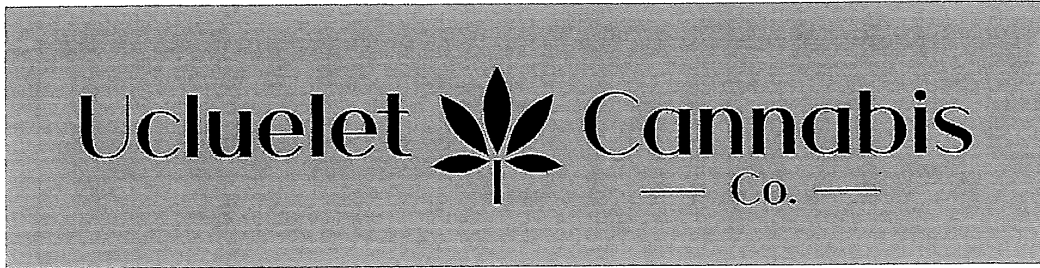
Store Front from Courtyard 1786 Peninsula Rd



View from Peninsula Rd



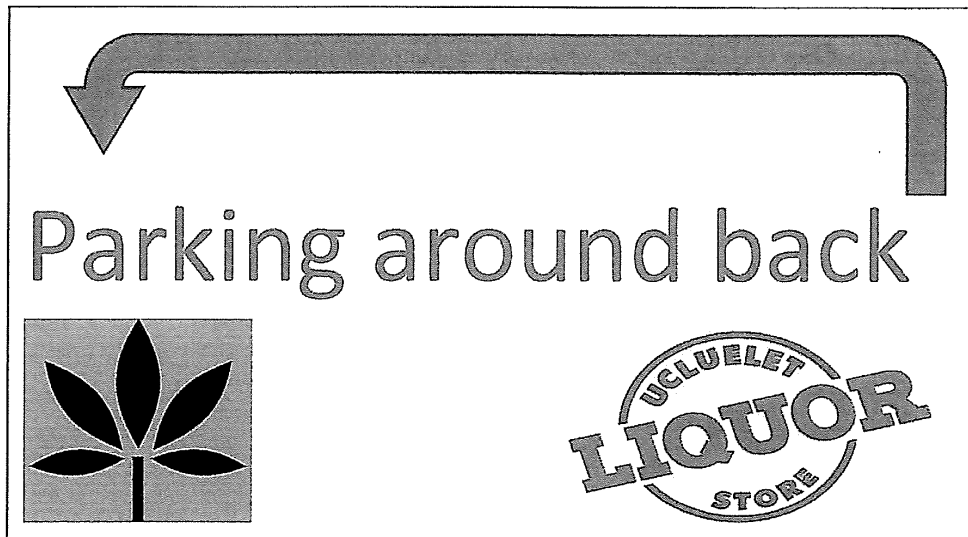
36x 120 in Store front sign



24x48in Parking sign Larch street



36x60 in Parking sign on Southeast side of liquor store building



36x60in Parking sign on northwest side of liquor store building



Dear Mayor and Council,

Date Dec 16th

As a neighbour of 1786 Peninsula Road, I am signing this to show my support for the rezoning application to allow for a Cannabis Retail Store. The applicant has shown me a site plan, a rendering and explained store operations to me.

I, Taylor Morgan agree with the rezoning application.

Address Unit # 1 1784 Bay

Tennant

Owner of Tenant

Signature [Signature]

Dear Mayor and Council,

Date Dec 16/18

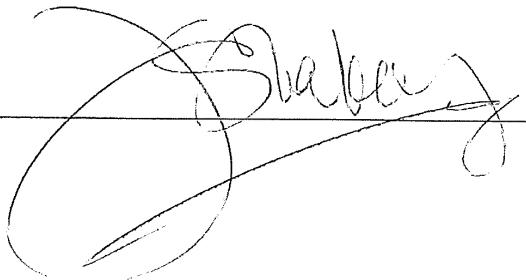
As a neighbour of 1786 Peninsula Road, I am signing this to show my support for the rezoning application to allow for a Cannabis Retail Store. The applicant has shown me a site plan, a rendering and explained store operations to me.

I, JUDY SHELLEY agree with the rezoning application.

Address 876 A
1800 BAY ST
VICTORIA BC

Owner of Tenant

Signature

A large, stylized handwritten signature in black ink, appearing to read 'Judy Shelley', is written over a horizontal line. The signature is highly cursive and loops around the line.

Dear Mayor and Council,

Date 17 DEC/2018

I CRISTINE MARTIN the owner, tenant of
1720 LARCH RD.

a neighbour of 1786 Peninsula Road Ucluelet, have no objections to the rezoning of this property to allow for a non-medical cannabis retail location.

Signature Cristine Martin

Dear Mayor and Council,

Date Dec 17, 2018

I Shawn Mills the owner tenant of
1626 Larch Rd

a neighbour of 1786 Peninsula Road Ucluelet, have no objections to the rezoning of this property to allow for a non-medical cannabis retail location.

Signature 

Dear Mayor and Council,

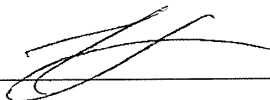
Date Dec 16 2018

As a neighbour of 1786 Peninsula Road, I am signing this to show my support for the rezoning application to allow for a Cannabis Retail Store. The applicant has shown me a site plan, a rendering and explained store operations to me.

I, Tod Henry agree with the rezoning application.

Address 1638 Larch Rd.
Ucluelet

Owner of Tenant

Signature 

Dear Mayor and Council,

Date Dec 16/ 2018

I Jessica Beard the owner (tenant) of
1740 Bay Street

a neighbour of 1786 Peninsula Road Ucluelet, have no objections to the rezoning of this property to allow for a non-medical cannabis retail location.

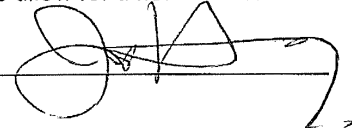
Signature Jessica Beard

Dear Mayor and Council,

Date Dec 16, 2018

I, Jim Harvey the owner tenant of
1766 Bay St Ucluelet

a neighbour of 1786 Peninsula Road Ucluelet, have no objections to the rezoning of this property to allow for a non-medical cannabis retail location.

Signature 

Dear Mayor and Council,

Date Dec 16/2018

I Andrew the owner/tenant of

1723 Bay St #3

a neighbour of 1786 Peninsula Road Ucluelet, have no objections to the rezoning of this property to allow for a non-medical cannabis retail location.

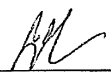
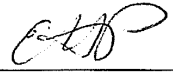
Signature Andrew

Dear Mayor and Council,

Date Dec. 16, 2018

I Jesse Ashwell / Ellen Perkins the owner (tenant) of
1794 Bay St

a neighbour of 1786 Peninsula Road Ucluelet, have no objections to the rezoning of this property to allow for a non-medical cannabis retail location.

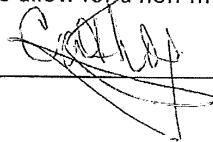
Signature  

Dear Mayor and Council,

Date 16/12/18

I, Cathy Donovan the owner/tenant of
1719 Bay St.

a neighbour of 1786 Peninsula Road Ucluelet, have no objections to the rezoning of this property to allow for a non-medical cannabis retail location.

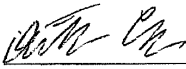
Signature 

Dear Mayor and Council,

Date 16-12-18

I, DIETRICH LECLERC the ~~owner~~ tenant of
1765 BAY ST. TENANT

a neighbour of 1786 Peninsula Road Ucluelet, have no objections to the rezoning of this property to allow for a non-medical cannabis retail location.

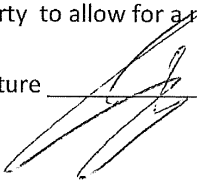
Signature 

Dear Mayor and Council,

Date 16-12-18

I Jason Carls the owner/ tenant of
1722 Bay Street

a neighbour of 1786 Peninsula Road Ucluelet, have no objections to the rezoning of this property to allow for a non-medical cannabis retail location.

Signature 

Dear Mayor and Council,

Date Dec 16/18

I, Darren Dickenson the owner/tenant of
1741 Bray St.

a neighbour of 1786 Peninsula Road Ucluelet, have no objections to the rezoning of this property to allow for a non-medical cannabis retail location.

Signature P. D.

Dear Mayor and Council,

Date Dec 16/18

I Bernadette Heibart the owner/tenant of
1753 Bay St.

a neighbour of 1786 Peninsula Road Ucluelet, have no objections to the rezoning of this property to allow for a non-medical cannabis retail location.

Signature 

Dear Mayor and Council,

Date Dec 16/2018.

I, BELINDA MULVEY the owner/tenant of
1710 HOLLY CRESCENT

a neighbour of 1786 Peninsula Road Ucluelet, have no objections to the rezoning of this property to allow for a non-medical cannabis retail location.

Signature



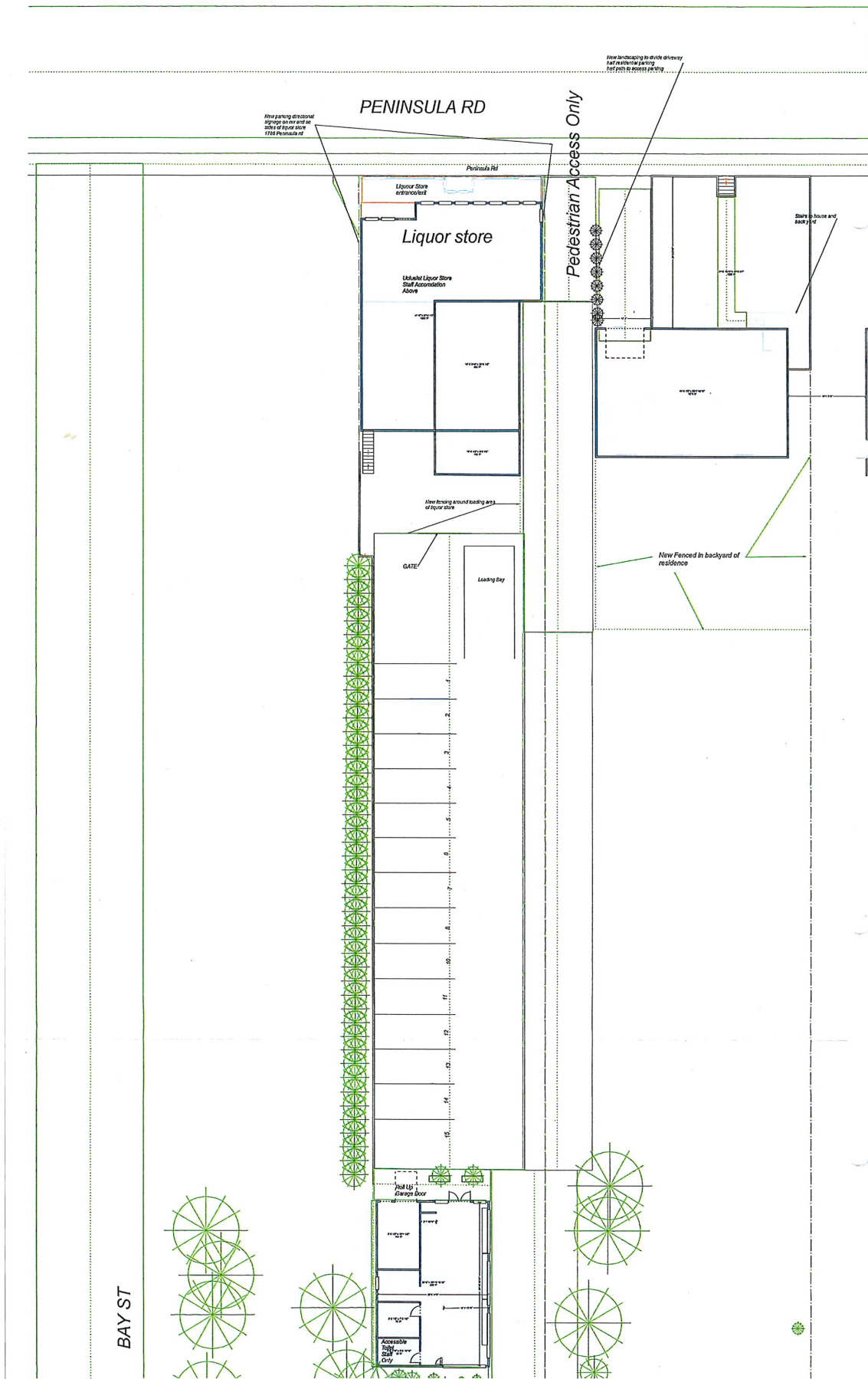
Dear Mayor and Council,

Date DEC 17 2018

I RODNEY GRHAM the owner/tenant of
1776 PENINSULA Rd. UCLUELET B.C.

a neighbour of 1786 Peninsula Road Ucluelet, have no objections to the rezoning of this property to allow for a non-medical cannabis retail location.

Signature RJG





STAFF REPORT TO COUNCIL

Council Meeting: August 13, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1

FILE NO: 3360-20-RZ18-10

SUBJECT: ZONING AMENDMENT FOR CANNABIS SALES AT 1786 PENINSULA ROAD **REPORT NO:** 19-108

ATTACHMENT(S): APPENDIX A – JULY 9, 2019 STAFF REPORT
APPENDIX B – ADDITIONS TO APPLICATION FOR 1786 PENINSULA ROAD
APPENDIX C – BYLAW NO. 1254

RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019, be given First and Second Reading and advanced to a public hearing.

PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No. 1160, 2013, (the “Zoning Bylaw”) to allow *Cannabis Sales* at 1786 Peninsula Road, Lot B, Clayoquot District, Plan VIP49257 (the “Subject Property”).

BACKGROUND:

This application was first presented at a Regular Council Meeting on July 9, 2019 and Council made the following motion:

1. **THAT** Council, with regard to the requested zoning amendment to add *Cannabis Sales* as a permitted use on a portion of the property at 1786 Peninsula Road:
 - a. encourage the applicant to amend their application to utilize a more appropriate location for an active retail store, rather than the Larch Road frontage;
 - b. encourage the applicant to provide detailed plans suitable for a Development Permit to show the resulting form and character of the proposal; and,
 - c. direct staff to prepare a zoning amendment bylaw for further consideration.

Staff have encouraged the applicant to consider relocating the proposed cannabis retail location to the Peninsula Road frontage. The applicant relayed that this proposal is working towards a larger vision of the subject property’s future development.

The Applicant has provided a more refined set of project renderings and a sketch plan of his vision of the property’s future development (see Appendix B). The applicant had also offered to construct a gravel path from the corner of Bay Street and Larch Road to the south end of the applicant’s

properties, and provide a \$10,000 cash amenity contribution toward continuing that path to Matterson Drive.

Staff have prepared the attached draft Bylaw No. 1254, which would allow for *Cannabis Sales* on the Subject Property. The bylaw amendment would also define a maximum floor area of 93 square metres (1,000 sq.ft.) for the *Cannabis Sales* use on this or any other property which succeeds in rezoning to permit this use.

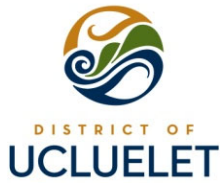
OPTIONS REVIEW:

Staff recommend that District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019, be given First and Second Reading and advanced to a public hearing. Alternatively, Council could direct the following:

2. **THAT** Council reject the application; **or**
3. **THAT** Council provide alternative direction to Staff and/or the applicant.

Respectfully submitted: John Towgood, Planner 1
Bruce Greig, Manager of Planning
Mark Boysen, Chief Administrative Officer

APPENDIX A



STAFF REPORT TO COUNCIL

Council Meeting: July 9, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1

FILE NO: 3360-20-RZ18-10

SUBJECT: ZONING AMENDMENT FOR CANNABIS SALES AT 1786 PENINSULA ROAD

REPORT NO: 19-93

ATTACHMENT(S): APPENDIX A – APPLICATION FOR 1786 PENINSULA ROAD

RECOMMENDATION:

1. **THAT** Council, with regard to the requested zoning amendment to add *Cannabis Sales* as a permitted use on a portion of the property at 1786 Peninsula Road:
 - a. encourage the applicant to amend their application to utilize a more appropriate location for an active retail store, rather than the Larch Road frontage;
 - b. encourage the applicant to provide detailed plans suitable for a Development Permit to show the resulting form and character of the proposal; and,
 - c. direct staff to prepare a zoning amendment bylaw for further consideration.

PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No. 1160, 2013, (the “Zoning Bylaw”) to allow *Cannabis Sales* at 1786 Peninsula Road, Lot B, Plan VIP49257, Clayoquot District: (the “Subject Property” see Figure 1).



Figure 1 – Subject Property

BACKGROUND:

This application for *Cannabis Sales* was received March 27, 2019. For more general information on Cannabis Sales and associated legislation please see the preceding general report in this agenda.

DISCUSSION:

This application for a zoning amendment to permit *Cannabis Sales* is for an existing storage building located on the Larch Road frontage of the property at 1786 Peninsula (Figure 2).



Figure 2 – Proposed Building for Cannabis Sales

This property contains two existing buildings. One is the cold beer and wine store fronting Peninsula Road with a residence above and the other, the subject building, is an old garage/storage structure. This structure was built in 1974 as a garage under building permit U74-40 and it is currently in a somewhat rundown state - and is currently used for storage.

Zoning

The subject property is currently zoned CS-2 and this zone has a variety of possible commercial uses with *Retail* being the closest use to *Cannabis Sales*. The *Cannabis Sales* is defined in the Zoning Bylaw as follows:

“Cannabis Sales” means the retail or wholesale sale of cannabis, and includes an operation which provides referrals or facilitates access to cannabis not physically sold on the premises, but does not include:

- a) sales of cannabis by a British Columbia Registered Pharmacist in a British Columbia regulated Pharmacy; or

b) authorized distribution by a Licenced Producer under Part 1 of the ACMPR by means other than retail sale.

Location

The subject building is located in a low-key location fronting Larch Road, one property east of Bay Street. Larch Road currently divides two distinctly different types of uses, Commercial and Residential as defined by Ucluelet's Zoning Bylaw and the 2011 Official Community Plan (OCP).

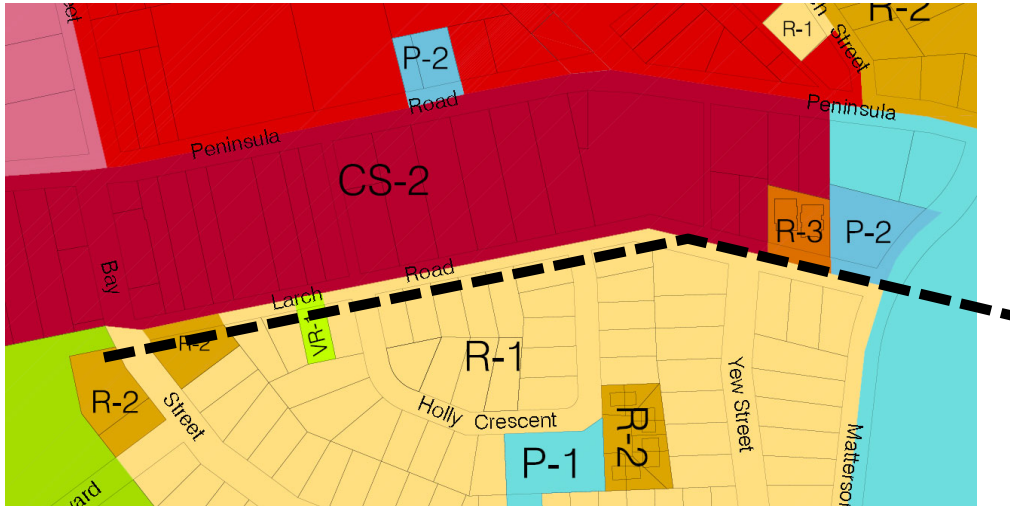


Figure 3 -The Zoning Map

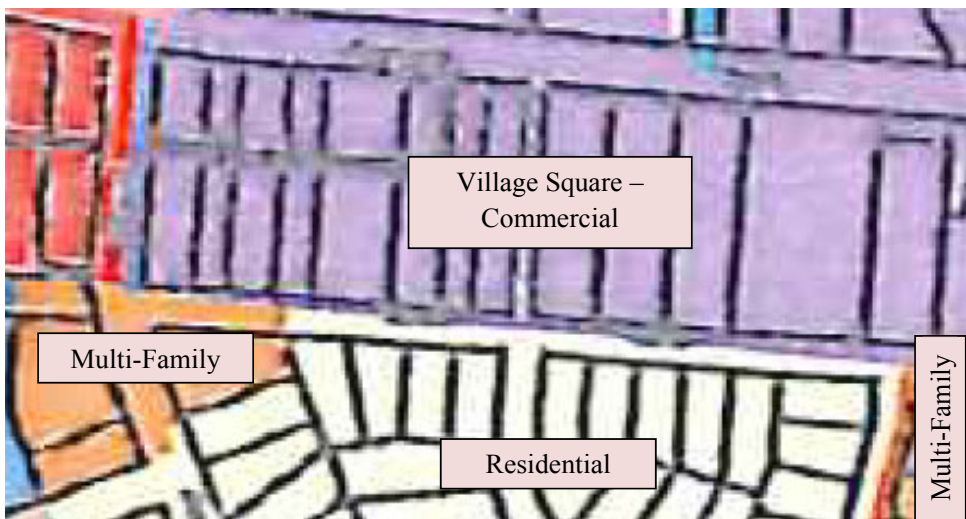


Figure 4 – OCP (Bylaw 1140) Land Use Plan

These bylaws would support intense commercial uses such as the proposed retail *Cannabis Sales* in the proposed location. Planning Staff have reviewed this policy and have proposed a different

approach to the area in the Draft OCP (*District of Ucluelet Official Community Plan Bylaw No. 1236, 2018*) which is currently at first reading.

Because of the strikingly different uses across the road from each other, a use such a Multi-Family would be more appropriate and a better transition than the more intense commercial use currently contemplated. The draft land use plan indicates that the long rectangular lots which front both Peninsula Road and Larch Road should be split zoned with the Larch Frontage area moving to a Multi-Family use over time (Figure 5).

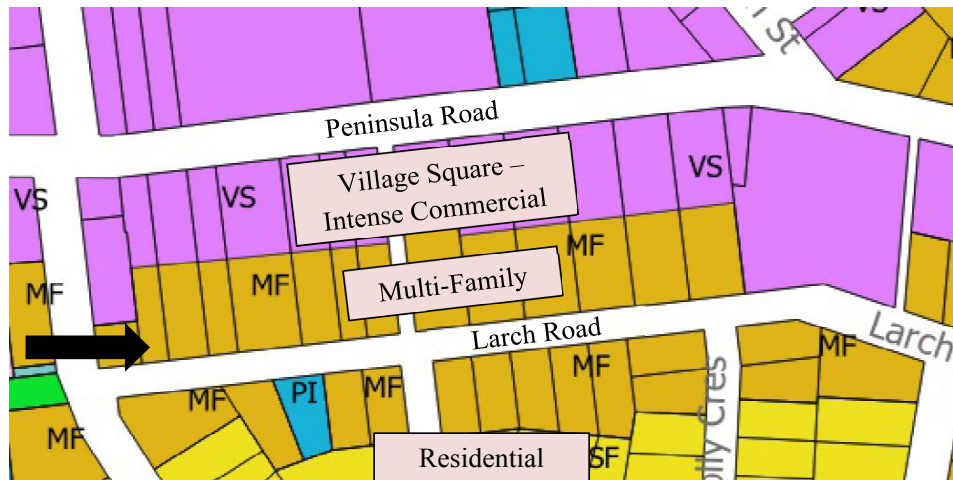


Figure 5 - The Draft OCP Proposed Land Use Plan

Because the Draft OCP Bylaw has reached first reading Council can hold this rezoning application until the new OCP is adopted, or it can consider this policy for the current rezoning application.

The following chart lists the minimum distances from the locations specified in the April 24, 2018 Council report:

School grounds (Min 300m)	600m
Public playground Holly Crescent (Min 300m)	288m
Licensed daycare facilities (Min 300m)	none in the area
Ucluelet Community Centre (Min 300m)	700m
Ucluelet Aquarium (Min 300m)	600m
Municipal Hall (Min 300m)	560m
Tugwell Sports Fields (Min 150m)	970m

It should be noted that these minimum distances are not legislated distances and Council can weigh the relative importance of these distances against the merits of each application.

Liquor and Cannabis Regulation Branch Approval

This applicant's provincial application to become a licensed cannabis retailer has received preliminary approval by the LCRB at the time of the writing of this report.

Form and Character

The proposed building is in a very poor state of repair and it has only been approved as a garage. Since the proposed *Cannabis Sales* use is a "change of use", the building will need be brought up to the standard of the current building code under a building permit. From a review of the exterior of the building and from the drawings on file, staff consider that the building will need to be substantially rebuilt. The rebuilding will form part of a Development Permit and that applicant will require full Development Permit drawing package describing the rebuilding of the building and landscaping prior to a public hearing, if the proposal is to progress to that stage. Staff note that building views, signage and floor plans have already been provided; a more detailed site plan would be appropriate.

Parking and Pedestrian Access

Parking is to be accessed off Larch behind the proposed building. There is currently a single gravel lane accessing the property and the parking area has a gravel base. To allow for a two-lane access, the applicant will need to widen and pave the access. Widening of the access will encroach into the neighboring lot. The applicant owns the neighboring lot and has stated that he will register an easement for that access and that the easement would be in place before adoption of the requested rezoning amendment (Figure 6).

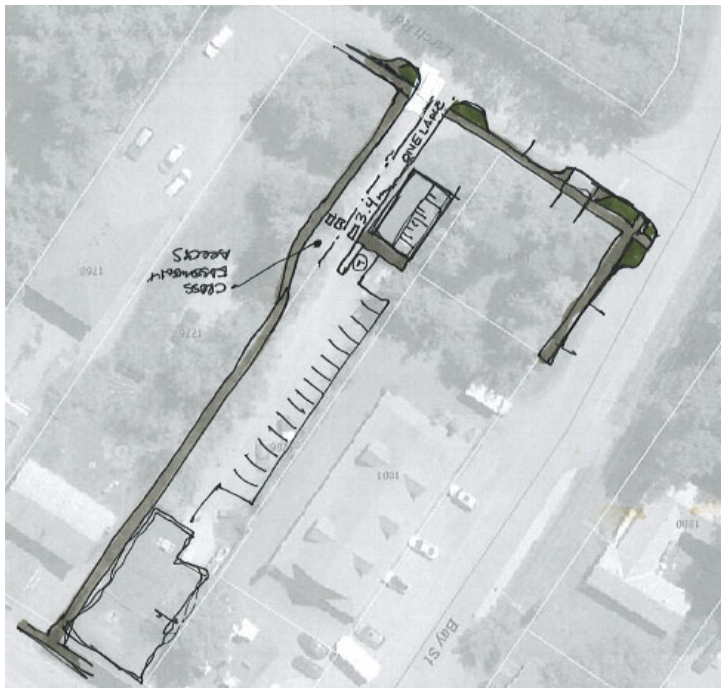


Figure 6 –Parking for Subject Property

Pedestrian access will be off of Peninsula Road and the applicant has indicated that they will create a gravel path as indicated in the sketch above. The applicant has also offered to create a gravel path across the Larch Road frontages of his properties. This work will be required to be professionally

designed, estimated, and financially secured before the potential adoption of the requested zoning amendment. Based on the detailed design and cost estimate, the applicant should confirm their commitment to providing these new works on the public road right-of-way.

LANDSCAPING:

The applicant is proposing to fully landscape the Larch Road frontage. This landscaping will need to be fully designed, estimated and reviewed prior to the public hearing.

MITIGATE THE IMPACT TO THE NEW USE:

The landscaping, the rebuilding of the building with new materials consistent with the OCP's Development Permit guidelines and the paving of the vehicle access should help mitigate the new proposed use.

NET PUBLIC BENEFIT:

The proposed street improvements represent a minor public benefit.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Should the application proceed, staff time will be required to process this Zoning Bylaw amendment and associated permits, including giving notice of a Public Hearing.

FINANCIAL IMPACTS:

There are no direct financial implications to the District.

POLICY OR LEGISLATIVE IMPACTS:

The addition of Cannabis Sales to a commercial zoning would not require an Official Community Plan amendment as Cannabis Sales is considered consistent with the current designation of the property for commercial use. A Development Permit will need to be submitted for review and potential approval could be issued at the time of bylaw adoption, if the application proceeds to that point.

SUMMARY:

The applicant is an established and supportive member of our business community and has run multiple business in town successfully, and to the benefit of the community. That being said, the location may not be appropriate for the intensity of retail traffic (foot and vehicle) that would be expected to occur with *Cannabis Sales*. As the applicant has obtained initial approval from the LCRB the applicant is encouraged to look for a more appropriate location, fronting a street sharing existing commercial uses.

OPTIONS REVIEW:

Staff recommend that the proponent be encouraged to amend their application to utilize a more appropriate location, and on that basis proceed to preparation of a zoning amendment bylaw. Alternatively, Council could direct the following:

2. **THAT** Council direct staff to prepare a bylaw for further consideration for the requested zoning amendment to add *Cannabis Sales* as a permitted use on a portion of the property at 1786 Peninsula Road, and encourage the applicant to provide detailed plans suitable for a Development Permit, prior to scheduling a public hearing, to show the resulting form and character of the proposal.
3. **THAT** Council give notice of its intent to consider issuing a Temporary Use Permit for *Cannabis Sales* on the property at 1786 Peninsula Road at this time, and reserve consideration of a zoning amendment bylaw to a future date once the use has an established track record in this location.
4. **THAT** Council reject the application.
5. **THAT** Council provide alternative direction to Staff and/or the applicant.

Respectfully submitted: John Towgood, Planner 1
 Bruce Greig, Manager of Planning
 Mark Boysen, Chief Administrative Officer

APPENDIX B

July 30th, 2019

Dear Mayor and Council,

In advance of the August 13th council meeting in Ucluelet, we have updated our renderings to help answer any questions about our cannabis application and store site.

As you were informed in the package presented on July 9th, 2019, so far in this process –

- We are the only applicant to have secured approval from the provincial government to operate a cannabis store in Ucluelet.
- We have been responsibly selling government-controlled alcohol since 2006 and our cannabis store focus will continue to be to educate the consumer.
- We have canvassed the neighbourhood and gathered signatures of support from both residents within 100 metres of the proposed store, as well as signatures from residents of Ucluelet.
- We met with the RCMP to discuss our location and security measures.
- We are the only cannabis retail applicant in Canada who has secured approval from the CIBC for a retail cannabis bank account.
- This property has CS2 zoning, it is very narrow, and it will always need loading access from Larch Rd, limiting opportunity for strictly multi-family.

We have attached updated colour renderings to this package to show the property and its surroundings more clearly. They show –

- Our proposed improvements to the building - keeping it 'low key' commercial.
- Our proposed improvements to the property, landscaping and footpaths.
- The removal of windows from the original building plans.
- A new footpath on Larch Street, from Bay Street to the end of the properties.
- Our vision of the future of the properties as a commercial hub for Ucluelet entrepreneurs.

Regards,



Andrew Hanson

July 30th, 2019

Dear Mayor and Council,

In addition to building and landscaping improvements at 1786 and 1776 Peninsula Rd, we would like to assist in the expansion of the sidewalk, continuing from our property to the Ucluelet CO-OP and beyond. We would like to contribute \$10,000 towards this project.

We believe this sidewalk will be a social benefit for the neighbourhood and community.

Regards,

A handwritten signature in black ink, appearing to read "Andrew Hanson", written over a light blue horizontal line.

Andrew Hanson

Store Front View



Store Front from Peninsula Rd View



Larch Rd Aerial View

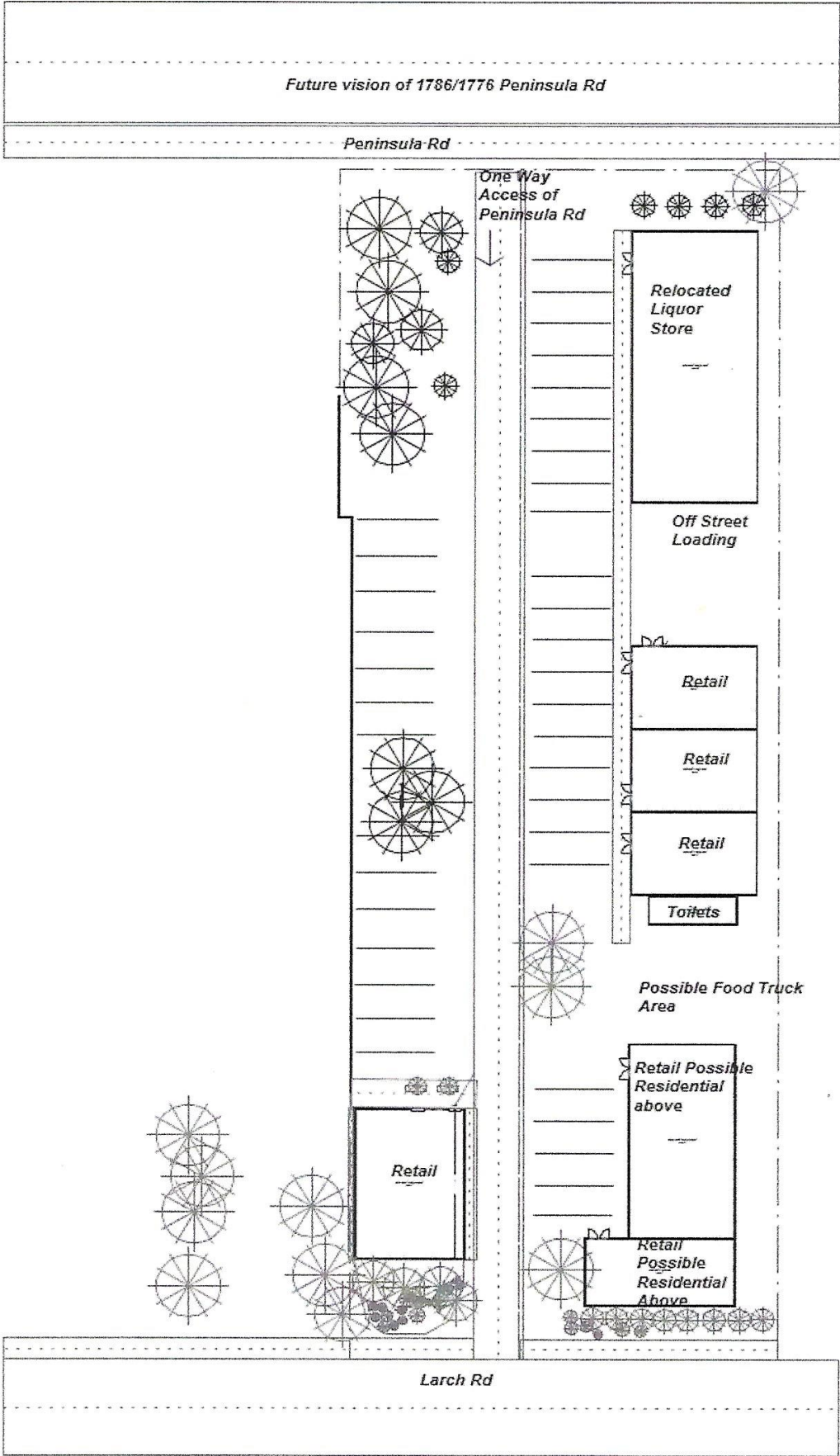


Larch Rd Aerial View



Larch Rd Street View





APPENDIX C

DISTRICT OF UCLUELET

Zoning Amendment Bylaw No. 1254, 2019

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsections in alphanumeric order:

a.) to Section CS-2.1 Permitted Uses:

"CS-2.1.3 In addition to the permitted uses under CS-2.1.1, *Cannabis Retail* is also permitted as a principal use on the following properties:

(1) PID: 014-935-368: Lot B, District Lot 282, Clayoquot District, Plan VIP49257 [1786 Peninsula Road]."

b.) to Section CS-2.4 Maximum Size (Gross Floor Area), under subsection CS-2.4.1 Principal Building:

"(3) Cannabis Retail 93m² (1,000ft²)"

2. This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019".

READ A FIRST TIME this day of , 2019.

READ A SECOND TIME this day of , 2019.

PUBLIC HEARING this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Mark Boysen
Corporate Officer



DISTRICT OF UCLUELET

Excerpts from the August 13, 2019 Regular Council Meeting

13.5 Zoning Amendment for Cannabis Sales at 1786 Peninsula Road *John Towgood, Planner 1*

Bruce Greig, Manager of Community Planning, presented this report. Highlights included:

- The site plans show that the store front will face away from Larch Road and the applicant plans to build a pathway through the property that links Larch Road and Peninsula Road.
- The long term plan is to develop a plaza on the property. The draft bylaw, if adopted, would cap the size of the store at 1,000 square feet.

Council questions and comments:

- Councillor Cole noted that she has many concerns about the health issues associated with retail cannabis in Ucluelet but will vote in favour of the recommended motion in order to receive community input at the public hearing.
- Noted that the report clarifies the long-term intentions of the applicant.

It was moved by Councillor McEwen and seconded by Councillor Hoar THAT

Council approve recommendation 1 of the report item, "Zoning Amendment for Cannabis Sales at 1786 Peninsula Road" which states:

1. *THAT District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019, be given First and Second Reading and advanced to a public hearing.*

CARRIED.



DISTRICT OF UCLUELET

Excerpts from the July 9, 2019 Regular Council Meeting

12.6 Zoning Amendment for Cannabis Sales at 1786 Peninsula Road *John Towgood, Planner 1*

- Late items received by Council:
 - a. Replace page 231 of the Agenda, which forms part of Appendix A to report No. 19-93, with the following:
 - o 2018-11-02 Fiona Goudy
 - b. 2019-07-09 Andrew Hanson Correspondence

Bruce Greig, Manager of Community Planning, presented this report. Highlights included:

- Corrected figure 2, and explained that the box labelled subject property should be over property 1786 not 1728.
- Noted that the subject property has Larch Road and Peninsula Road frontage.
- Noted that the proposed retail site is in need of repair.
- Noted that the proposed retail site is located on Larch Road which is in need of improvements.
- Noted that the draft OCP, which is at first reading, recommends transitioning properties along Larch Road., to Multi-Family Residential.
- Noted that the owner plans to redevelop the entire property.
- Noted that the key question for Council to consider is whether Larch Road is the best place for an active retail location?

Council questions and comments:

- Noted that vulnerable populations reside near the site at the West Coast Resource Society house and Forest Glenn retirement community.
- Noted the applicant has received preliminary approval from the Liquor and Cannabis Regulation Branch.
- Noted that this is the only applicant who has received letters of support.
- Acknowledged Staff's reservations about the Larch Road location.
- Noted that the Larch Road entrance will continue to be used for offloading

regardless of the success of this rezoning application.

Mr. Henry, the Applicant's representative, directed Council to the drawings of the property on pages 246 - 249 of the Agenda package and noted that the Applicant has experience retailing a controlled substance (alcohol).

It was moved by Councillor McEwen and seconded by Councillor Kemps

THAT Council approve recommendation 1 of the report item, "Zoning Amendment for Cannabis Sales at 1786 Peninsula Road" which states:

1. THAT Council, with regard to the requested zoning amendment to add Cannabis Sales as a permitted use on a portion of the property at 1786 Peninsula Road:

a. encourage the applicant to amend their application to utilize a more appropriate location for an active retail store, rather than the Larch Road frontage;

b. encourage the applicant to provide detailed plans suitable for a Development Permit to show the resulting form and character of the proposal; and,

c. direct staff to prepare a zoning amendment bylaw for further consideration.

CARRIED.

Joseph Rotenberg

From: John Towgood
Sent: August 30, 2019 4:43 PM
To: Bruce Greig; Joseph Rotenberg
Subject: FW: Cannabis Retail Sales

JOHN TOWGOOD
Planner1 | District of Ucluelet
jtowgood@ucluelet.ca | 250.726.4770

-----Original Message-----

From: [REDACTED]
Sent: August-30-19 4:34 PM
To: John Towgood <JTowgood@ucluelet.ca>
Subject: Cannabis Retail Sales

I hope the District of Ucluelet will approve the two applications for retail cannabis sales venues that are pending. I have lived in Ucluelet for 29 years and I know that cannabis use has been going on here for many decades, as in 'for ever'! It is finally a legal activity for adults, and we need our community to let people buy it legally here. Whether a local or a visitor is the customer, we should get in step with the times, and have it available. The result if the permits are denied will be to force people to go elsewhere to buy cannabis, the travelling for which will be an inconvenience, and also, we will lose the spin-off business that accompanies cannabis use. All those users get 'the munchies' and will buy their snacks in other stores, not ours. Cannabis users are usually a happy and relaxed crowd, who cause way less trouble than drinkers of alcohol. I see no problems resulting from letting cannabis be sold here.

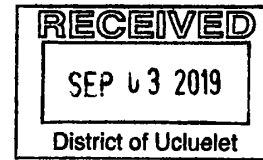
Laurie Crozier

September 3, 2019

District of Ucluelet

Planning Department

Zoning Amendment for Retail Store Cannabis Sales & Future Business
Development at 1786 Peninsula Road



As Owners of 1801 Bay Street Ucluelet and direct neighbor to the proposed Cannabis retail & future business development proposal **we request an official survey of the shared property line prior to the development**, as the cement foundation of the old shed is located very close to our property line & under the proper building regulation.

We would also **require that a proper fence be built to separate our properties**, for noise control & to stop people from crossing over as short cut or to use our Larch Road private parking lot,

we hope to hear from you, thank you

A handwritten signature in black ink, appearing to read "Bruce Schmaltz".

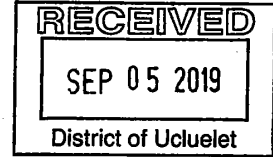
Bruce Schmaltz

307266 Alberta LTD



Sept 4, 2019

To: District of Ucluelet Planning Department,
Mayor & Council



Re: proposed zoning amendment to property at 1786 Peninsula Rd.

I live at the [REDACTED] Larch Rd, located directly across the street from 1786 Peninsula Rd. My concern regarding this re-zoning application is that the increased commercial density will likely result in increased traffic to the location. This area is currently a residential area and is a thoroughfare for pedestrian traffic, especially school-aged children on bikes and on foot and seniors. I have witnessed multiple semi trailer deliveries daily to this location, blocking local traffic flow as these delivery drivers reverse and go forward numerous times attempting to back into the narrow space the owner has provided. Mr Hanson has indicated he is willing to provide financial support to install a sidewalk that will unfortunately further impede pedestrian safety at this location with semi trailers backing over the sidewalk. Having lived here for a few years now I have seen the increase in traffic flow and foot traffic in this area and I fully agree with the planning departments new proposed Official Community Plan that encourages any new development fronting Larch Rd to be multi-family developments.

Thank-you for the opportunity to provide input on this application proposal.

A handwritten signature in black ink, appearing to read "Romona Sertic". The signature is fluid and cursive.

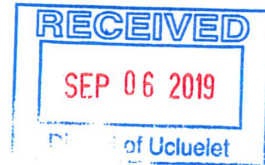
Romona Sertic

To the District of Ucluelets Planning Department

I have recently moved from the southern Island to enjoy a peaceful retirement. I have purchased residential property and so far enjoying Ucluelet. I do not agree with the proposal of placing commercial buildings across from my home as it will increase noise and more traffic which will make it difficult for seniors to travel up and down the street as the seniors centre is nearby. Also it will be dangerous for the children coming and going to school. There isn't any sidewalks for safety.

Please consider my letter.
Thankyou

Sharann Crabbe
[REDACTED] Larch RD.
[REDACTED]



September 5, 2019

To the District of Ucluelet:

Regarding the notice of public hearing for the zoning of 1786 Peninsula Rd., my husband and I would like to comment. Specifically, we are not opposed to the business, per se. Rather, we are opposed to the inevitable increase in automobile activity.

We live at [REDACTED] Larch Road. Larch Road is a primary connector for children riding and walking to and from school, pedestrians walking their dogs and seniors. Seniors on foot, with walkers and driving in scooters are frequently passing by. All day long, we see pedestrians passing by our house.

There are no walkways on Larch Road. We think it would increase the level of danger to allow an entrance to this property on Larch Road. It seems appropriate that a commercial enterprise should have access from Peninsula Road only.

Thank you for your consideration.

Warm regards,

A handwritten signature in black ink that reads "Cristine Martin". The signature is written in a cursive style and is positioned above a horizontal line.

Cristine Martin

A handwritten signature in black ink that reads "Pete Ashbee". The signature is written in a cursive style and is positioned above a horizontal line.

Pete Ashbee

DISTRICT OF UCLUELET
Zoning Amendment Bylaw No. 1255, 2019

A bylaw to amend the “District of Ucluelet Zoning Bylaw No. 1160, 2013”.

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows;

1. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection in alphanumerical order:

a.) under Section CS-2.1 Permitted Uses at the end of subsection CS-2.1.3 listing properties where *Cannabis Retail* is also a permitted principal use:

“(2) PID: 000-410-144: Lot 1, District Lot 284, Clayoquot District, Plan VIP7983 [1972 Peninsula Road].”

2. This bylaw may be cited as “District of Ucluelet Zoning Amendment Bylaw No. 1255, 2019”.

READ A FIRST TIME this 13th day of August, 2019.

READ A SECOND TIME this 13th day of August, 2019.

PUBLIC HEARING this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1255, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Mark Boysen
Corporate Officer



STAFF REPORT TO COUNCIL

Council Meeting: July 9, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1

FILE NO: 3360-20-RZ18-05

SUBJECT: ZONING AMENDMENT FOR CANNABIS SALES AT 1972 PENINSULA ROAD

REPORT NO: 19-92

ATTACHMENT(S): APPENDIX A – APPLICATION FOR 1972 Peninsula Road

RECOMMENDATION:

1. **THAT** Council, with regard to the requested zoning amendment to add *Cannabis Sales* as a permitted use on a portion of the property at 1972 Peninsula Road:
 - a. direct Staff to prepare a zoning amendment bylaw for further consideration;
 - b. indicate to the applicant that the following should be submitted before a public hearing would be scheduled for the bylaw:
 - i. an application for a Development Variance Permit to reduce the number of on-site parking spaces, in conjunction with improvements to create safer on-street parking on the Peninsula Road and Norah Street frontages;
 - ii. detailed plans and application for a Development Permit for the form and character of changes to the front of the property; and,
 - iii. written confirmation of the applicant’s commitment to funding new curb, gutter, sidewalk and landscaped boulevard works to improve pedestrian safety along the length of the property frontage.
2. **THAT** Council indicate that final adoption of a zoning amendment bylaw to authorize Cannabis Sales would be subject to receiving confirmation that the proponent has received licensing approval from the provincial Liquor and Cannabis Regulation Branch.

PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No. 1160, 2013, (the “Zoning Bylaw”) to allow *Cannabis Sales* at 1972 Peninsula Road, Lot 1, Plan VIP7983, Clayoquot District (the “Subject Property” – see Figure 1).

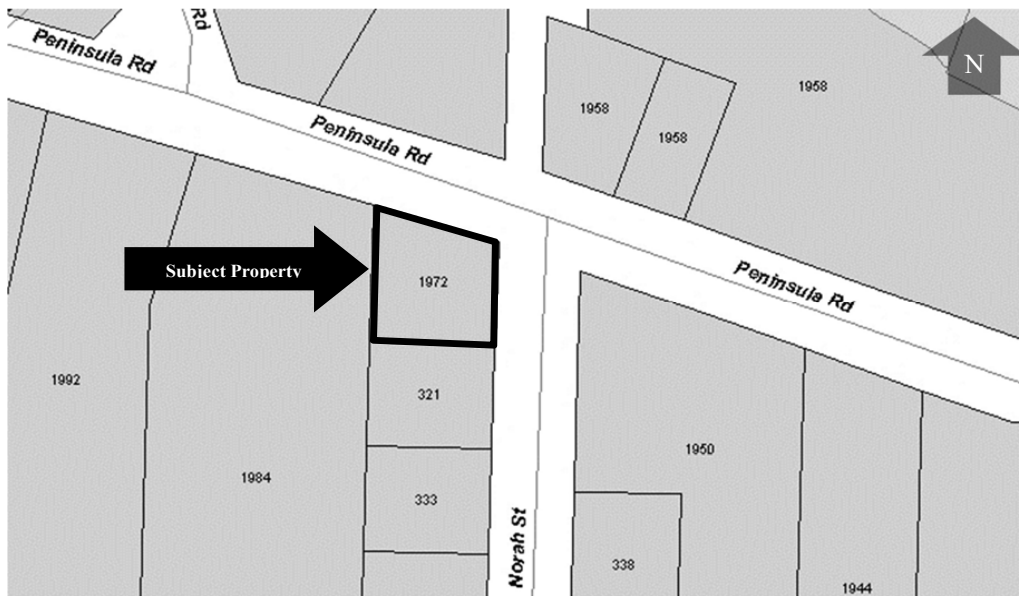


Figure 1 – Subject Property

BACKGROUND:

This application for *Cannabis Sales* was received September 10, 2018. For more general information on Cannabis Sales and associated legislation please see the preceding general report in this agenda.

DISCUSSION:

This application is for the middle unit of the existing commercial building located at 1972 Peninsula (Figure 2).



Figure 2 – Proposed area of Cannabis Sales

The existing building was historically known as the Number One Market. In 2014 the current owner gave the building an extensive exterior upgrade and the interior area of the old market space was divided into two lease spaces. The proposed Cannabis Sales space is the middle unit and was most recently leased out to Snuggle Bunnies clothing store. This unit is currently leased to the applicant in anticipation of opening the proposed cannabis retail store. The two remaining spaces are leased out as Abbondanza Pizza to the east and Vancouver Island Hydroponics to the west.

Zoning

The subject property is currently zoned CS-2 and this zone has a variety of possible commercial uses with *Retail* being the closest use to *Cannabis Sales*. The Cannabis Sales is defined in the Zoning Bylaw as follows:

“Cannabis Sales” means the retail or wholesale sale of cannabis, and includes an operation which provides referrals or facilitates access to cannabis not physically sold on the premises, but does not include:

- a) sales of cannabis by a British Columbia Registered Pharmacist in a British Columbia regulated Pharmacy; or*
- b) authorized distribution by a Licenced Producer under Part 1 of the ACMPR by means other than retail sale.*

Location

The subject property is located at Peninsula Road and Norah Road. The following chart lists the minimum distances from the locations discussed by Council at its April 24, 2018, meeting:

School grounds (Min 300m)	1100m
Public playground on the corner of Cynamocha/Norah (Min 300m)	300m
Licensed daycare facilities (Min 300m)	none in the area
Ucluelet Community Centre (Min 300m)	1140m
Ucluelet Aquarium (Min 300m)	998m
Municipal Hall (Min 300m)	960m
Tugwell Sports Fields (Min 150m)	350m

It should be noted that these minimum distances are not legislated distances, and Council can weigh the relative importance of these distances against the merits of each application.

Liquor and Cannabis Regulation Branch Approval

This proposal has not been approved by the Liquor and Cannabis Regulation Branch (LCRB) at the time of the writing of this report. Staff recommend that final adoption of any rezoning bylaw for Cannabis Sales be subject to receiving confirmation of licensing approval from the LCRB.

Form and Character

The building at 1972 Peninsula Road is an established commercial building with a recent renovation that was approved through a development permit. The building is in good condition with materials consistent with the Peninsula Road development permit guidelines for Area No. 7 Peninsula Road. The signage locations have already been established in aluminum frames set into the building’s façade for each unit. Although the site is in a highly visible location, the building is

established with quality materials and the Province has rigorous advertising conditions limiting the signage on the store façade. The removal of the existing parking from the front of the building will result in changes to the front entrance area; detailed plans of hard and soft landscaping should be submitted prior to further consideration including community input at a public hearing.

Parking

Parking is the biggest challenge with this proposal, as the property has no onsite parking - other than a small loading area off Norah Street. Because this is a rezoning for a potentially more intensive use, Council should consider appropriate upgrades to the parking and streetscape frontage. The existing building has historically utilized semi-onsite perpendicular parking accessed from both Peninsula Road and Norah Street (Figure 3).



Figure 3 – Existing parking for Subject Property

This type of parking requires reversing straight out into traffic; a situation which is dangerous for pedestrians, the driver and traffic on Peninsula Road and Norah Street. This type of parking should be eliminated whenever possible - no rezoning or variance request should be considered until a better street parking scenario is presented. A traffic consultant hired by the District has produced concept-level draft drawings of street improvements for Peninsula Road to explore pedestrian and safety improvements (Figure 4).

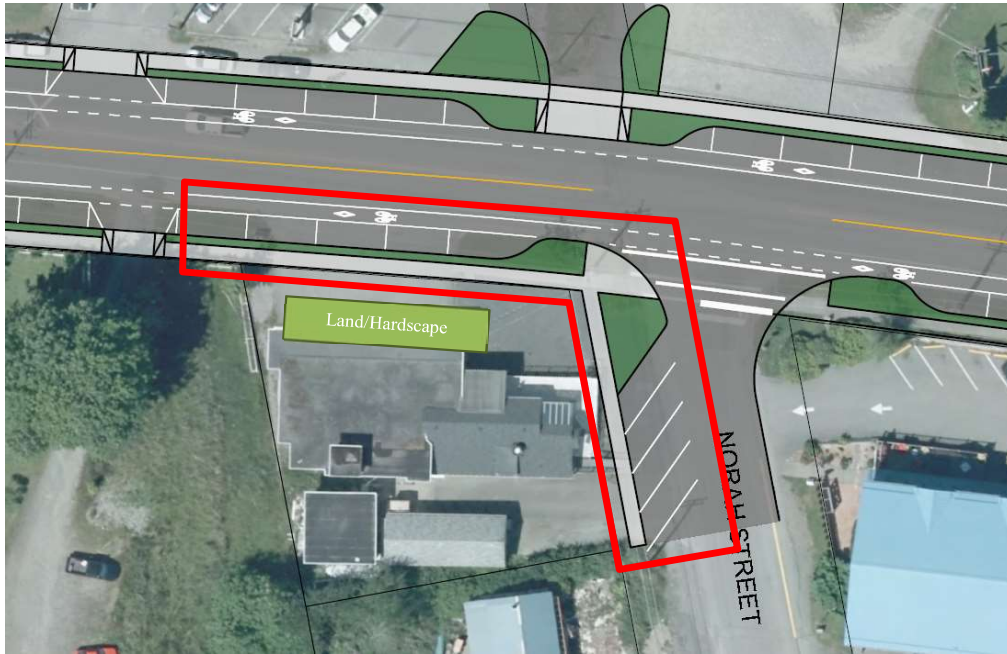


Figure 4 – Draft Street Improvements

The applicant has agreed in principle to make the improvements indicated above inside the bordered area. A class ‘D’ cost estimate by the traffic engineer for the portion of works fronting the property is \$23,500. Staff suggest that the applicant be requested to confirm their commitment in writing for either constructing at their cost or providing a cash contribution for these works. If constructed by the applicant, the engineering and construction would be to the District’s standards and subject to bonding and acceptance by the District and Ministry of Transportation and Infrastructure (MoTI). If a cash contribution is provided, these works would most likely be constructed as part of a larger project (e.g., improving the entire block) with the timing to be determined by the District and MoTI.

Given the history of the building and changes of its use over time, Staff recommend that at this point Council issue a Development Variance Permit to document that the existing building with its areas of retail and restaurant space are compliant, despite the on-site parking requirements of the zoning bylaw.

LANDSCAPING:

With new road improvements the area that was paved parking fronting Peninsula Road will need to be landscaped. This landscaping will need to be designed, estimated and submitted for a Development Permit – staff recommend that these details be provided prior to a public hearing.

MITIGATE THE IMPACT TO THE NEW USE:

Considering the commercial location, planned improvements and established building, this location does not require further elements to mitigate the new use.

NET PUBLIC BENEFIT:

The proposed street improvements have direct and valuable public benefit and help resolve an existing substandard parking situation.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Should the application proceed, staff time will be required to process this Zoning Bylaw Amendment, including giving notice of a Public Hearing, and the associated permits.

FINANCIAL IMPACTS:

There are no direct financial implications to the District.

POLICY OR LEGISLATIVE IMPACTS:

The addition of Cannabis Sales to a commercial zoning would not require an Official Community Plan amendment as the property is already designated for commercial use. A Development Permit will be required, and could be issued at the time of bylaw adoption if the application proceeds to that point.

SUMMARY:

The proposed location for a *Cannabis Sales* storefront at 1972 Peninsula Road is appropriate and the associated street improvements would have direct public benefit.

OPTIONS REVIEW:

Staff recommend that the application proceed to the bylaw stage, including gathering public comment at a public hearing. Alternatively, Council could direct one of the following:

3. **THAT** Council give notice of its intent to consider issuing a Temporary Use Permit for *Cannabis Sales* on the property at 1972 Peninsula Road at this time, and reserve consideration of a zoning amendment bylaw to a future date once the use has an established track record in this location.
4. **THAT** Council reject the application.
5. **THAT** Council provide alternative direction to Staff and/or the applicant.

Respectfully submitted: John Towgood, Planner 1
Bruce Greig, Manager of Planning
Mark Boysen, Chief Administrative Officer

Dear Mayor and Council of Ucluelet,

We would like to thank you for being forward thinking and allowing us to submit a community plan for a cannabis retail store in Ucluelet at 1972 Peninsula Road. Platinum Cannabis (rebranded Leaf Compassion) would like to start its community plan by showing an understanding for Ucluelet's unique geography, demographics, and psychographics. Platinum Cannabis' plan would begin by giving back to Ucluelet residents, seniors, first responders and Canadian military personnel by offering a 10% discount on all purchases. Every person entering a Platinum Cannabis location is asked to provide identification and the previously mentioned patrons will be automatically entered into our "Ucluelet 1st" discount program.

Ucluelet is made up of the most beautiful beaches and coastal properties Canada has to offer. Platinum Cannabis understands the beauty of Ucluelet & Tofino and would like to donate 5% of the profits made to the beach clean up services like "Surf Riders Clean Up" and other local community clean up projects & events to help protect that beauty. Working with community clean up services like "Surf Riders Clean Up" will also help bring other municipalities residents into Ucluelet and will promote a unique town while keeping it beautiful. :)

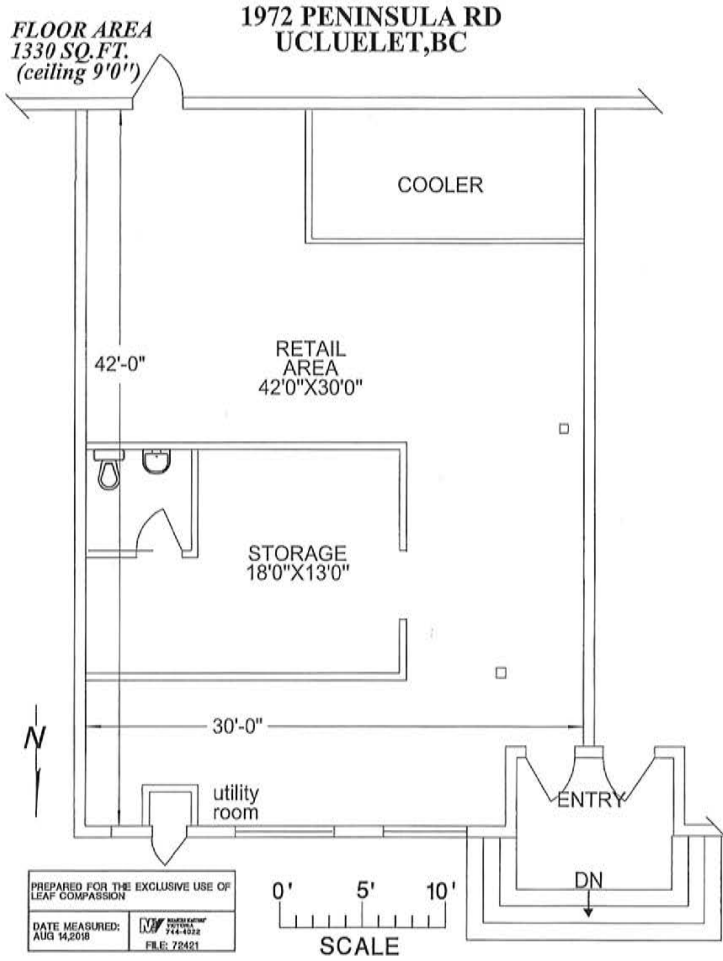
Every Christmas we would like to start donating 50% of our proceeds [on December 24th](#) to the "Food Bank on the Edge Society" in Ucluelet. Every resident should have a meal on Christmas and we would love to help make that happen! Platinum Cannabis (as Leaf Compassion) currently donates 50% of proceeds on Christmas eve to the BC SPCA and have for the last 4 years (approx.. \$30,000 has been donated to the BC SPCA). We look forward to showing our Christmas spirit to your community every year.

Platinum Cannabis currently has 5 cannabis retailer applications in process with the federal government and looks forward to bringing together an amazing cannabis consumer community on the west coast. Cannabis tourism will be a major contributing revenue factor to any municipality, and we want to help Ucluelet take advantage of that through our network. We have over 50,000 members Island Wide and want to continue offering the superior service that they have come to expect. We have a great history of supporting local talent and helping to create professional cannabis friendly events. Platinum Cannabis would like to continue that tradition by having events in Ucluelet with your permission. Furthermore, local B&B's, hotels, and hostels etc. would be able to cross promote with Platinum Cannabis and offer "Bud and Breakfast" style stays. As Canada turns over a new page on prohibition, we are prepared to bring the bounty of commerce possibilities to Ucluelet. Platinum Cannabis wishes to explore all these possibilities with the local municipality, business operators, and residents.

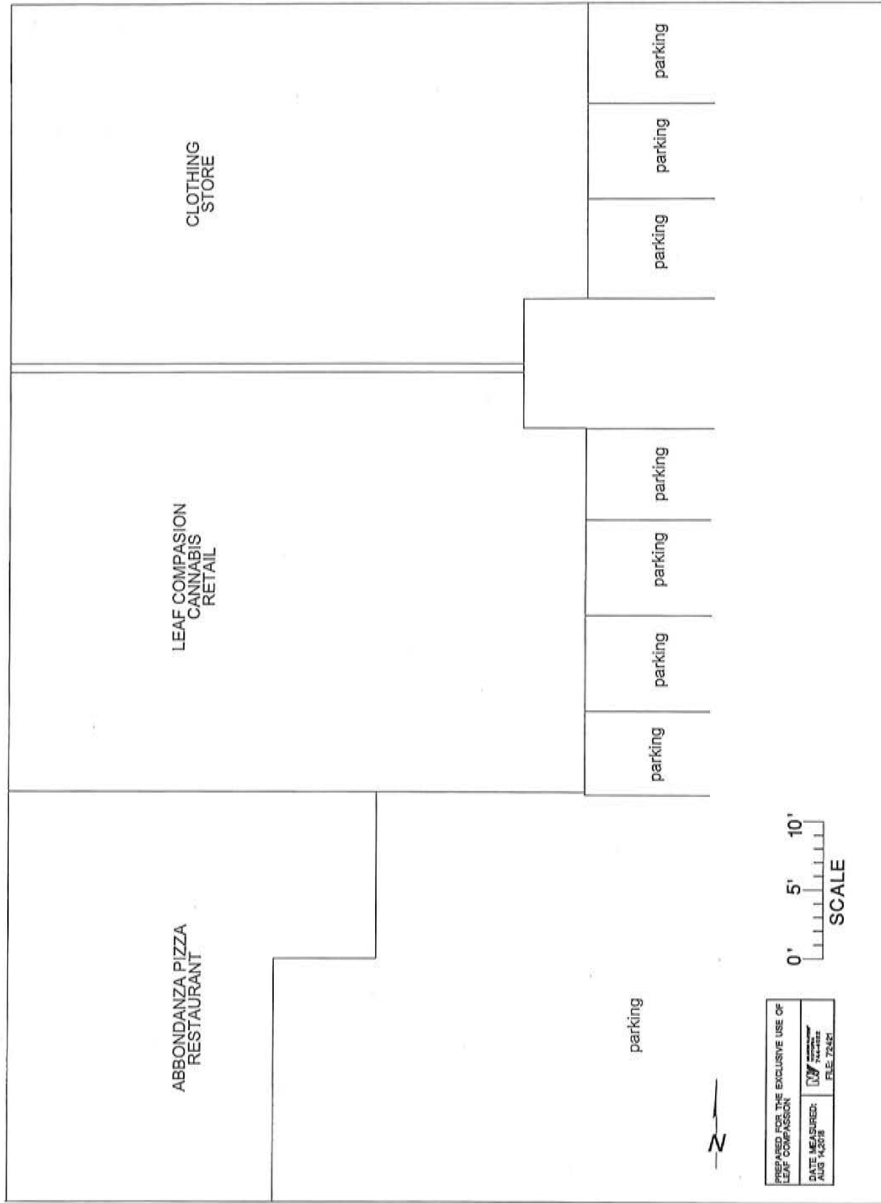
Thank you and have a wonderful day!

Kyle Cheyne
250-415-9782
Founder
Platinum Cannabis Retail

Charles Philp
250-589-6557
Co Founder
Platinum Cannabis Retail



**SITE PLAN
1972 PENINSULA RD
UCLUELET, BC**

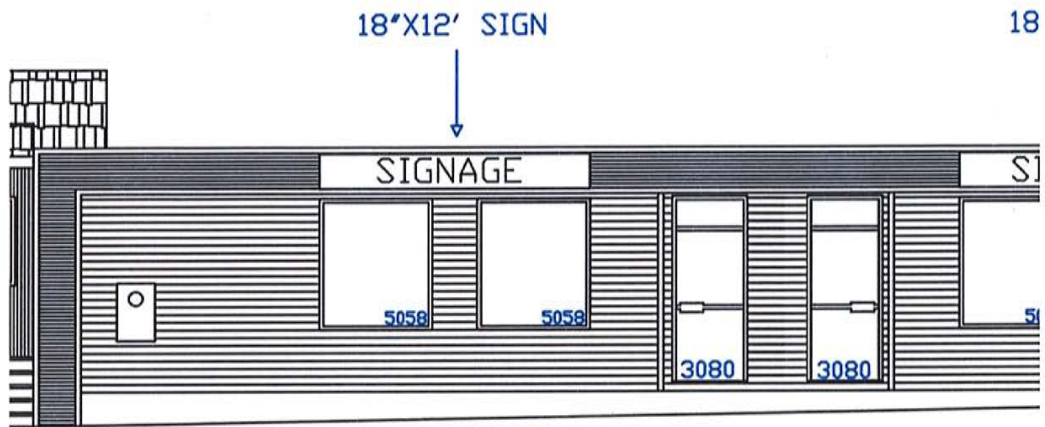


PREPARED FOR THE EXCLUSIVE USE OF
LEAF COMPASSION
DATE CALCULATED: []
DATE DRAWN: []
FILE: 27451



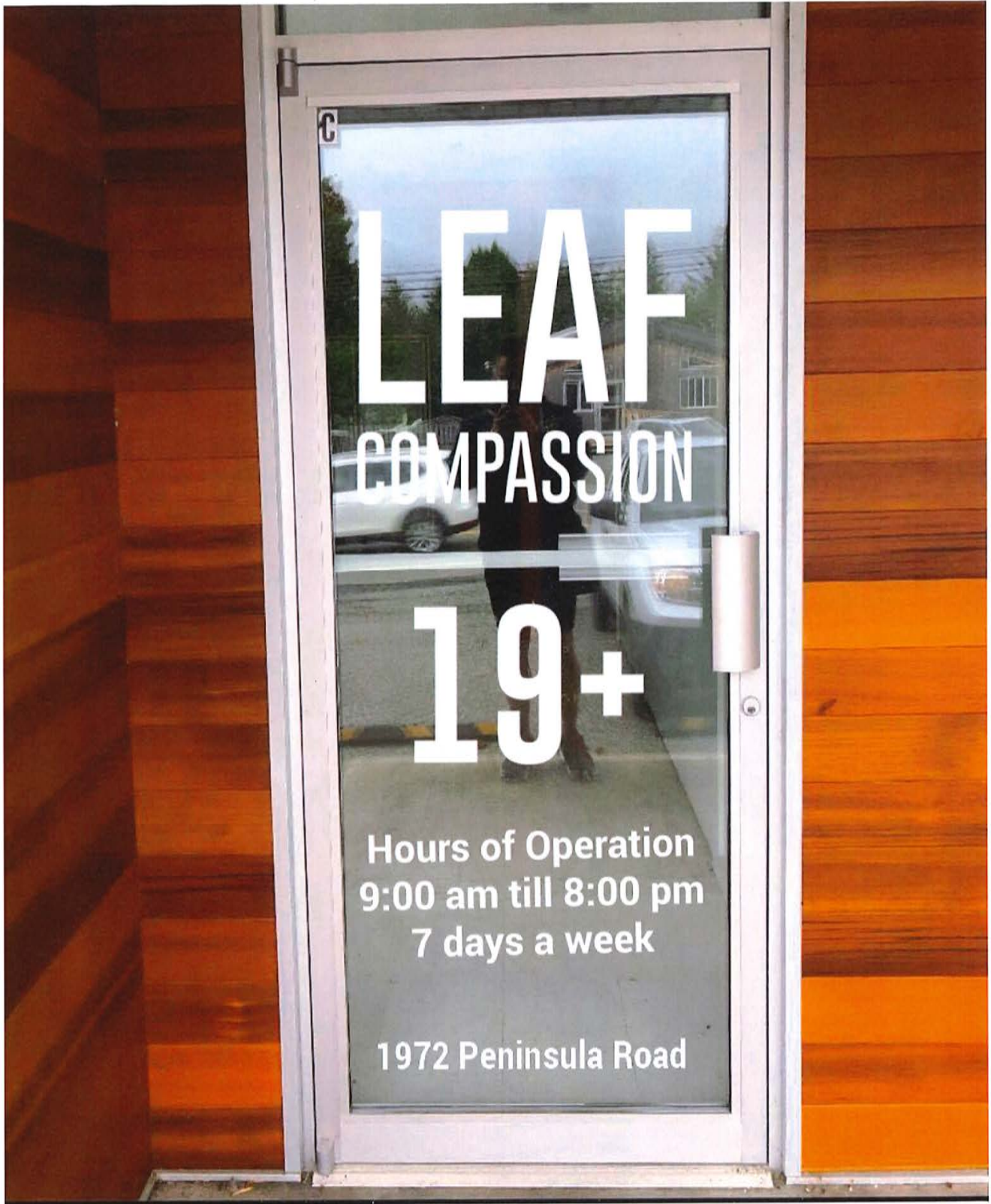
1972 PENINSULA RD

NORAH ST



SIGNAGE

SCALE: 3/32" =







STAFF REPORT TO COUNCIL

Council Meeting: August 13, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1

FILE NO: 3360-20-RZ18-05

SUBJECT: ZONING AMENDMENT FOR CANNABIS SALES AT 1972 PENINSULA ROAD

REPORT NO: 19-109

ATTACHMENT(S): APPENDIX A – JULY 9, 2019 STAFF REPORT
APPENDIX B – BYLAW No.1255

RECOMMENDATION:

1. **THAT** District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1255, 2019 be given First and Second Reading and advanced to a public hearing.

PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No. 1160, 2013, (the “Zoning Bylaw”) to allow *Cannabis Sales* at 1972 Peninsula Road, Lot 1, Plan VIP7983, District Lot 284, Clayoquot Land District (the “Subject Property”).

BACKGROUND:

This application was first presented at the Regular Council Meeting on July 9, 2019 and Council made the following motion:

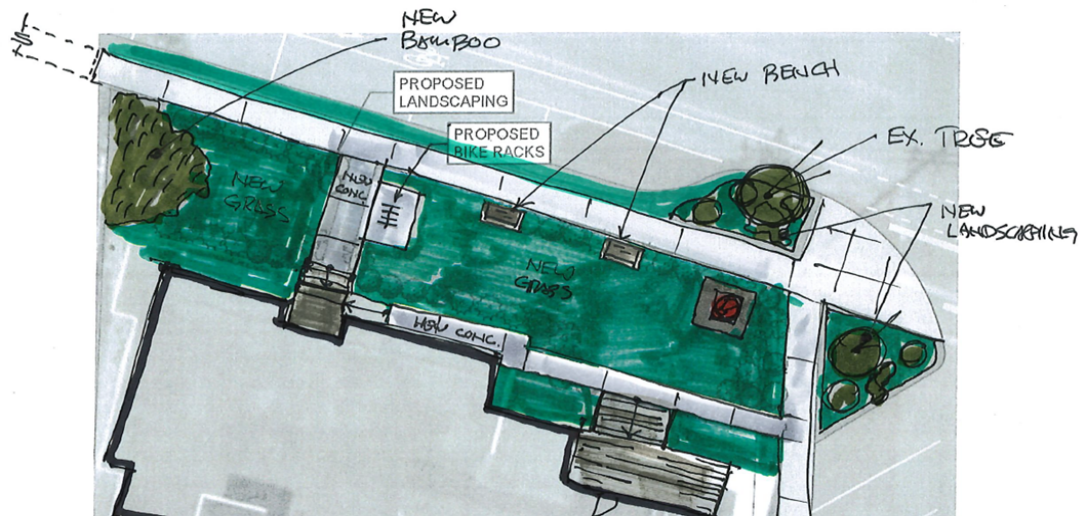
1. **THAT** Council, with regard to the requested zoning amendment to add *Cannabis Sales* as a permitted use on a portion of the property at 1972 Peninsula Road:
 - a. direct Staff to prepare a zoning amendment bylaw for further consideration;
 - b. indicate to the applicant that the following should be submitted before a public hearing would be scheduled for the bylaw:
 - i. an application for a Development Variance Permit to reduce the number of on-site parking spaces, in conjunction with improvements to create safer on-street parking on the Peninsula Road and Norah Street frontages;
 - ii. detailed plans and application for a Development Permit for the form and character of changes to the front of the property; and,
 - iii. written confirmation of the applicant’s commitment to funding new curb, gutter, sidewalk and landscaped boulevard works to improve pedestrian safety along the length of the property frontage.

2. **THAT** Council indicate that final adoption of a zoning amendment bylaw to authorize Cannabis Sales would be subject to receiving confirmation that the proponent has received licensing approval from the provincial Liquor and Cannabis Regulation Branch.

Staff have prepared the attached draft Bylaw No. 1255, which would allow for Cannabis Sales on the Subject Property. Note that the zoning amendments contemplated in Bylaw No. 1254 would already limit this use to a maximum gross floor area of 93 square metres (1,000 sq.ft.) on this lot.

The applicant has requested a Development Variance Permit to reduce the number of on-site parking spaces, in conjunction with improvements to create safer on-street parking on the Peninsula Road and Norah Street frontages. The applicant has also confirmed in writing their commitment to funding (as per estimate) new curb, gutter, sidewalk and landscaped boulevard works to improve pedestrian safety along the length of the property frontage.

The applicant has engaged McElhanney Engineering and will commit to professionally-designed landscaping and civil works that would be, at a minimum, reflective of the following sketch:



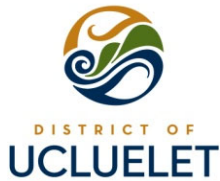
OPTIONS REVIEW:

Staff recommend that Bylaw No. 1255 be given First and Second Reading and advanced to a public hearing. Alternatively, Council could direct the following:

2. **THAT** Council reject the application; **or**
3. **THAT** Council provide alternative direction to Staff and/or the applicant.

Respectfully submitted: John Towgood, Planner 1
Bruce Greig, Manager of Planning
Mark Boysen, Chief Administrative Officer

APPENDIX A



STAFF REPORT TO COUNCIL

Council Meeting: July 9, 2019
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOHN TOWGOOD, PLANNER 1 **FILE NO:** 3360-20-RZ18-05
SUBJECT: ZONING AMENDMENT FOR CANNABIS SALES AT 1972 PENINSULA ROAD **REPORT NO:** 19-92
ATTACHMENT(S): APPENDIX A – APPLICATION FOR 1972 Peninsula Road

RECOMMENDATION:

1. **THAT** Council, with regard to the requested zoning amendment to add *Cannabis Sales* as a permitted use on a portion of the property at 1972 Peninsula Road:
 - a. direct Staff to prepare a zoning amendment bylaw for further consideration;
 - b. indicate to the applicant that the following should be submitted before a public hearing would be scheduled for the bylaw:
 - i. an application for a Development Variance Permit to reduce the number of on-site parking spaces, in conjunction with improvements to create safer on-street parking on the Peninsula Road and Norah Street frontages;
 - ii. detailed plans and application for a Development Permit for the form and character of changes to the front of the property; and,
 - iii. written confirmation of the applicant’s commitment to funding new curb, gutter, sidewalk and landscaped boulevard works to improve pedestrian safety along the length of the property frontage.
2. **THAT** Council indicate that final adoption of a zoning amendment bylaw to authorize Cannabis Sales would be subject to receiving confirmation that the proponent has received licensing approval from the provincial Liquor and Cannabis Regulation Branch.

PURPOSE:

To provide Council with information on an application to amend Zoning Bylaw No. 1160, 2013, (the “Zoning Bylaw”) to allow *Cannabis Sales* at 1972 Peninsula Road, Lot 1, Plan VIP7983, Clayoquot District (the “Subject Property” – see Figure 1).

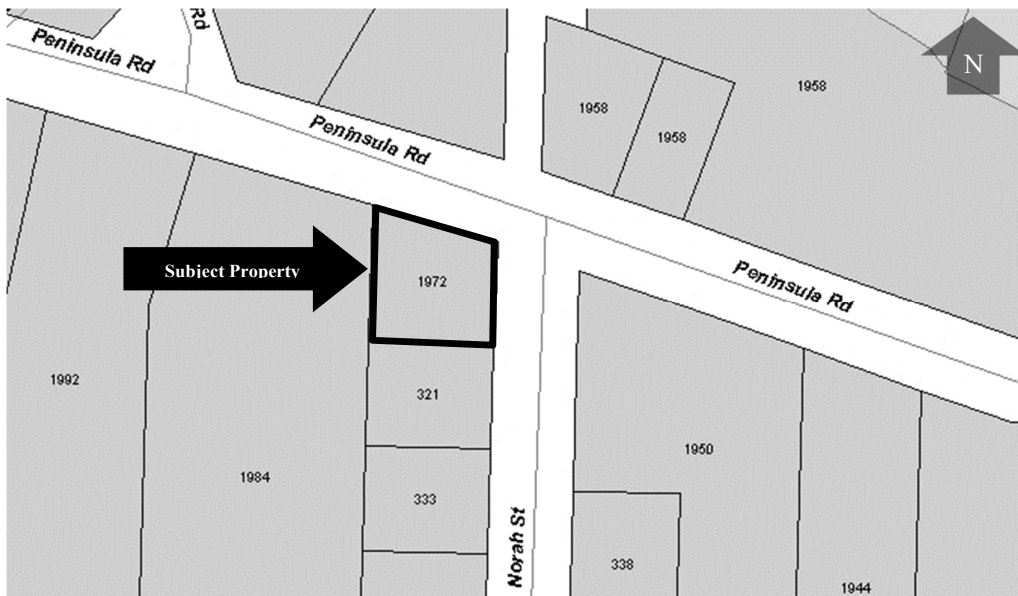


Figure 1 – Subject Property

BACKGROUND:

This application for *Cannabis Sales* was received September 10, 2018. For more general information on Cannabis Sales and associated legislation please see the preceding general report in this agenda.

DISCUSSION:

This application is for the middle unit of the existing commercial building located at 1972 Peninsula (Figure 2).



Figure 2 – Proposed area of Cannabis Sales

The existing building was historically known as the Number One Market. In 2014 the current owner gave the building an extensive exterior upgrade and the interior area of the old market space was divided into two lease spaces. The proposed Cannabis Sales space is the middle unit and was most recently leased out to Snuggle Bunnies clothing store. This unit is currently leased to the applicant in anticipation of opening the proposed cannabis retail store. The two remaining spaces are leased out as Abbondanza Pizza to the east and Vancouver Island Hydroponics to the west.

Zoning

The subject property is currently zoned CS-2 and this zone has a variety of possible commercial uses with *Retail* being the closest use to *Cannabis Sales*. The Cannabis Sales is defined in the Zoning Bylaw as follows:

“Cannabis Sales” means the retail or wholesale sale of cannabis, and includes an operation which provides referrals or facilitates access to cannabis not physically sold on the premises, but does not include:

- a) sales of cannabis by a British Columbia Registered Pharmacist in a British Columbia regulated Pharmacy; or*
- b) authorized distribution by a Licenced Producer under Part 1 of the ACMPR by means other than retail sale.*

Location

The subject property is located at Peninsula Road and Norah Road. The following chart lists the minimum distances from the locations discussed by Council at its April 24, 2018, meeting:

School grounds (Min 300m)	1100m
Public playground on the corner of Cynamocha/Norah (Min 300m)	300m
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Ucluelet Community Centre (Min 300m)	1140m
Ucluelet Aquarium (Min 300m)	998m
Municipal Hall (Min 300m)	960m
Tugwell Sports Fields (Min 150m)	350m

It should be noted that these minimum distances are not legislated distances, and Council can weigh the relative importance of these distances against the merits of each application.

Liquor and Cannabis Regulation Branch Approval

This proposal has not been approved by the Liquor and Cannabis Regulation Branch (LCRB) at the time of the writing of this report. Staff recommend that final adoption of any rezoning bylaw for Cannabis Sales be subject to receiving confirmation of licensing approval from the LCRB.

Form and Character

The building at 1972 Peninsula Road is an established commercial building with a recent renovation that was approved through a development permit. The building is in good condition with materials consistent with the Peninsula Road development permit guidelines for Area No. 7 Peninsula Road. The signage locations have already been established in aluminum frames set into the building’s façade for each unit. Although the site is in a highly visible location, the building is

established with quality materials and the Province has rigorous advertising conditions limiting the signage on the store façade. The removal of the existing parking from the front of the building will result in changes to the front entrance area; detailed plans of hard and soft landscaping should be submitted prior to further consideration including community input at a public hearing.

Parking

Parking is the biggest challenge with this proposal, as the property has no onsite parking - other than a small loading area off Norah Street. Because this is a rezoning for a potentially more intensive use, Council should consider appropriate upgrades to the parking and streetscape frontage. The existing building has historically utilized semi-onsite perpendicular parking accessed from both Peninsula Road and Norah Street (Figure 3).



Figure 3 – Existing parking for Subject Property

This type of parking requires reversing straight out into traffic; a situation which is dangerous for pedestrians, the driver and traffic on Peninsula Road and Norah Street. This type of parking should be eliminated whenever possible - no rezoning or variance request should be considered until a better street parking scenario is presented. A traffic consultant hired by the District has produced concept-level draft drawings of street improvements for Peninsula Road to explore pedestrian and safety improvements (Figure 4).

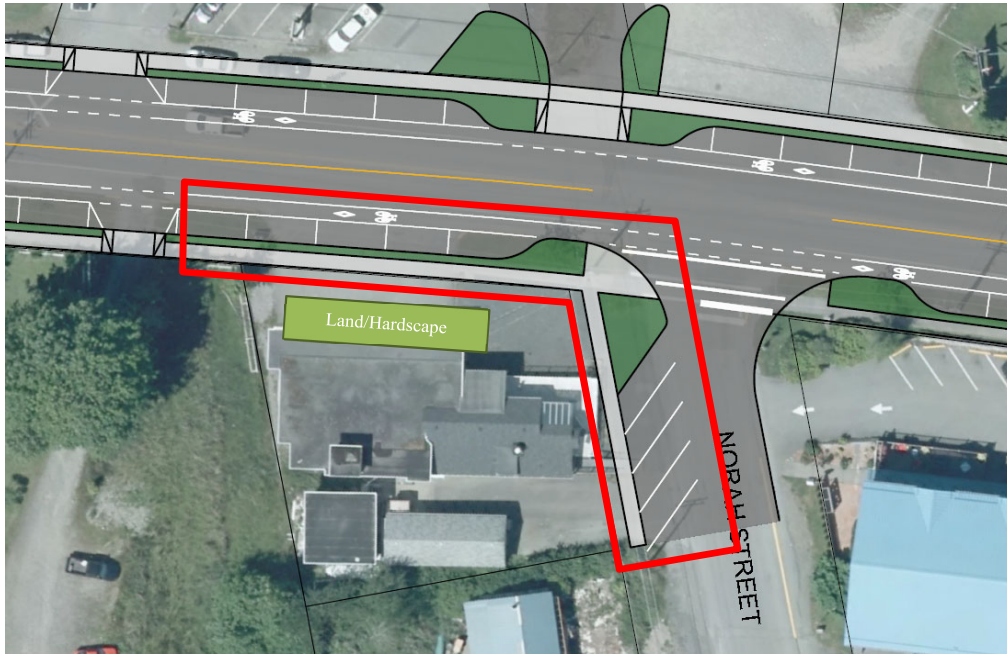


Figure 4 – Draft Street Improvements

The applicant has agreed in principle to make the improvements indicated above inside the bordered area. A class ‘D’ cost estimate by the traffic engineer for the portion of works fronting the property is \$23,500. Staff suggest that the applicant be requested to confirm their commitment in writing for either constructing at their cost or providing a cash contribution for these works. If constructed by the applicant, the engineering and construction would be to the District’s standards and subject to bonding and acceptance by the District and Ministry of Transportation and Infrastructure (MoTI). If a cash contribution is provided, these works would most likely be constructed as part of a larger project (e.g., improving the entire block) with the timing to be determined by the District and MoTI.

Given the history of the building and changes of its use over time, Staff recommend that at this point Council issue a Development Variance Permit to document that the existing building with its areas of retail and restaurant space are compliant, despite the on-site parking requirements of the zoning bylaw.

LANDSCAPING:

With new road improvements the area that was paved parking fronting Peninsula Road will need to be landscaped. This landscaping will need to be designed, estimated and submitted for a Development Permit – staff recommend that these details be provided prior to a public hearing.

MITIGATE THE IMPACT TO THE NEW USE:

Considering the commercial location, planned improvements and established building, this location does not require further elements to mitigate the new use.

NET PUBLIC BENEFIT:

The proposed street improvements have direct and valuable public benefit and help resolve an existing substandard parking situation.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

Should the application proceed, staff time will be required to process this Zoning Bylaw Amendment, including giving notice of a Public Hearing, and the associated permits.

FINANCIAL IMPACTS:

There are no direct financial implications to the District.

POLICY OR LEGISLATIVE IMPACTS:

The addition of Cannabis Sales to a commercial zoning would not require an Official Community Plan amendment as the property is already designated for commercial use. A Development Permit will be required, and could be issued at the time of bylaw adoption if the application proceeds to that point.

SUMMARY:

The proposed location for a *Cannabis Sales* storefront at 1972 Peninsula Road is appropriate and the associated street improvements would have direct public benefit.

OPTIONS REVIEW:

Staff recommend that the application proceed to the bylaw stage, including gathering public comment at a public hearing. Alternatively, Council could direct one of the following:

3. **THAT** Council give notice of its intent to consider issuing a Temporary Use Permit for *Cannabis Sales* on the property at 1972 Peninsula Road at this time, and reserve consideration of a zoning amendment bylaw to a future date once the use has an established track record in this location.
4. **THAT** Council reject the application.
5. **THAT** Council provide alternative direction to Staff and/or the applicant.

Respectfully submitted: John Towgood, Planner 1
Bruce Greig, Manager of Planning
Mark Boysen, Chief Administrative Officer

APPENDIX B

DISTRICT OF UCLUELET

Zoning Amendment Bylaw No. 1255, 2019

A bylaw to amend the "District of Ucluelet Zoning Bylaw No. 1160, 2013".

WHEREAS the District of Ucluelet Council by Bylaw No. 1160, 2013, adopted the Zoning Bylaw and now deems it appropriate to amend the Zoning Bylaw;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows;

1. Text Amendment:

Schedule B of the District of Ucluelet Zoning Bylaw No. 1160, 2013, as amended, is hereby further amended by adding the following subsection in alphanumerical order:

a.) under Section CS-2.1 Permitted Uses at the end of subsection CS-2.1.3 listing properties where *Cannabis Retail* is also a permitted principal use:

"(2) PID: 000-410-144: Lot 1, District Lot 284, Clayoquot District, Plan VIP7983 [1972 Peninsula Road]."

2. This bylaw may be cited as "District of Ucluelet Zoning Amendment Bylaw No. 1255, 2019".

READ A FIRST TIME this day of , 2019.

READ A SECOND TIME this day of , 2019.

PUBLIC HEARING this day of , 2019.

READ A THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

CERTIFIED A TRUE AND CORRECT COPY of “District of Ucluelet Zoning Amendment Bylaw No. 1255, 2019.”

Mayco Noël
Mayor

Mark Boysen
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Mark Boysen
Corporate Officer



DISTRICT OF UCLUELET

Excerpts from the August 13, 2019 Regular Council Meeting

13.6 Zoning Amendment for Cannabis Sales at 1972 Peninsula Road ***John Towgood, Planner 1***

Bruce Greig, Manager of Community Planning, presented this report. Highlights included:

- Noted that engineering plans have not been submitted but the applicant will contribute financially to the frontage improvements.
- Noted that the improvements could be incorporated in more extensive street improvements in and around the proposed site.
- Noted that the applicant was present at the meeting.

It was moved by Councillor Kemp and seconded by Councillor Hoar

THAT Council approve recommendation 1 of the report item, "Zoning Amendment for Cannabis Sales at 1972 Peninsula Road" which states:

1. *THAT District of Ucluelet Zoning Bylaw Amendment Bylaw No. 1255, 2019 be given First and Second Reading and advanced to a public hearing.*

CARRIED.



DISTRICT OF UCLUELET

Excerpts from the July 9, 2019 Regular Council Meeting

12.5 Zoning Amendment for Cannabis Sales at 1972 Peninsula Road *John Towgood, Planner 1*

Bruce Greig, Manager of Community Planning, presented this report. Highlights included:

- Corrected figure two and noted that the red box which identifies the proposed retail unit should be over the unit immediately to the West of where it is shown.
- Noted that the unit's current parking is on the Ministry of Transportation and Infrastructure right of way.
- Noted that figure 4 is a conceptual drawing that shows a improved parking. Any implemented parking plan will not block the loading zone behind Abbondanza.
- Noted that this is an opportunity for Council to direct Staff draft the zoning amendment bylaw.
- Noted that the Applicant was not present.

Council questions and comments:

- Noted that is a good opportunity to address parking issues.
- Noted that they are keen to hear feedback at the public hearing.
- Noted that this is only the start of the process.

It was moved by Councillor Kemp and seconded by Councillor Cole

THAT Council approve recommendation 1 of the report item, "Zoning Amendment for Cannabis Sales at 1972 Peninsula Road" which states:

1. *THAT Council, with regard to the requested zoning amendment to add Cannabis Sales as a permitted use on a portion of the property at 1972 Peninsula Road:*
 - a. *direct Staff to prepare a zoning amendment bylaw for further consideration;*
 - b. *indicate to the applicant that the following should be submitted before a public hearing would be scheduled for the bylaw:*

- i. an application for a Development Variance Permit to reduce the number of on-site parking spaces, in conjunction with improvements to create safer on-street parking on the Peninsula Road and Norah Street frontages;*
- ii. detailed plans and application for a Development Permit for the form and character of changes to the front of the property; and,*
- iii. written confirmation of the applicant's commitment to funding new curb, gutter, sidewalk and landscaped boulevard works to improve pedestrian safety along the length of the property frontage.*

CARRIED.

It was moved by Councillor Kemp and seconded by Councillor McEwen

THAT Council approve recommendation 2 of the report item, "Zoning Amendment for Cannabis Sales at 1972 Peninsula Road" which states:

- 2. THAT Council indicate that final adoption of a zoning amendment bylaw to authorize Cannabis Sales would be subject to receiving confirmation that the proponent has received licensing approval from the provincial Liquor and Cannabis Regulation Branch.*

CARRIED.

Joseph Rotenberg

From: John Towgood
Sent: August 30, 2019 4:43 PM
To: Bruce Greig; Joseph Rotenberg
Subject: FW: Cannabis Retail Sales

JOHN TOWGOOD
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-----Original Message-----

From: [REDACTED]
Sent: August-30-19 4:34 PM
To: John Towgood <JTowgood@ucluelet.ca>
Subject: Cannabis Retail Sales

I hope the District of Ucluelet will approve the two applications for retail cannabis sales venues that are pending. I have lived in Ucluelet for 29 years and I know that cannabis use has been going on here for many decades, as in 'for ever'! It is finally a legal activity for adults, and we need our community to let people buy it legally here. Whether a local or a visitor is the customer, we should get in step with the times, and have it available. The result if the permits are denied will be to force people to go elsewhere to buy cannabis, the travelling for which will be an inconvenience, and also, we will lose the spin-off business that accompanies cannabis use. All those users get 'the munchies' and will buy their snacks in other stores, not ours. Cannabis users are usually a happy and relaxed crowd, who cause way less trouble than drinkers of alcohol. I see no problems resulting from letting cannabis be sold here.

Laurie Crozier