

6.1 September 9, 2019 Public Hearing Minutes

Council noted the following corrections:

- On page 6 of the agenda package, "CBT" should read "CBD".
- On page 9, the comments by Sally Mole should replicate the comments she made on page 7 of the agenda package rather than the comments that Margaret Morrison made on that page.
- On page 6 of the agenda package the comments by David Smith should read "He stated that the risk of mental health issues is increased by cannabis use..." not "He stated that the risk mental health issues is increased by cannabis youth...."
- On page 6 of the agenda package the comments by David Smith should read "He distinguished alcohol from cannabis use..." not "He distinguished alcohol..."
- The changes to David Smith's comments on page 6 of the Agenda should be repeated where David Smith's reiterates his earlier comments on page 9 of the agenda.

2017-002

It was moved by Councillor McEwen and seconded by Councillor Hoar
THAT Council approve the September 9, 2019 Public Hearing Minutes as amended.

CARRIED.

6.2 September 10, 2019 Public Hearing Minutes

2017-003

It was moved by Councillor McEwen and seconded by Councillor Cole
THAT Council approve the September 10, 2019 Public Meeting Minutes as presented.

CARRIED.

7. UNFINISHED BUSINESS

7.1 There was no unfinished business.

8. MAYOR'S ANNOUNCEMENTS

8.1 There were no announcements.

9. PUBLIC INPUT, DELEGATIONS & PETITIONS

9.1 There were no members of the public who wished to speak.

10. CORRESPONDENCE

10.1 **20th Anniversary Celebration Invitation - 6:30 pm September 28th, 2019**
Barbara Schramm, Wild Pacific Trail Society President

Mayor Noël noted that he will speak at this event.

11. REPORTS

11.1 Allocation of Reimbursement Funds from Canadian Aircrane *Rick Geddes, Fire Chief*

Rick Geddes, Fire Chief, presented this report. Highlights included:

- The District of Ucluelet has received a reimbursement cheque in the amount of \$22,557.90 from Canadian Aircrane related to fire gear that was destroyed when responding a fuel spill by Canadian Aircrane at Kennedy Lake.
- The fire gear destroyed responding to the Canadian Aircrane spill has already been replaced.
- The fire department needs a Self-Contained Breathing Apparatus bottle filling station.
- He is requesting authorization to use the reimbursement funds to purchase a used Self-Contained Breathing Apparatus bottle filling station with an estimated cost of \$28,300 plus applicable taxes and shipping.
- A new unit would be upwards of \$50,000.

Council Comments and questions:

- Council asked if the unit is the same as a compressor used for scuba. Mr. Geddes did not know.
- Council requested that Mr. Geddes inform Canadian Aircrane about the purchase via letter.

2017-004

It was moved by Councillor Cole and seconded by Councillor McEwen
THAT Council approve recommendation 1 of the report item, "Allocation of Reimbursement Funds from Canadian Aircrane" which states:

1. *THAT Council approve the use of funds provided by Canadian Aircrane in the amount of \$22,557.91 to purchase a Self-Contained Breathing Apparatus (SCBA).bottle filling station.*

CARRIED.

12. LEGISLATION

12.1 Public Hearing Report Regarding Bylaw No. 1254, 2019 - Zoning Amendment for Cannabis Sales at 1786 Peninsula Rd. *Joseph Rotenberg, Manager of Corporate Services*

Bruce Greig, Manager of Community Planning, presented this report and explained that it is for information purposes only.

**12.2 Bylaw No. 1254, 2019, Zoning Amendment for Cannabis Sales at
1786 Peninsula Rd. - 3rd Reading
Bruce Greig, Manager of Community Planning**

The Mayor asked each Council member to speak to the zoning application.

Councillor Cole

- Councillor Cole noted the following:
 - She has concerns about the retail sale of cannabis in Ucluelet which were not addressed by this applicant.
 - Cannabis was legalized without the proper checks and balances including roadside screening devices and sufficient educational materials.
 - Cannabis is available from online source which deliver and retailers in neighbouring communities.
 - Information about different strains of cannabis is available online.
 - CBD will likely be accessible at pharmacies in the future. Pharmacies are able to provide educational materials to medical users.
 - As of this summer there were zero laboratory confirmed cases of Fentanyl laced cannabis in Canada.
 - Black market retailers are not making money on cannabis but rather other illegal substances.
 - Cannabis use can have detrimental effects on brain development in users that are 26 years of age and younger.
 - The use of Cannabis between the ages of 12 and 26 decreases IQ and increases occurrences of mental health issues such as psychosis, schizophrenia and depression.
 - Allowing a retail outlet in Ucluelet sends the message to local youth that is okay to use cannabis.
 - Retail cannabis will increase the frequency or compound mental health issues which the paramedics department already deals with frequently.
 - Cannabis is a gateway to drugs for some.
 - Recommended that the process be slowed down so Ucluelet can learn from communities that have retail cannabis outlets.
 - The community stands little to gain from this rezoning.
 - Many residents are afraid to speak-up because doing so may jeopardize their business and personal relationships.
 - She is not against recreational cannabis use by adults. She is also not against medical use of cannabis.

Councillor Kemps

- Supports what Councillor Cole said.
- Noted that allowing cannabis retail outlets sends the message that Council condones cannabis use.

Councillor McEwen

- Councillor McEwen noted the following:
 - Only 13 people attended the public hearing and only 4 spoke.
 - Many residents with whom Councillor McEwen discussed the bylaw prior to the public hearing stated that they did not see a problem, provided the applicant was responsible.
 - It is unfortunate that retail cannabis was legalized before checks and balances such as roadside detection units were implemented.
 - Council must give approval to the licensee before liquor control board will give approval.
 - The applicant is credible and has years of experience operating a liquor stores in Ucluelet and Port Alberni.
 - Liquor & Cannabis Regulation Branch has completed financial integrity checks and security screening as a form of pre-approval.
 - The applicant plans to provide a pedestrian footpath through the subject property, and \$10,000 towards future offsite pedestrian improvements and landscaping.
 - The subject building will be renovated and either altered, moved or a development variance permit will be required to address the encroachment issue.
 - The applicant has obtained 108 signatures of approval and 92 of the signatories are residents. The applicant has also obtained letters of support from most, but not all neighbours.
 - The site plans are an improvement to the area.

Councillor Hoar

- Councillor Hoar noted the following:
 - Commended Councillor Cole on her statements.
 - Scientific papers she has reviewed state that the effect of cannabis use on youth under 26 is remarkable and the effects of long-term use can be significant.
 - Like alcohol, if there is a retail cannabis store, youth in this town will be able to access cannabis more easily.
 - The lack of checks and balances currently in place.
 - Numerous measures must be implemented before it would be safe to have a cannabis retail outlet in Ucluelet.
 - Increased commercial traffic on Larch Road is problematic

because of youth and senior pedestrian traffic on that road.

- A number of letters in support of the application were submitted with the application but a number of letters in opposition to application were submitted for the public hearing.
- She is not in favour of giving this bylaw third reading.

Mayor Noël

- Mayor Noel noted the following:
 - Increased commercial traffic along Larch road would be unfortunate.
 - There was poor attendance at the public hearing.
 - This is a significant decision and it may be appropriate to delay in order to obtain further public input.
 - The business idea is legal and conforming.
 - Noted that it may be appropriate to delay and vet the application further.

2017-005

It was moved by Councillor McEwen and seconded by Councillor Hoar

THAT Council approve recommendation 1 of the report item, "Bylaw No. 1254, 2019, Zoning Amendment for Cannabis Sales at 1786 Peninsula Rd. - 3rd Reading" which states:

1. *THAT the "District of Ucluelet Zoning Amendment Bylaw No. 1254, 2019" be given third reading.*

DEFEATED.

12.3 Public Hearing Report Regarding Bylaw No. 1255, 2019 - Zoning Amendment for Cannabis Sales at 1972 Peninsula Rd.

Joseph Rotenberg, Manager of Corporate Services

12.4 Bylaw No. 1255, 2019, Zoning Amendment for Cannabis Sales at 1972 Peninsula Rd. - 3rd Reading

Bruce Greig, Manager of Community Planning

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

- The recommendation is to refer this matter to an additional public hearing.
- The bylaw was the subject of a public hearing on September 9th.
- Notice of the public hearings as well as the preamble to the Public Hearing provided by the mayor at the public hearing indicated that Council would receive no new submissions from the public after the close of public hearing.
- All information on which Council is going to base its zoning decision should be available to the public at or before the public

hearing. This allows the public to inform the statements they make at or before the public hearing and levels the playing field.

- After the close of the public hearing Council should not be receiving any new information on the applications, whether verbal or written, until Council has voted on the subject bylaw.
- Since Council received additional information after the close of the public hearing via direct email communications, it is appropriate to hold an additional public hearing to ensure the bylaw is not vulnerable to legal challenge on procedural grounds.

2017-006

It was moved by Councillor McEwen and seconded by Councillor Hoar

THAT Council approve recommendation 1 of the report item, "Bylaw No. 1255, 2019, Zoning Amendment for Cannabis Sales at 1972 Peninsula Rd. - 3rd Reading" which states:

1. *THAT the "District of Ucluelet Zoning Amendment Bylaw No. 1255, 2019" be referred to a second public hearing, subject to the applicant providing the public hearing and notification fees.*

CARRIED.

**12.5 Public Hearing Report Regarding Bylaw No. 1253, 2019
Joseph Rotenberg, Manager of Corporate Services**

Councillor Hoar recused herself due to conflict of interest arising from the fact that she is the applicant's neighbour and she sits on the Strata Board.

**12.6 Bylaw No. 1253, 2019 - Zoning Amendment for 1557 Larch Road -
3rd Reading
Joseph Rotenberg, Manager of Corporate Services**

Council asked if the applicant will address the issue of parking on this particular property? Mr Greig, responded that the applicant will have to submit a site plan that shows enough parking to be bylaw compliant in order to obtain a building permit.

2017-007

It was moved by Councillor Cole and seconded by Councillor McEwen

THAT Council approve recommendation 1 of the report item, "Bylaw No. 1253, 2019 - Zoning Amendment for 1557 Larch Road - 3rd Reading" which states:

1. *THAT the "District of Ucluelet Zoning Amendment Bylaw No. 1253, 2019" be given third reading.*

CARRIED.

Councillor Hoar returned to the meeting after Agenda items 12.5 and 12.6 were completed.

13. OTHER BUSINESS

13.1 There was no other business.

14. QUESTION PERIOD

14.1 **Todd Henry**, resident and representative of the applicant, asked why Council decided to deny Ucluelet Cannabis Co.'s zoning bylaw amendment application and not deny Platinum Cannabis Ltd.'s zoning application? Mayor Noël explained that Ucluelet Cannabis Co.'s zoning bylaw amendment was defeated, and Platinum Cannabis Ltd.'s zoning bylaw amendment was referred to second public hearing because Council received correspondence related to that bylaw after the public hearing concluded. This has the effect of clouding the process.

Bruce Greig, noted that Council was not making a decision here on Bylaw 1255 but instead made a decision to refer it back to public hearing.

Mr. Henry responded that he understood.

15. CLOSED SESSION

15.1 *Procedural Motion to Move In-Camera:*

2017-008

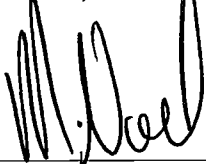
It was moved by Mayor Noël and seconded by Councillor Cole
THAT the September 18, 2019 Special Meeting of Council be closed to the public in order to address agenda items under Sections 90(1)(c)(e)(g) and (k) of the Community Charter.

CARRIED.

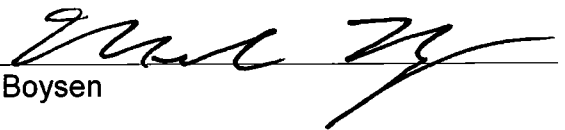
16. ADJOURNMENT

16.1 The Meeting was adjourned at 5:37 PM.

CERTIFIED CORRECT: Minutes of the Special Council Meeting held on Wednesday, September 18, 2019 at 3:30 pm in the George Fraser Room, Ucluelet Community Centre 500 Matterson Road, Ucluelet, BC.



Mayco Noël
Mayor



Mark Boysen
CAO

