



---

**MINUTES OF THE DISTRICT OF PORT HARDY  
PUBLIC HEARING HELD JUNE 20, 2018  
COUNCIL CHAMBERS, MUNICIPAL HALL  
7360 COLUMBIA STREET**

---

**PRESENT:** Mayor Hank Bood, Councillors Pat Corbett-Labatt, Dennis Dugas, Rick Marcotte, Fred Robertson, John Tidbury and Leighton Wishart

**ALSO PRESENT:** Allison McCarrick, Chief Administrative Officer; Heather Nelson-Smith, Director of Corporate & Development Services

**MEDIA:** 1:00 None  
6:00 N.I. Gazette

**MEMBERS OF THE PUBLIC:** 1:00 Six  
6:00 Seven

---

Mayor Hank Bood, called the Public Hearing to order at 1:00 pm.

Mayor Bood advised that this public hearing is being held in accordance with the *Local Government Act* to allow the public to make representations to the District of Port Hardy regarding proposed District of Port Hardy Zoning Bylaw Amendment Bylaw No. 1080-2018. He indicated a copy of the proposed Bylaw is available at the table by the entrance to the Council Chambers.

Mayor Hank Bood advised that notice of this public hearing was published in the North Island Gazette on June 6, 2018 and the North Island Eagle Newspaper on June 15, 2018 and was posted on the public notice board at the District of Port Hardy Municipal Hall located at 7360 Columbia Street, Port Hardy, BC.

Mayor Bood indicated that all persons who believe that their interests are affected by proposed Bylaw No. 1080-2018 will be given an opportunity to be heard respecting matters contained in the Bylaw.

The Director of Development Services then reviewed the bylaw and provided a presentation that outlined the proposed bylaw, the legal framework, and the responsibilities of the Municipality as follows:

**Bylaw 1080-2018 Cannabis Retail Zoning Amendment**

Overview of federal legislation objectives where it pertains to Bill C-45 was provided:

- Restrict youth access to cannabis
- Regulate promotion or enticements to use cannabis
- Enhance public awareness on health risks associated with using cannabis
- Impose serious criminal penalties for those breaking the law- especially the sale of cannabis to youth
- Establish strict safety and quality requirements
- Provide for the legal production of cannabis
- Allow adults to possess and access regulated quality controlled legal cannabis
- Reduce the burden on the criminal justice system

Municipal authority was reviewed including:

- Adjust zoning
- Create retail definitions
- Set guidelines on business licensing
- Establish regulations such a nuisance
- Enforce building codes

Medical vs non-medical

Access to medical cannabis will be regulated through the existing act 'Access to Cannabis for Medical Purposes Regulation' (ACMPR) and may be revisited by the federal government when legalization has

---

become law, but until it is revisited, access to medical cannabis will be done in the traditional form, through the mail.

January 2017 Council was presented with a report from staff regarding upcoming changes in federal legislation which included the legalization of Cannabis. Council decided the best approach to address the issue was to create an Advisory Planning Committee to assess, report back and provide recommendations for Council consideration.

Summer 2017 the APC Committee was formed, and consisted of members from the RCMP, Chamber of Commerce, seniors, business operators and residents in addition to one councillor.

The Committee met 5 times and provided Council with recommendations including a public Survey.

Final recommendations were provided February 2018.

### **Survey Results**

265 people took the survey.

85% of respondents were residents of Port Hardy.

Other respondents included residents of the North Island and people who own property or visit the North island regularly.

47% of respondents were between the ages of 30-49.

72% think that Port Hardy should have a Cannabis retailer.

51% had no concerns regarding Cannabis retail sales, some of the comments included

- Odour

- Nuisance

- Negative Impact on surrounding business

- Security

- Youth accessibility

60% think it is appropriate to set a limit of 2 Cannabis retailers in Port Hardy.

Council did consider the option of limiting the number of retailers, however the concern over who would be permitted, bias, how to grade applications, what criteria etc. were a concern.

The response was fairly divided 50/40 with 50% in favour of retailers being located more than 200 metres of each other.

Council felt that it was also difficult to set a barrier between shops.

70% think Cannabis retailers should be located at least 150 metres from schools and licensed daycares.

65% think Cannabis retailers should be located further than 150 metres from schools and licensed daycares.

This buffer was supported through the regulations by Council.

62% think Cannabis retailers should be located at least 100 metres from children's parks and libraries.

58% think Cannabis retailers should be located further than 100 metres from children's parks and libraries.

This buffer was also supported by Council. The reason for the difference between schools and playgrounds was primarily due to the public nature of the uses and the number of children gaining access and the location of them in town. Without limiting accessible commercial space yet not creating a cannabis retail shop directly across the street from these public locations.

### **What we know from the Province**

- Applications will be processed through the Liquor Control Licensing Branch (LCLB) of BC. This process is done similarly to liquor licenses
- Background checks will be required
- Local Government Support will be required (via resolution)
- LCLB will not be licensing consumption lounges
- Cannabis sales will only be permitted where licensed and not offsite
- Minors (under 19) will not be permitted in Cannabis Retail Stores – unlike liquor stores
- Hours of business 9am-11pm (like liquor)
- No Delivery and no online sales
- Special training and employee background checks are still being created
- No Offsite storage permitted
- Advertising and sponsorship are being regulated federally
- A seed to sale tracking system is being developed
- All Cannabis will be supplied by the Liquor Distribution Branch (LDB)
- No sale of edibles
- Cannabis accessories which may be sold along with cannabis include:
  - “Cannabis accessory” means a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis.”*
- You cannot sell snacks, tobacco or other non-cannabis related items
- Stores will be inspected annually by LCLB
- Penalties for non-compliance are issued by LCLB
- RCMP may enter to ensure compliance

### **What is the District doing?**

The District has created the following the new definitions:

*“Cannabis” means a cannabis plant and anything referred to in the Federal Cannabis Act as follows:*

- *Any part of the cannabis plant, other than mature stalks that do not contain leaves, flowers or seeds, the cannabis plant fibre, or the plant root.*
- *Any substance or mixture of substances that contains or has on it any part of a cannabis plant.*
- *Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.*

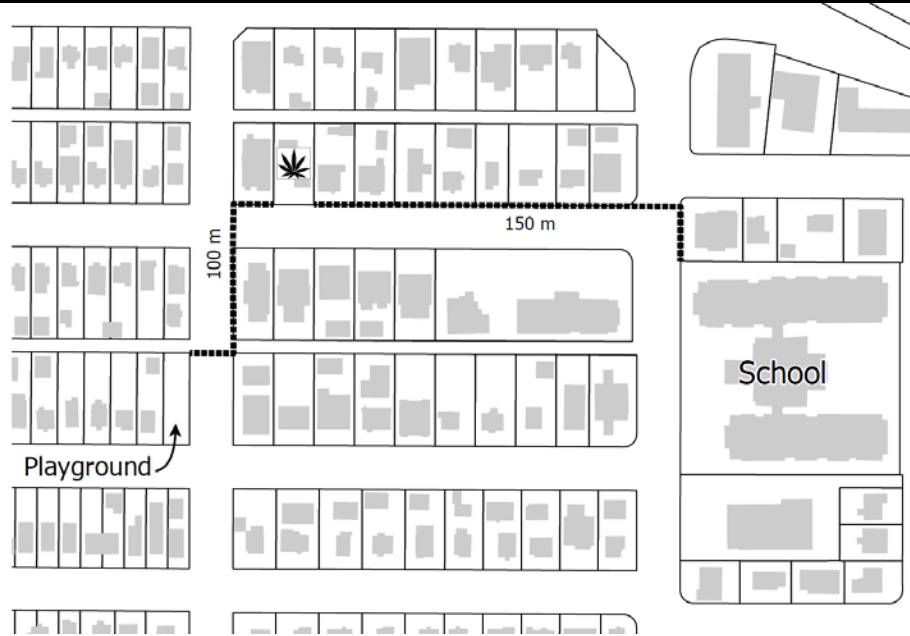
*“Cannabis Retailer” means a store where Cannabis is sold to the public, under license by the Province of British Columbia and meets the regulations as set out in this bylaw.*

### **Regulations**

*Cannabis Retailers are permitted in zones prescribed in the zoning regulation and subject to the following conditions:*

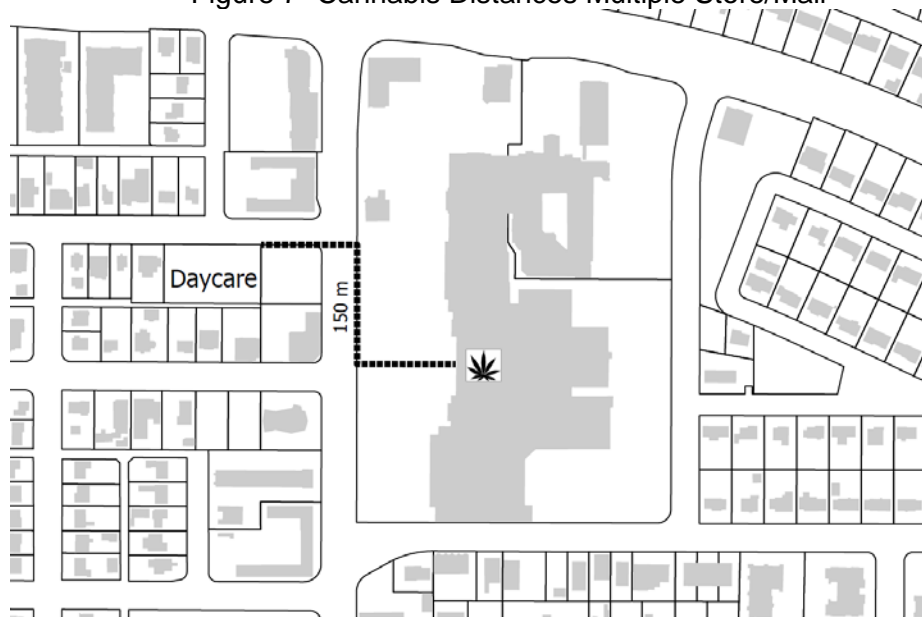
- (a) *Cannabis retailers are subject to the following buffers:*
  - (1) *At least 100 metres from any playground or public library;*
  - (2) *At least 150 metres from any education service as defined in this regulation; and*
  - (3) *At least 150 metres away from any day care as defined in this regulation.*
- (b) *The buffers will be measured in the following manner:*
  - (1) *Where there is one commercial building on the property with one store the measurement to the nearest education service, day care facility, playground or public library will be from property line to property line following accessible roadways as illustrated in figure 6.*

Figure 6- Cannabis Distances Single Lot



- (1) *Where there is a property with multiple stores, such as a mall or strip mall the measurement will be from the cannabis retail location to the property line of the nearest education service, day care facility, playground or public library following roadways and parking lots as illustrated in figure 7.*

Figure 7- Cannabis Distances Multiple Store/Mall



- (a) *Cannabis retail stores shall not be combined with any other use in the same store.*
- (b) *Cannabis retailers must follow all BC Building Code requirements.*
- (c) *Cannabis retailers must hold a valid business license and follow all business license requirements.*
- (d) *Cannabis retailers will only be considered in zones where licenced premises is a permitted principal use.*

- (e) *Cannabis retailers are not permitted to be in any residential zone.*
- (f) *Cannabis retailers follow all applicable bylaws and regulations as other businesses in the District of Port Hardy.*
- (g) *Parking requirements for cannabis retail stores must meet the provisions of the retail sales parking space requirements as identified in Table 4.2-Parking Space Requirements contained in this regulation.*

Zones that currently contain liquor Premises as a principal use that will be permitted to have Cannabis Retailer applied are as follows:

- C-1: General Commercial*
- C-2: Service Commercial*
- C-3: Town Centre Commercial*
- M-1: Marine Commercial*
- CD-5: Comprehensive Development 5*
- CD-7: Comprehensive Development 7*

Small scale urban agriculture clarification to the definition as follows:

***“Small Scale Urban Agriculture”*** means an accessory use consisting of the cultivation, on a portion of a parcel, of fruits, mushrooms, nuts, plants, vegetables or seeds and includes the sale of these items grown on that parcel where home occupation is a permitted accessory use. The cultivation and sale of cannabis is not permitted.

Mayor Bood called for speakers a first time

**Derek Koel, Town of Port McNeill resident**

100 metres from any playground, wanted to add the word ‘public’, as it may be a concern regarding the definition. The 100 metre buffer for playgrounds seems low, it is because of the size of the town?

This bylaw doesn’t address cannabis growing, what are the opportunities for economic development to allow for the growing of cannabis?

Stores would have to meet applicable building codes, is this picking on cannabis over any other retail or is it required for extra clarity?

**Heather Nelson-Smith, Director of Corporate Services**

The committee did review the buffers starting at 250 metres but reviewed them where it pertains to the schools as the majority of the schools in the District are located in the residential zones the buffers set at 150 allow for creating space from the schools located in other areas of town.

The playgrounds do only refer to public play grounds located in the District. The buffers set at 100 metres, allow for the ability to ensure that most of the commercial space is preserved, but keeps cannabis retailers from being directly across the street from those facilities.

Cannabis growing has not been addressed in the current retail regulation. The District does have industrial and agriculture zones where commercial growing can take place.

Building codes apply to all buildings in town, and we anticipate that we will have some specifications set out by the province that pertain to cannabis retailers.

---

**Tristan Radzik, District of Port Hardy resident**

Wanted clarification on the limits on the quantity of cannabis retailers permitted in Port Hardy and if there was a cap.

**Heather Nelson-Smith, Director of Corporate Services**

There will be no cap on the amount of retailers in Port Hardy.

**Gabby Wickstrom, Town of Port McNeill resident**

Requested a copy of the power point presentation.

**Heather Nelson-Smith, Director of Corporate Services**

A copy will be forwarded at the end of the presentation.

Mayor Bood called for a second time for speakers

**Derek Koel, Town of Port McNeill resident**

Wanted to know what the time frame was for Council adopting the proposed zoning amendment bylaw.

**Heather Nelson-Smith, Director of Corporate Services**

Stated that there are a couple of options. Council can complete the bylaw with second and third reading with a final adoption on June 26, 2018 or they can choose to leave the bylaw unadopted until the final legalization occurs in eight to twelve weeks.

The second option would allow council to review any changes we have proposed and make changes prior to final adoption.

**Gabby Wickstrom, Port McNeill resident**

Stated that the Prime Minister has set the date for cannabis legalization as October 17, 2018.

**Tristan Radzik, District of Port Hardy resident**

Given the need for parents to be with their children at all times can the District change the requirement for allowing children under the age of 19 in Cannabis retail stores?

**Heather Nelson-Smith, Director of Corporate Services**

The age limit is being set by the province.

Mayor Bood called for speakers a third time

Mayor Bood called again for speakers to the proposed bylaw amendment Bylaw 1080-2018.  
No comments.

No final comments or input was forthcoming.

The Public Hearing was adjourned at 1:32 pm to reconvene at 6:00 pm.

---

Mayor Bood reopened the Public Hearing at 6:00pm.

Mayor Bood advised that this public hearing is being held in accordance with the *Local Government Act* to allow the public to make representations to the District of Port Hardy regarding proposed District of Port Hardy Zoning Bylaw Amendment Bylaw No. 1080-2018. He indicated a copy of the proposed Bylaw is available at the table by the entrance to the Council Chambers.

Mayor Hank Bood advised that notice of this public hearing was published in the North Island Gazette on June 6, 2018 and the North Island Eagle Newspaper on June 15, 2018 and was posted on the public notice board at the District of Port Hardy Municipal Hall located at 7360 Columbia Street, Port Hardy, BC.

Mayor Bood indicated that all persons who believe that their interests are affected by proposed Bylaw No. 1080-2018 will be given an opportunity to be heard respecting matters contained in the Bylaw.

The Director of Development Services then reviewed the bylaw and provided a presentation that outlined the proposed bylaw, the legal framework, and the responsibilities of the Municipality as follows:

### **Bylaw 1080-2018 Cannabis Retail Zoning Amendment**

Overview of federal legislation objectives where it pertains to Bill C-45 was provided:

- Restrict youth access to cannabis
- Regulate promotion or enticements to use cannabis
- Enhance public awareness on health risks associated with using cannabis
- Impose serious criminal penalties for those breaking the law- especially the sale of cannabis to youth
- Establish strict safety and quality requirements
- Provide for the legal production of cannabis
- Allow adults to possess and access regulated quality controlled legal cannabis
- Reduce the burden on the criminal justice system

Municipal authority was reviewed including:

- Adjust zoning
- Create retail definitions
- Set guidelines on business licensing
- Establish regulations such a nuisance
- Enforce building codes

#### **Medical vs non-medical**

Access to medical cannabis will be regulated through the existing act 'Access to Cannabis for Medical Purposes Regulation' (ACMPR) and may be revisited by the federal government when legalization has become law, but until it is revisited, access to medical cannabis will be done in the traditional form, through the mail.

January 2017 Council was presented with a report from staff regarding upcoming changes in federal legislation which included the legalization of Cannabis. Council decided the best approach to address the issue was to create an Advisory Planning Committee to assess, report back and provide recommendations for Council consideration.

Summer 2017 the APC Committee was formed, and consisted of members from the RCMP, Chamber of Commerce, seniors, business operators and residents in addition to one councillor.

The Committee met 5 times and provided Council with recommendations including a public Survey.

Final recommendations were provided February 2018.

#### **Survey Results**

265 people took the survey.

85% of respondents were residents of Port Hardy.

Other respondents included residents of the North Island and people who own property or visit the North island regularly.

47% of respondents were between the ages of 30-49.

72% think that Port Hardy should have a Cannabis retailer.

51% had no concerns regarding Cannabis retail sales, some of the comments included

- Odour
- Nuisance
- Negative Impact on surrounding business
- Security
- Youth accessibility

60% think it is appropriate to set a limit of 2 Cannabis retailers in Port Hardy.

Council did consider the option of limiting the number of retailers, however the concern over who would be permitted, bias, how to grade applications, what criteria etc. were a concern.

The response was fairly divided 50/40 with 50% in favour of retailers being located more than 200 metres of each other.

Council felt that it was also difficult to set a barrier between shops.

70% think Cannabis retailers should be located at least 150 metres from schools and licensed daycares.

65% think Cannabis retailers should be located further than 150 metres from schools and licensed daycares.

This buffer was supported through the regulations by Council.

62% think Cannabis retailers should be located at least 100 metres from children's parks and libraries.

58% think Cannabis retailers should be located further than 100 metres from children's parks and libraries.

This buffer was also supported by Council. The reason for the difference between schools and playgrounds was primarily due to the public nature of the uses and the number of children gaining access and the location of them in town. Without limiting accessible commercial space yet not creating a cannabis retail shop directly across the street from these public locations.

### **What we know from the Province**

- Applications will be processed through the Liquor Control Licensing Branch (LCLB) of BC. This process is done similarly to liquor licenses
- Background checks will be required
- Local Government Support will be required (via resolution)
- LCLB will not be licensing consumption lounges
- Cannabis sales will only be permitted where licensed and not offsite
- Minors (under 19) will not be permitted in Cannabis Retail Stores – unlike liquor stores
- Hours of business 9am-11pm (like liquor)
- No Delivery and no online sales
- Special training and employee background checks are still being created
- No Offsite storage permitted
- Advertising and sponsorship are being regulated federally
- A seed to sale tracking system is being developed
- All Cannabis will be supplied by the Liquor Distribution Branch (LDB)
- No sale of edibles
- Cannabis accessories which may be sold along with cannabis include:  
*“Cannabis accessory” means a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis.”*
- You cannot sell snacks, tobacco or other non-cannabis related items
- Stores will be inspected annually by LCLB
- Penalties for non-compliance are issued by LCLB
- RCMP may enter to ensure compliance



### What is the District doing?

The District has created the following the new definitions:

“Cannabis” means a cannabis plant and anything referred to in the Federal Cannabis Act as follows:

- Any part of the cannabis plant, other than mature stalks that do not contain leaves, flowers or seeds, the cannabis plant fibre, or the plant root.
- Any substance or mixture of substances that contains or has on it any part of a cannabis plant.
- Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

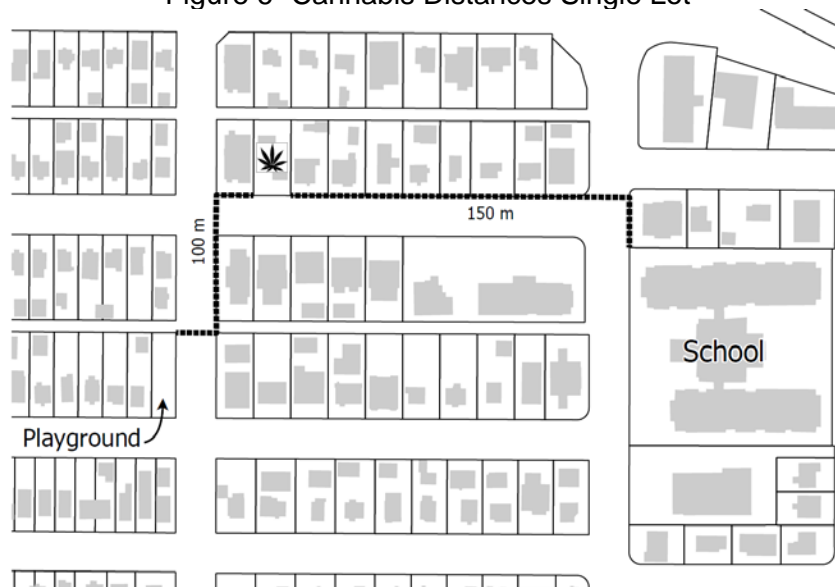
“Cannabis Retailer” means a store where Cannabis is sold to the public, under license by the Province of British Columbia and meets the regulations as set out in this bylaw.

### Regulations

Cannabis Retailers are permitted in zones prescribed in the zoning regulation and subject to the following conditions:

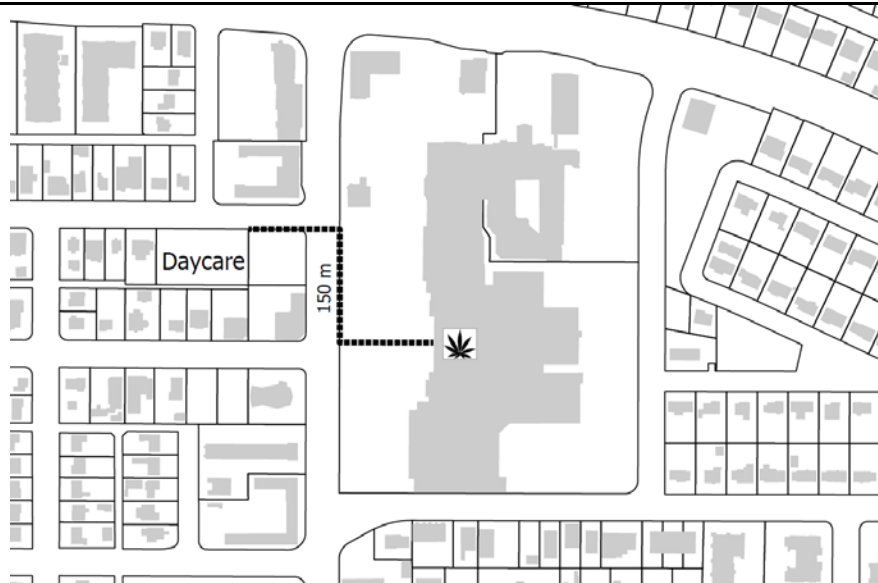
- (c) Cannabis retailers are subject to the following buffers:
  - (4) At least 100 metres from any playground or public library;
  - (5) At least 150 metres from any education service as defined in this regulation; and
  - (6) At least 150 metres away from any day care as defined in this regulation.
- (d) The buffers will be measured in the following manner:
  - (2) Where there is one commercial building on the property with one store the measurement to the nearest education service, day care facility, playground or public library will be from property line to property line following accessible roadways as illustrated in figure 6.

Figure 6- Cannabis Distances Single Lot



- (2) Where there is a property with multiple stores, such as a mall or strip mall the measurement will be from the cannabis retail location to the property line of the nearest education service, day care facility, playground or public library following roadways and parking lots as illustrated in figure 7.

Figure 7- Cannabis Distances Multiple Store/Mall



- (h) Cannabis retail stores shall not be combined with any other use in the same store.
- (i) Cannabis retailers must follow all BC Building Code requirements.
- (j) Cannabis retailers must hold a valid business license and follow all business license requirements.
- (k) Cannabis retailers will only be considered in zones where licenced premises is a permitted principal use.
- (l) Cannabis retailers are not permitted to be in any residential zone.
- (m) Cannabis retailers follow all applicable bylaws and regulations as other businesses in the District of Port Hardy.
- (n) Parking requirements for cannabis retail stores must meet the provisions of the retail sales parking space requirements as identified in Table 4.2-Parking Space Requirements contained in this regulation.

Zones that currently contain liquor Premises as a principal use that will be permitted to have Cannabis Retailer applied are as follows:

- C-1: General Commercial
- C-2: Service Commercial
- C-3: Town Centre Commercial
- M-1: Marine Commercial
- CD-5: Comprehensive Development 5
- CD-7: Comprehensive Development 7

Small scale urban agriculture clarification to the definition as follows:

**“Small Scale Urban Agriculture”** means an accessory use consisting of the cultivation, on a portion of a parcel, of fruits, mushrooms, nuts, plants, vegetables or seeds and includes the sale of these items grown on that parcel where home occupation is a permitted accessory use. The cultivation and sale of cannabis is not permitted.

Mayor Bood called for speakers a first time

---

**Don Kattler, District of Port Hardy resident**

Raised some concerns with the current bylaw including the definition of education and daycare. Concerned it does not include places where programming is done for children like Sacred Wolf, Robert Scott School, and Building Blocks.

The buffer zones should be increased considering what has been done south of the border and these proposed buffers are too small.

Hours of operations should be considered and should mirror the current liquor store hours of 10 am to 6 pm.

We should be requiring greater security requirements.

The business license fees should be much higher like south of the border where a license is about \$4,000.00. This would ensure that people are committed to taking their business seriously.

The money for licensing can be used for youth education.

**Councillor Leightan Wishart**

Clarified that Robert Scott is considered a school and is subject to the 150 metre buffer.

**Serena Neumerschitsky, District of Port Hardy resident**

What will the process for the business license process look like?

**Heather Nelson-Smith, Director of Corporate Services**

There hasn't been anything final set with the province on process.

**Serena Neumerschitsky, District of Port Hardy resident**

As a potential small business owner and resident what is the protection from the big shops coming into Port Hardy and taking over the market. We don't want to see the small business be destroyed.

The license fees should be considered for youth initiatives.

The hours of operations should be permitted to be flexible, as the District of Port Hardy may be the only place to go and buy cannabis legally and our surrounding communities will need to travel to access. The current beer and wine stores are permitted to be open later than 6:00 pm.

**Eddie Lagrosse, District of Port Hardy resident**

We need to remember why marijuana was to be legalized. The underground marijuana businesses will not be going away. The legalization will be putting a toll on our RCMP and health services. We need to look at many things including the fact that children have access to alcohol and we need a change. This will not solve problems and will cost tax payers more money.

**Paul Zaro, District of Port Hardy resident**

What law is governing edibles?

What are the in-store requirements like product placement?

**Heather Nelson-Smith, Director of Corporate Services**

The law on edibles is governed provincially.

The in-store requirements will be set by provincial licensing.

Mayor Bood called a second time for speakers

**Don Kattler, District of Port Hardy resident**

It is important that we include something around education use and consequences of marijuana use. Mr. Kattler has sat on the board for the BC Schizophrenia Society and worked in mental health and substance abuse with VIHA and has seen the impacts of marijuana use and mental illness. There is a

---

correlation in some cases that the use of marijuana by people diagnosed with schizophrenia may increase a psychotic break from one in ten to three in ten.

Maybe there can be something done with signage to educate the health risks.

**Paul Zaro, District of Port Hardy resident**

Asked for citations from Mr. Kattler on his statistics.

Mayor Bood called for speakers a third time.

Mayor Bood called again for speakers to the proposed bylaw amendment Bylaw 1080-2018.

No comments.

No final comments or input was forthcoming.

No written comments were received.

The public hearing was closed at 6:38 pm.

CERTIFIED CORRECT:

*Original signed by:*

---

DIRECTOR  
OF CORPORATE SERVICES

---

MAYOR