

Appendix 2: Referral Comments

Wendy Miller

From: Wilf Marquis
Sent: Thursday, January 17, 2019 9:48 AM
To: Wendy Miller
Subject: RE: Proposed Bylaw No. 4278 (Cannabis)

CRD Bylaw Enforcement Services has reviewed the staff report to amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, to update terminology from marihuana to cannabis to reflect legislated definitions and to address the legal cultivation of cannabis in the Agricultural Land Reserve (Bylaw No. 4278) and does not have any concerns.

Wilf MARQUIS
Senior Bylaw Officer

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RESPONSE SUMMARY – PROPOSED BYLAW NO. 4278

☒ Interest Affected by Proposal for Reasons Outlined Below

☐ Interest Unaffected by Proposal

Comments:

We would like to direct the CRD to the attached letter written by our Medical Health Officers (MHO) to the attention to Board Directors sent out last Fall (2018). In consultation with our MHOs, Dr. Richard Stanwick & Dr. Murray Fyfe, they would welcome the opportunity for further dialogue on this subject/bylaw. A few other notable items are (1) the absence of specific setbacks from non-compatible uses such as schools and parks. Also, (2) we did not receive a referral for Bylaw. 4271 that speaks more so retail cannabis (<https://www.crd.bc.ca/about/electoral-areas/juan-de-fuca>). (3) Is there a mechanism or consideration been given in this bylaw amendment to address potential nuisance issues with these operations, such as odour?



Signed

Regional Built Environment Consultant

Title

Jan 23, 2019

Date

Island Health

Agency



MEDICAL HEALTH OFFICERS

Office of the
Chief Medical
Health Officer

September 10, 2018

Dear:

Mayor and Council – Municipal Governments,
Chair and Directors – Regional Districts
Chief and Council – First Nations

Re: A Public Health Approach to Non-Medical Cannabis

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Dried cannabis, cannabis oils and seeds will be legalized in Canada on October 17, 2018. Evidence suggests that the prohibition of cannabis has not achieved the intended objective of reducing use and associated harms. Legalization with regulation has been recommended as likely more effective.¹ In implementing these changes, a balance between the intended benefits and expected harms must be achieved. Island Health Medical Health Officers (MHOs), in addition to other MHOs provincially, support a public health approach to cannabis access and use^{2,3}. Such an approach includes legalization with market regulation aimed at protecting and promoting health while allowing access at levels that reduce the negative outcomes associated with illicit distribution.

Multiple sectors of society, and all levels of government, have roles to play in a comprehensive public health approach to cannabis legalization. Local governments, in particular, can adopt regulations aimed at 1) reducing youth exposure to non-medical cannabis, 2) reducing high-risk use in general (e.g., heavy or frequent use, use with other substances), and 3) unwanted exposure to second-hand cannabis smoke and vapour. Local governments can also support increasing public knowledge and awareness, to support risk reduction and de-stigmatization, without normalization or promotion.

Local governments' jurisdiction in zoning, land use, business licensing, building codes, nuisance and clean air by-laws, and enforcement, as well as their ability to advocate to higher levels of government, can all be leveraged to promote a public health approach to cannabis.⁴ Some specific areas of best practice⁵ where local governments can support a public health approach include:

1. Restrict public consumption of cannabis and exposure to environmental cannabis products. By limiting where cannabis can be consumed, local governments can reduce unwanted exposure to second-hand cannabis smoke or vapour, and can reduce the

¹ Haden, M., Emerson, B. (2014). "A vision for cannabis regulation: a public health approach based on lessons learned from the regulation of tobacco and alcohol." Open Medicine 8(2)e73. Available online: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4085088/>

² Canadian Public Health Association's position statement on Legalization, Regulation, and Restriction of Access to Cannabis. Available online: <https://www.cpha.ca/sites/default/files/uploads/policy/positionstatements/cannabis-positionstatement-e.pdf>

³ Canadian Chief Medical Officers and Urban Public Health Network. (2016). Public health perspectives on cannabis policy and regulation. Available online: <http://uphn.ca/wo-content/uploads/2016/10/Chief-MOH-UPHN-Cannabis-Perspectives-Final-Sept-26-2016.pdf>

⁴ Federation of Canadian Municipalities. (2018). Municipal Guide to Cannabis Legalization: A Roadmap for Canadian Governments. Ottawa, ON: Federation of Canadian Municipalities.

⁵ Recommendations are derived from Peloquin R, Scarr J. (2017). Cannabis Regulation and Youth: A Jurisdictional Review. Vancouver: Child Health BC, and Tyler, I., Schwandt, M., Padhi, S. (2018). Recommendations to support municipal bylaw development regulating cannabis access and use. Surrey, BC: Fraser Health Authority.

visibility of cannabis consumption for youth, making it less normative, and more likely that youth delay initiation or never start:

- Prohibit public cannabis consumption wherever tobacco or alcohol consumption is already prohibited. This should include areas not covered by provincial legislation including enclosed public spaces, transit shelters, common areas of apartment buildings and community care facilities, and areas frequented by children and youth, such as parks, beaches, pools, playgrounds, and sports fields; and,
 - Prohibit smoking/vaping lounges, including mobile units; and,
 - Facilitate multi-unit dwelling policies that limit unwanted exposure to environmental cannabis emissions
2. Ensure local retail sales of non-medical cannabis should be limited to reduce the unintended exposure by youth and harmful patterns of consumption in the general population:
 - Restrict marketing of cannabis such as sandwich boards, exterior signage, flyers, and sign spinners;
 - Establish a minimum separation of 300 metres between cannabis retail outlets, to limit overall density of cannabis availability in the community;
 - Establish a minimum buffer zone of 300 metres and preferably 600 metres between cannabis retail outlets and schools, recreation centres, and other areas where children and youth frequent;
 - Ensure any site specific siting within 600 metres of schools and on major school transportation routes should actively involve the school community and school districts in ensuring impact on students is negligible, and,
 - Limit hours of sale to at least correspond with alcohol sale policy, while greater restriction would provide additional health and safety benefits.
 3. Include public messaging on safer use and potential risks in local government communications to residents.
 4. Limit personal use growth and small grow operations to reduce nuisance odour concerns in residential settings.
 5. Be cognizant of and prepared to revise local restrictions and limitations on cannabis when and if edible cannabis products for consumption are approved for sale. Exclusion of on-premise edible consumption is likely to be recommended as peak effects will be delayed in most circumstances to after the departure of consumers from the premises. The concurrent consumption of cannabis and alcohol is known to increase risk and zoning and approval decisions should dissuade co-consumption opportunities

Other restrictions are already required under provincial and/or federal law, but local government can reinforce and strengthen these restrictions through setting higher standards, imposing additional penalties, and of course enforcement actions. The Municipal Guide to Cannabis Legalization, published by the Federation of Canadian Municipalities, which provides extensive practical guidance on these matters is a good resource to consult.

Certain specific recommendations may not be feasible in very small communities, e.g. relating to the physical separation of cannabis retail from areas where youth congregate. We still encourage local governments to follow the spirit, if not the letter, of the recommendations, e.g. striving for whatever physical separation is possible.

Island Health Medical Health Officers and colleagues across the province strongly caution against pursuing economic gain from the legalization of non-medical cannabis use. When cannabis production and sales are

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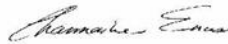
significantly motivated by revenue generation, this creates an incentive to encourage greater cannabis consumption by the public, and a disincentive to establishing appropriate restrictions on cannabis availability. The recommendation to legalize cannabis for non-medical purposes was driven in part by reducing the ongoing violence and negative health impacts caused by the illicit drug trade. Promoting and protecting health should remain the primary concern within a legalized environment.⁶ Revenue generated should be used to fund education, health promotion activities, and/or data collection and analyses that support the overall public health-related goals of cannabis legalization⁷.

Alcohol, tobacco, and opioids continue to cause a greater overall burden of disease and injury than cannabis. Local governments are encouraged to take the opportunity from the upcoming legislative changes to cannabis, to review how the harms associated with other substances, might also be reduced through local government action. For example, restrictions on public consumption should include cannabis, tobacco, e-cigarettes, and other combustible products; and many of the strategies we recommend to reduce harm from cannabis consumption through limits on access and buffer zones, should also apply to alcohol and tobacco retail.

Cannabis legalization represents both an opportunity and a challenge for local governments to foster the development of healthy, vibrant communities across BC. The above public health recommendations can be integral to local cannabis policy development. For more information, or to further discuss your community's approach to non-medical cannabis or other substances, feel welcome to connect with your local Medical Health Officer.



Paul Hasselback, MD, MSc, FRCPC
Medical Health Officer



Charmaine Enns, MD, MHSc, FRCPC
Medical Health Officer



Shannon Waters, MD, MHSc, FRCPC
Medical Health Officer



Dee Hoyano, MD FRCPC
Medical Health Officer



Murray Fyfe, MD, MSc, FRCPC
Medical Health Officer



Richard S. Stanwick, MD, MSc, FRCPC, FAAP
Chief Medical Health Officer

Key Resources:

Canadian Public Health Association: A Public Health Approach to the Legalization, Regulation, and Restriction of Access to Cannabis (available online:
<https://www.cpha.ca/sites/default/files/uploads/policy/positionstatements/cannabis-positionstatement-e.pdf>

⁶ Canadian Chief Medical Officers and Urban Public Health Network. (2016). Public health perspectives on cannabis policy and regulation. Available online: <http://uphn.ca/wp-content/uploads/2016/10/Chief-MOH-UPHN-Cannabis-Perspectives-Final-Sept-26-2016.pdf>

⁷ Peloquin R, Scarr J. Cannabis Regulation and Youth: A Jurisdictional Review. Vancouver: Child Health BC 2017.

Centre for Addiction and Mental Health: Canada's Lower Risk Cannabis Use Guidelines (available online: https://www.camh.ca/-/media/files/lrcug_professional-pdf.pdf)

Federation of Canadian Municipalities: Municipal Guide to Cannabis Legalization
(available online: <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>)

Wendy Miller

From: Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>
Sent: Monday, December 31, 2018 9:57 AM
To: Wendy Miller
Subject: RE: Proposed Bylaw No. 4278 (Cannabis) - CRD Referral

Good Morning Wendy,

Please accept this as official response from the Ministry of Transportation and Infrastructure in regards to proposed bylaw No. 4278; Ministry File 2018-07019.

The Ministry has no objections to the proposed bylaw and there are no conditions to be met at this time.

If you have any questions or concerns, please let me know!

Have a great day,

Nikki Schneider

Senior District Development Technician
Ministry of Transportation and Infrastructure – Vancouver Island District
Ph: 778-974-2633
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Proud Member of the EAF
For employees, by employees

Wendy Miller

From: Nicholas Deibler <ndeibler@sooke.ca>
Sent: Tuesday, January 22, 2019 3:45 PM
To: Wendy Miller
Subject: RE: Proposed Bylaw No. 4278 (Cannabis) - CRD Referral

Hi Wendy,

Thank you for sharing Bylaw No. 4278, the proposed amendment to Bylaw No. 2040 with the District of Sooke (received December 27, 2018).

The District of Sooke has no objections to the proposed bylaw amendment. The District is also in the process of determining how it will address cannabis production, and would certainly like to stay informed of any developments related to this matter within the Juan de Fuca Electoral Area.

Regards,

Nicholas Deibler
Planner 1
District of Sooke
2205 Otter Point Rd
Sooke BC, V9Z 1J2
250-642-1627



Otter Point Advisory Planning Commission Meeting Minutes
January 22, 2019

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MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the Otter Point APC supports Temporary Use Permit TP000009.

CARRIED

7. Proposed Bylaw

a) Cannabis Bylaw, Bylaw No. 4278, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 141, 2018”

Emma Taylor spoke to the staff report and the proposed amendment to Bylaw No. 2040 to reflect the current legislative framework for cannabis. Emma Taylor outlined the federal licence categories for cannabis growing, production, testing, research and sales.

Emma Taylor directed attention to the supplementary agenda which included Bylaw No. 4278, as revised, to eliminate the distinction between medical cannabis production and recreational cannabis production as supported by the LUC at its December 17, 2018 meeting. The revised bylaw supports this directive by amending the Sooke Business Park Industrial (M-SBP) zone to replace “Intensive Agriculture – Medical Marihuana Production” with “Cannabis Production – Commercial” as a permitted use.

Emma Taylor responded to a question from the APC confirming that the Juan de Fuca Electoral Area has no business license requirement.

The APC stated:

- support for the LUC considering applying the M-SBP zone to the entire Sooke Business Park
- support for Bylaw No. 4278 defining what type of processing is supported by the definition of “Cannabis Production”
- concern regarding reports of odour related to cannabis production in the Sooke Business Park
- concern for water pollution

Ian Laing, Sooke Business Park property owner, stated that processing is defined by Federal licence categories. Ian Laing outlined the differences between cannabis cultivation and cannabis processing and stated that:

- all properties in the Sooke Business Park are privately owned
- the *Cannabis Act and Regulations* include strict regulations for air intake/outtake
- reports of cannabis odour are not coming from licensed facilities
- he is pursuing rezoning of two properties to the M-SBP zone to support commercial cannabis production
- no cultivation or processing are taking place on his properties at this time as both of his properties are awaiting licence approval
- commercial cannabis production facilities are similar to food production facilities
- no herbicides or pesticides will be used

MOVED by Sid Jorna, **SECONDED** by Bud Gibbons that the Otter Point APC supports proposed Bylaw No. 4278, as revised.

CARRIED