



**REPORT TO THE GOVERNANCE AND FINANCE COMMITTEE
MEETING OF WEDNESDAY, JUNE 05, 2019**

SUBJECT **Bylaw No. 4310: CRD Delegation Bylaw No. 1, 2017, Amendment Bylaw No. 2, 2019**

ISSUE

Delegation of Board authority relating to cannabis and liquor retail location recommendations and comments in the Juan de Fuca Electoral Area (JdF EA).

BACKGROUND

Recent legislative amendments require the Capital Regional District (CRD) to make comments and recommendations relating to new and changing cannabis and liquor retail locations in the JdF EA, pursuant to the *Liquor Control and Licensing Act*, SBC 2015, c 19 and the *Cannabis Control and Licensing Act*, SBC 2018, c 29. Prior to making comments or recommendations, the CRD must solicit residents' views in one or more prescribed ways, such as a public hearing or correspondence campaign. While these applications have local implications, because referrals from the Liquor and Cannabis Regulation Branch are outside of Part 14 of the *Local Government Act*, any recommendations must be voted on by all members of the Regional Board, except where this authority has been delegated by bylaw.

It is recommended that these duties be delegated to the Juan de Fuca Land Use Committee (LUC). The LUC is created by Capital Regional District Land Use Committee Bylaw No. 1, 2004 (Bylaw No. 3166). As a committee comprised of the Electoral Area Director and elected local residents, it is in the best position to obtain the views of the community and make specific comments and recommendations. An applicant dissatisfied with a decision of the LUC may request reconsideration by the Board.

The Board may, by bylaw, delegate its powers, duties and functions. In 2017, the CRD adopted Bylaw No. 4186, Capital Regional District Delegation Bylaw No. 1, 2017. No delegation currently exists for liquor and cannabis recommendations and hearings; however, public feedback is assembled at the LUC then referred to the Board. Each applicant is charged a \$1,500 cost recovery fee by bylaw.

ALTERNATIVES

Alternative 1:

That the Governance and Finance Committee recommend to the Capital Regional District Board:

- a) That Bylaw No. 4310, Capital Regional District Delegation Bylaw No. 1, 2017, Amendment Bylaw No. 2, 2019, be introduced and read a first, second and third time; and
- b) That Bylaw No. 4310 be adopted.

Alternative 2:

That this report be referred back to staff for additional information.

IMPLICATIONS

Process Implications

The Province requires that local government provide a resolution supporting a cannabis retail licence application and some forms of liquor licence applications, before it will give further consideration to granting such licences.

In accordance with the recently adopted JdF EA Cannabis Retail Licence Application Policy, comments regarding a proposed cannabis retail outlet are solicited by staff through a public notification process. The application and any comments received are presented at a meeting of the LUC, which makes a recommendation of support or non-support to the Regional Board. The final decision is then made by the CRD Board through an unweighted vote of all directors. The results of that decision are then forwarded to the Province as part of its licence review process. In a sense, the Board makes a regional decision on an issue that only affects the electoral area at a local level; whereas, in the case of incorporated areas, these referrals would only be considered by the locally elected councils.

The procedure outlined in the Cannabis Retail Licence Application Policy anticipates that the LUC could have delegated authority to make recommendations directly to the Province; therefore, no changes to the Policy are required.

At the present time, a procedure policy detailing the public consultation process for liquor licence referrals has not been adopted by the CRD Board. This policy, along with policies for additional application types, will be forwarded by the LUC for Board consideration later in 2019. It is anticipated that the liquor licence application policy will be similar to that adopted for cannabis retail licences.

Legal Implications

Applicants dissatisfied with the comments or recommendations made by the LUC retain the right to request reconsideration by the Board. This would require assembly of all materials from the initial public hearing and the Regional Board would then make a decision on whether to uphold or change the decision of the LUC.

CONCLUSION

The proposed amendment is in keeping with the JdF Cannabis Retail Licence Application Policy. The amendment will allow the Land Use Committee to provide direct local comment to the BC Liquor and Cannabis Regulation Branch, while still providing an avenue of appeal to the Regional Board where an applicant is dissatisfied with a recommendation of the Committee.

RECOMMENDATION

That the Governance and Finance Committee recommend to the Capital Regional District Board:

- a) That Bylaw No. 4310, Capital Regional District Delegation Bylaw No. 1, 2017, Amendment Bylaw No. 2, 2019, be introduced and read a first, second and third time; and
- b) That Bylaw No. 4310 be adopted.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning (JdF EA)
Concurrence:	Steven Carey, BSc, JD, Manager, Legal Services
Concurrence:	Kristen Morley, JD, General Manager, Corporate Services & Corporate Officer
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SNC:IL

Attachments:

- Appendix A: Bylaw No. 4310, Capital Regional District Delegation Bylaw No. 1, 2017, Amendment Bylaw No. 2, 2019
- Appendix B: Juan de Fuca Cannabis Retail Licence Application Policy