

To: Electoral Area Services Committee
From: Julie Mundy, Planner 1

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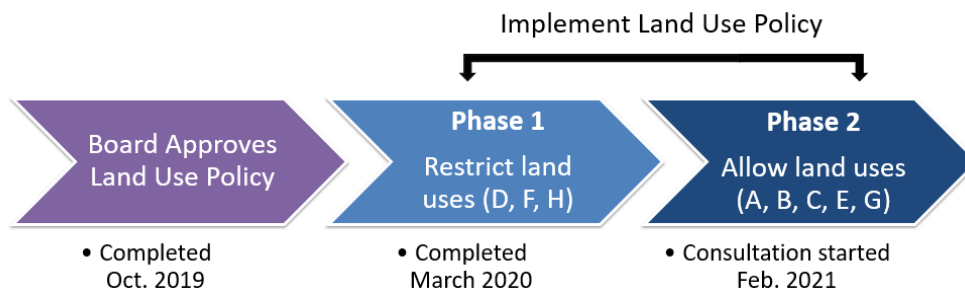
Subject: Cannabis Regulations – Survey findings and next steps

INTENT

This report is intended to advise the Fraser Valley Regional District Board of information pertaining to a recently conducted survey on cannabis regulations within the Electoral Areas. Staff is not looking for a recommendation and has forwarded this information should members want clarification or to discuss the item further.

BACKGROUND

The FVRD Board adopted a *Land Use Policy for Cannabis Production, Processing and Retail Sales in the Electoral Areas* in 2019. The policy summarizes the direction and intent to regulate cannabis in each Electoral Area. Staff are now working to implement the policy by creating regulations which allow for cannabis production and processing in Electoral Areas A, B, C, E, and G.



To help inform this work, staff asked residents, businesses, and cannabis industry organizations to provide input through an online survey. The survey was open from Feb 1 through March 13, 2021 and received 465 responses. There was representation from all electoral areas, including areas where cannabis land uses have already been restricted. The majority of all respondents (82%) live or own property within an electoral area. The full survey results and a summary of findings are attached.

DISCUSSION

Key themes that emerged from the survey include:

- Strong interest in seeing updates to FVRD cannabis regulations (77% of respondents)
- Significant levels of concern about negative impacts from cannabis production with 68% of respondents being concerned or very concerned about impacts
- Key concerns related to odour, safety, light pollution, and distances from houses
 - Respondents identified these concerns for both small and large scale activities
 - Concerns were voiced across all electoral areas.
 - Several cannabis industry groups indicated concern over these issues as they know they exist, and they want cannabis to be an accepted land use
- Support for the creation of different regulations for 'Small' and 'Large' scale production
 - For the survey, 'Small' scale means micro production with a maximum growing area of 200 sq m (2100 sq ft) and 'Large' scale means any growing area larger than 200 sq m
 - 69% of respondents with an opinion supported having different regulations by scale
- Less acceptance of large scale production in rural zones, and more acceptance of large scale production in industrial zones
- More acceptance of small scale production on smaller parcels, whereas there is more acceptance of large scale production on larger parcels
- Support for creating a maximum building size for large scale production. 75% of all respondents indicated it was important, or very important to have a maximum building size.

These findings will be used in the drafting of new regulation for cannabis land uses.

Regulation Approach

There are two potential approaches to mitigate impacts from cannabis land uses. The first is through performance standards which may include jurisdictional, technical, and time resource challenges for FVRD staff. The second is through regulation of land use and site requirements which is firmly within the purview of a local government.

Performance Standards

A performance standard could detail minimum technical standards such as type of emission control system or allowable angle of light spill. This type of standard requires more investigation to determine whether it is within FVRD's jurisdiction to enact such standards. It is likely we do not have the resource and expertise capacity to oversee this type of regulation. Technical performance standards for cannabis production may be problematic for staff for the following reasons:

- **Jurisdiction.** Health Canada sets out requirements for lighting and emission control. Staff do not wish to create unenforceable regulations which conflict with federal requirements or overstep our jurisdictional authority.
- **Resource Capacity.** Technical standards require inspections at installation as well as on-going maintenance inspections to ensure compliance. This requires staff time, technical expertise, and the authority to enforce.

- **Currency.** Federal requirements and industry standards may change over time. A technical performance standard in a zoning bylaw has the potential to quickly become outdated.

For these reasons, the initial opinion of staff is that it may be beneficial to approach cannabis regulation through other mechanisms.

Land Use / Site Requirements

Traditional zoning tools can be very effective and are clearly within our authority, resource capacity, and expertise. Land use regulations would likely include a combination of setbacks from property lines and residences, maximum lot coverage requirements, minimum parcel sizes, maximum building sizes, and visual screening.

These regulations can be drafted to allow for flexibility and adjustments on a site specific basis when warranted.

Timeline

Staff anticipate presenting draft regulations to EASC for a detailed review in Fall 2021. After receiving input, staff will prepare the draft bylaw for first reading.

Milestone	Date
Provide consultation plan to EASC and Board	November 2020
Collect input through virtual engagement <ul style="list-style-type: none"> • Stakeholder consultation, public survey, social media 	February – March 2021
Report to EASC with public engagement summary	June 2021
Present draft regulations to EASC	Fall 2021
First Reading of proposed regulations	Winter 2021/22

COST

Cannabis zoning bylaw amendments and the associated public consultation are a priority project identified in the Electoral Area Planning department’s work plan. Sufficient funds have been budgeted within the Electoral Area Planning Budget to undertake this work.

CONCLUSION

Staff will use the collected survey data to create regulations which allow for cannabis production and processing in Electoral Areas A, B, C, E, and G. The regulations will allow for the operation of legal cannabis land uses while minimizing any negative impact to surrounding properties.

COMMENTS BY:

Graham Daneluz, Director of Planning & Development: Reviewed and supported.

Kelly Lownsborough, Chief Financial Officer/ Director of Finance: Reviewed and supported.

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported.