

CVRD Bylaw No. 4349 Cannabis Uses and Policies Explanatory Table

Electoral Area / Existing Zoning Bylaw Content	Proposed	Rationale/Comments
Definitions		
All Electoral Areas	<p>“Agriculture” means growing, rearing, producing or harvesting livestock or agricultural crops <u>other than cannabis</u>, and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies;</p> <p>“Cannabis” means cannabis as defined in the <i>Cannabis Act</i> (Canada);</p> <p>“Horticulture” means the practice of growing flowers, fruits, vegetables or ornamental plants and <u>excludes</u> mushroom farming and <u>commercial cannabis production</u>.</p>	<p>The following words are deleted from definitions: “agriculture”, “cannabis”, “Cannabis Act”, “cannabis-related business”, “cannabis consumption lounge”, “cannabis production (commercial – medical)”, “cannabis production (commercial – non-medical)”, “cannabis production (personal – home cultivation)”, “cannabis storefront retail”, “horticulture”, “medical marijuana”, “medical marijuana growing and processing”, and “nursery”;</p> <p>Proposed definitions create consistency in all electoral areas. Underlined words note intention of replacing definition.</p>
All Electoral Areas except Area D Marine	<p>“Cannabis production and processing” means the commercial cultivation, processing, storage and wholesale distribution of cannabis and products derived from cannabis, <u>and does not include the cultivation of up to four cannabis plants in a dwelling house for personal use in accordance with the <i>Cannabis Control and Licensing Act</i> (British Columbia)</u>;</p>	<p>New definition for all electoral areas except Area D Marine Zoning Bylaw No. 1015.</p> <p>Definition differentiates commercial production and processing from personal cultivation.</p>

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Electoral Area D Upland	“Food processing” means the use of land, buildings or structures for the processing, warehousing and distribution of food and beverage products but specifically <u>excludes</u> fish, livestock, poultry and <u>cannabis processing</u> , breweries and distilleries;	Clarify that cannabis processing is not permitted within the definition of food processing.
Electoral Areas A, C, F, G, H, I	“Nursery” means the use of land, a building or structure for growing and the wholesale or retail sales of flowers, fruits, vegetables, plants <u>other than cannabis</u> , shrubs, trees and similar vegetation	Clarify that cannabis production is not permitted within the definition of nursery. Nursery is not a defined term in all zoning bylaws.
General Regulations		
<p>All Electoral Areas</p> <p>Existing:</p> <p>1. Where cannabis production (commercial – medical) or cannabis production (commercial – non-medical) is permitted in a zone, the use is subject to the following regulations: a. the cannabis producer must be in possession of a valid license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license; b. all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines; c. all parcels used for that purpose shall be located not less than</p>	<p>Commercial Cannabis Regulations</p> <ol style="list-style-type: none"> 1. Cannabis production and processing is a permitted farm use of all parcels in the Agricultural Land Reserve, to the extent permitted by the Agricultural Land Reserve Use Regulation. 2. Cannabis production and processing are subject to the following regulations: <ol style="list-style-type: none"> a. all buildings, greenhouses and other structures used for either purpose must be located not less than 30 metres from all parcel lines and not less than 150 metres from any residential building located within the Agricultural Land Reserve; and b. all parcels used for either purpose shall be located not less than 150 metres from any park and from the 	<p>The new Commercial Cannabis Regulation replaces existing regulations within the sections noted below in the respective electoral area zoning bylaw:</p> <p>Area A & C Section 4.23 Area B Section 5.21 Area D Section 2.1.20 Area E Section 5.31 Area F Section 3.30 Area G Section 3.30 Area H Section 5.23 Area I Section 3.27</p> <p>*An alternative would be to measure parcel to parcel regardless of where the school or daycare building is located. This would also keep options open for school districts that want to add to schools or set up portables on their parcel and</p>

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<p>300 metres from a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone. 2. Cannabis production (commercial – medical) is a permitted use on lands located in the ALR in accordance with the Province of British Columbia Agricultural Land Reserve Use, Subdivision and Procedure Regulation.</p>	<p>nearest portion of any parcel on which a school or child care facility is located, and not less than 150 metres from any residential or rural residential zone, park zone, institutional zone, comprehensive development zone or mixed-use zone.</p> <p>3. Retail sale of cannabis is permitted as a principal use, only in zones in which:</p> <ul style="list-style-type: none"> a. retail store or convenience store is a permitted principal use; or b. retail sales is a permitted principal use without any limitation as to what goods or products may be sold; c. do not permit community service facilities; ** <p>and is not permitted in any zone as an accessory use.</p> <p>4. Farm gate sales of cannabis produced on the farm is a permitted farm use of all parcels in the Agricultural Land Reserve, subject to provincial retail sales licensing requirements. ***</p>	<p>would be precluded by the 300 m rule if cannabis retail had been set up only 300 m from an existing school building rather than the parcel boundary.</p> <p>**community service facilities only applicable to electoral areas A/C and B zoning bylaws.</p> <p>***Provincial licensing requirements for farm gate retail sales will (under existing provincial policy) include a referral to the CVRD board and an opportunity to say no. Currently, producers holding a federal licence would not be allowed by the federal regulator to sell at retail on the same premises. The attached BC press release suggests the Province will develop a farm-gate sales program that will give BC cannabis growers the ability to sell their products from “farm-gate” stores located at their production site: https://news.gov.bc.ca/releases/2020PSSG0054-001830</p>
<p>Regulations by Electoral Areas</p>		
<p>Electoral Area A and C</p>		
<p>Section 4.2.2 Uses Prohibited in all Zones: k. Cannabis-related business; l. Cannabis consumption lounge; m. Cannabis production (commercial - medical);</p>	<p>Subsections 4.2.2 k. to p. are <u>deleted</u>.</p>	<p>General prohibition of these uses is now irrelevant.</p>

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n. Cannabis production (commercial - non-medical); o. Cannabis production (personal - home cultivation); p. Cannabis storefront retail.		
Section 12.5. C-5 Village Commercial 5 zone. 7. Cannabis storefront retail is a site specific use at 3541 Cobble Hill Road, 017-996-783	<u>Delete</u> subsection 12.5.7	The C-5 zone permits retail use. A site-specific cannabis storefront retail use is redundant.
Section 13.3 Light Industrial 1B Zone Permitted uses: e. cannabis-related business; f. cannabis production (commercial-medical) g. cannabis production (commercial-non-medical) h. cannabis storefront retailing;	<u>Replace</u> subsections 13.3.1 e. to h. with: e. cannabis production and processing;	Update terminology. Retail sales are already permitted up to 250 square metres floor area.
Section 13.2.1 Bamberton Light Industrial 1A Zone Permitted uses: e. cannabis-related business; f. cannabis production (commercial-medical) g. cannabis production (commercial-non-medical) h. cannabis storefront retailing;	<u>Replace</u> subsections 13.2.1e. to h. with the following: e. cannabis production and processing;	Update terminology. Retail sales are already permitted up to 250 square metres floor area.
<p>South Cowichan Zoning Bylaw 3520 is complex as regards retail sales uses, with all of the following listed in various zones:</p> <ol style="list-style-type: none"> 1. 'Retail store' principal uses 2. 'Retail sales' principal uses, unrestricted 3. 'Retail sales' principal uses, restricted as to floor area 4. 'Retail sales' principal uses, specifying what may be sold 5. 'Convenience store' principal uses 6. A 'retail' principal use <p>All of the above (except 4.) are to be eligible for cannabis retail if Bylaw 4349 is adopted.</p>		

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In electoral area A, the CD-9A zone allows “Uses permitted in the Village Commercial C-5 zone”. Retail sales is a permitted use in the C-5 zone, which will include the retail sales of cannabis if Bylaw 4349 is adopted. Following a strict application of the Board’s direction, retail sales of cannabis will become a permitted use in the CD-9A zone.		
Area B		
Section 4.7 Existing: The following uses are prohibited in all zones under this Bylaw, unless expressly permitted elsewhere in this Bylaw: a) cannabis-related business; b) cannabis consumption lounge; c) cannabis production (commercial – medical); d) cannabis production (commercial – non-medical); e) cannabis production (personal - home cultivation); f) cannabis storefront retail.	<u>Delete</u> section 4.7	General prohibition is now irrelevant.
Section 11.2 I-1A Light Industrial Zone: a) Permitted Uses: 6) cannabis-related business; 7) cannabis production (commercial - medical); 8) cannabis production (commercial – non-medical); 9) cannabis storefront retailing;	<u>Replace</u> subsections 11.2(a)(6) to (9) with the following: 6) cannabis production and processing; 7) retail sales of cannabis;	Update terminology. No general retail sales use in these zones, but cannabis storefront retailing was an existing use, so “retail sales of cannabis” is added.
Section 11.4 I-1C Light Industrial Zone a) Permitted Uses: (6) Cannabis-related business; (7) Cannabis production (commercial - medical);	<u>Replace</u> subsections 11.4(a)(6) to (9) with the following: 6) cannabis production and processing; 7) retail sales of cannabis;	Update terminology. No general retail sales use in these zones, but cannabis storefront retailing was an existing use, so “retail sales of cannabis” is added.

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(8) Cannabis production (commercial – non-medical); (9) Cannabis storefront retailing;		
Section 11.8 I-5 Eco-Industrial Zone a) Permitted Uses: 5) cannabis-related business; 6) cannabis production (commercial - medical); 7) cannabis production (commercial – non-medical); 8) cannabis storefront retailing;	<u>Replace</u> subsections 11.8(a)(5) to (8) with the following: 5) cannabis production and processing; 6) retail sales of cannabis;	Update terminology. No general retail sales use in these zones, but cannabis storefront retailing was an existing use, so “retail sales of cannabis” is added.
Area D Marine Bylaw 1015		
Section 4.2 Uses Prohibited in All Zones: n) Medical marihuana production; Section 4.14 Home-Based Business l) Except as permitted in accordance with the Agricultural Land Commission Act, fish, livestock, <u>medical marihuana production</u> and poultry processing are not permitted as home-based businesses.	In subsections 4.2(n) and 4.14(l) <u>replace</u> “medical marihuana production” with “commercial production of cannabis”;	Update terminology.
Section 5.1 Required Number of Off Street Parking	In the table in section 5.1(a) <u>delete</u> the words “medical marihuana”;	Remove outdated term.
Area D Uplands Bylaw 3705		
Section 2.1.2 Prohibited in all Zones (b) Cannabis-related business; (c) Cannabis consumption lounge; (d) Cannabis production (commercial - medical);	<u>Delete</u> subsections b) to g) and m) from Section 2.1.2 and renumber.	General prohibition is now irrelevant.

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(e) Cannabis production (commercial - non-medical); (f) Cannabis production (personal - home cultivation); (g) Cannabis storefront retail; (m) Medical marihuana processing pursuant to the Government of Canada's Marihuana for Medical Purposes Regulation;		
Section 2.1, subsection 17 Home-Based Business m) Except as permitted in accordance with the Agricultural Land Commission Act, fish, livestock, <u>medical marihuana</u> or poultry processing are not permitted as home-based businesses;	<u>Replace</u> the term "medical marihuana" with "cannabis" in subsection 17 (Home Based Business)	Update terminology.
Section 2.4.1 Off street parking requirements	In the table in section 2.4.1(a) <u>replace</u> the words "medical marihuana" with "cannabis";	Replace reference to medical marihuana
Section 4.5 A7 Agricultural Service Zone Permitted Uses: b) Cannabis-related business; (c) Cannabis production (commercial - medical); (d) Cannabis production (commercial - non-medical); (e) Cannabis storefront retailing;	<u>Delete</u> subsections 4.5.1(b) through (d). <u>Replace</u> (e) "cannabis storefront retail" with "retail sale of cannabis".	Cannabis production and processing are covered by the permitted "farm uses". Update terminology for cannabis retail.
Section 4.5.5 Special Regulation A7 Zone: In addition to the permitted uses listed in Subsection 1, medical marihuana processing is a permitted use on Lot 3, Section 13, Range 7, Quamichan District, Plan VIP 64002.	In subsection 4.5.5(b) <u>replace</u> the words "medical marihuana" with "cannabis" and "Lot 3, Section 13, Range 7, Quamichan District, Plan VIP 64002" with "amended Parcel A (DD 168307-I), of Lot 3, Section 13, Range 7, Quamichan District, Plan 2298"	Replace with updated terminology. Update legal description.

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Section 7.2 C2-A zone. 6. Cannabis storefront retail is a permitted use Lot 1, Section 6, Range 2, Cowichan District, Plan 9697, except part in plan 2844 RW.	<u>Delete</u> subsection 7.2.6.	The C-2A zone permits retail use. A site-specific cannabis storefront retail use is redundant.
Area E		
Section 4.9 Prohibited Uses Any use not expressly permitted in this bylaw is prohibited in all zones and where a particular use is expressly permitted in one zone, such use is prohibited in all zones where it is not expressly permitted. For additional clarity, the following uses are amongst those explicitly prohibited: a. cannabis-related business; b. cannabis consumption lounge; c. cannabis production (commercial - medical); d. cannabis production (commercial - non-medical); e. cannabis production (personal - home cultivation); f. cannabis storefront retail;	<u>Delete</u> section 4.9.	General prohibition is now irrelevant.
Section 11.1 I-1 Light Industrial a) Permitted uses 5) cannabis-related business; 6) cannabis storefront retailing. Section 11.1(A) Special Light Industrial 1A zone. a) Permitted Uses:	<u>Delete</u> subsections 11.1(a)(5) and (6) and 11.1(A)(a)(6) and (7) and renumber;	These permitted uses (cannabis related business and cannabis storefront retailing) are covered by "retail stores" in both zones.

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6) cannabis related business 7)cannabis storefront retailing.		
Section 11.1 I-1 Light Industrial Zone d) In addition to the permitted uses listed in Subsection (a), cannabis production (commercial - medical) and cannabis production (commercial – non-medical) is a permitted use on the following properties:	In section 11.1(d) <u>replace</u> “cannabis production (commercial – medical) and cannabis production (commercial – non-medical)” with “cannabis production and processing”.	Update terminology.
Section 11.1 I-1 Light Industrial Zone e): Notwithstanding the permitted uses listed in Subsection (a), cannabis-related business and cannabis storefront retailing is a prohibited use on the following properties:	In section 11.1(e) <u>replace</u> “cannabis-related business and cannabis storefront retailing” with “retail sale of cannabis”;	Update terminology.
Section 11.2 I-2 Heavy Industrial Permitted Uses: 1) Cannabis production (commercial - medical); 2) Cannabis production (commercial – non-medical);	In section 11.2(a) Permitted Uses, <u>replace</u> subsections (1) and (2) with “(1) Cannabis production and processing”.	Update terminology.
Area F		
Section 2.3.3 Prohibitions 3. For additional clarity, the following uses are explicitly prohibited: a. cannabis-related business; b. cannabis consumption lounge; c. cannabis production (commercial - medical); d. cannabis production (commercial - non-medical); e. cannabis production (personal - home cultivation); f. cannabis storefront retail;	<u>Delete</u> subsection 2.3.3.	General prohibition is now irrelevant.

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Section 5.24 I-1 Light Industrial 1 Zone. 1. Permitted Uses f. Cannabis-related business; g. Cannabis production (commercial - medical); h. Cannabis production (commercial – non-medical); i. Cannabis storefront retailing;	<u>Replace</u> subsections 5.24.1 f. to i. with the following: f. Cannabis production and processing; g. Retail sales of cannabis;	Update terminology. No general retail sales use in this zone, so add “retail sales of cannabis”.
Area G		
Section 2.3 Prohibitions 3. For additional clarity, the following uses are amongst those explicitly prohibited: (a) cannabis-related business; (b) cannabis consumption lounge; (c) cannabis production (commercial - medical); (d) cannabis production (commercial - non-medical); (e) cannabis production (personal - home cultivation); (f) cannabis storefront retail;	<u>Delete</u> subsection 2.3.3	General prohibition is now irrelevant.
Area H		
Section 4.7 Prohibitions 3. For additional clarity, the following uses are amongst those explicitly prohibited: (a) cannabis-related business; (b) cannabis consumption lounge; (c) cannabis production (commercial - medical);	<u>Delete</u> subsection 4.7.3.	General prohibition is now irrelevant.

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(d) cannabis production (commercial - non-medical); (e) cannabis production (personal - home cultivation); (f) cannabis storefront retail.		
Area I		
Section 2.3 Prohibitions 3. For additional clarity, the following uses are amongst those explicitly prohibited: a. cannabis-related business; b. cannabis consumption lounge; c. cannabis production (commercial - medical); d. cannabis production (commercial - non-medical); e. cannabis production (personal - home cultivation); f. cannabis storefront retail;	<u>Delete</u> subsection 2.3.3.	General prohibition is now irrelevant.
Section 5.33 I-1 Light Industrial 1 Zone 1. Permitted Uses: f. Cannabis-related business; g. Cannabis production (commercial - medical); h. Cannabis production (commercial - non-medical); i. Cannabis storefront retailing;	<u>Replace</u> subsections 5.33.1 f. through i. with the following: f. Cannabis production and processing; g. Retail sales of cannabis;	Update terminology. No general retail sales use in this zone, so add "retail sales of cannabis"

Cannabis Production Facility Land Use Application Criteria Policy

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Existing 2019 Policy	Proposed 2021 Policy	Rationale
Location 6.: The proposed cannabis production facility must be located at least 300 meters (measured in a straight line from closest lot line to closest lot line) from: a. A residential or rural residential zone;	Location 6.: The proposed cannabis production facility must be located at least 300 metres (measured in a straight line from closest lot line to closest lot line) from: a. <u>A zone that permits residential use as a principal use;</u>	Clarify language.
Location 7.: Areas designated residential in the Official Community Plan (OCP) and residential zones <u>will not be considered</u> for cannabis production facilities.	Location 7.: Areas designated residential in the Official Community Plan (OCP) and residential zones <u>will not be supported</u> for cannabis production facilities.	Clarify language. The Board must consider all applications.
Location 8.: The proposed cannabis production facility located within the Agricultural Land Reserve (ALR) shall be located not less than 30 meters from all lot lines and watercourses.	<u>Delete</u>	The use is considered a farm use. Must be consistent with ALR Regulations. 30 metre setback to parcel lines already established in Bylaw 4349.

Cannabis Retail Store Application Criteria Policy		
Existing 2019 Policy	Proposed 2021 Policy	Rationale
Purpose 3.: To inform the response to a request for comment on <u>an</u> application for a cannabis retail store license from the Liquor & Cannabis Regulation Branch (LCRB).	Purpose 3.: To inform the response to a request for comment on <u>all</u> applications for a cannabis retail store license from the Liquor and Cannabis Regulation Branch (LCRB).	Clarify language.

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Application Procedure 3.: All applications submitted to the CVRD shall include the following: a. <u>A copy of the Provincial preliminary letter of approval for the proposed cannabis retail store</u> ; b. Application form signed by the applicant and registered owner of the property (if applicable);	Application Procedure 3.: All applications submitted to the CVRD shall include the following: a. <u>Application form signed by the applicant and registered owner of the property (if not the applicant)</u> ;	Clarify process.
All applicants will arrange and conduct an Information Meeting to provide residents and property owners within 300 meters of the subject property with information about their application. A summary of the feedback received at the meeting will be incorporated as part of the staff report to the Board. All costs associated with the Information Meeting will be borne by the applicant, including advertising and notification expenses.	All applicants will arrange and conduct an Information Meeting to provide residents and property owners within 300 metres of the subject property with information about their application. A summary of the feedback received at the meeting will be <u>provided by the applicant</u> and incorporated as part of the staff report to the Board. All costs associated with the Information Meeting will be borne by the applicant, including advertising and notification expenses.	Clarify who is required to provide the information.
Location 8.: Cannabis retail stores are permitted only in zones which allow for “retail sales”, “retail store” or “retail” as a principal permitted use or in the following locations, as listed in Table 1.	Location 8.: Cannabis retail stores are permitted only in zones which allow for “retail sales”, “retail store”, “ <u>convenience store</u> ” or “retail” as a principal permitted use or in the following locations, as listed in Table 1.	Add convenience store to be consistent with Bylaw 4349.
Location 12.: The proposed cannabis retail store must be located at least 300 meters (measured in a straight line from closest lot line to closest lot line) from another lot where	Location 11. The proposed cannabis retail store must be located at least 300 metres (measured in a straight line from closest lot line to closest lot line) from:	Simplifying, as preamble to #12 was repetitive with #11.

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retail cannabis sales is permitted, whether or not a retail cannabis store is active or not.	e. Another cannabis store.	
<p>Building and Siting 14:</p> <p>The design of the proposed cannabis retail store should enhance or improve the aesthetics of the surrounding areas, not detract from them. <u>Storefronts shall not include opaque window coverings, bars on windows, metal shutters or signage in windows.</u></p>	<p>Building and Siting 14:</p> <p>The design of the proposed cannabis retail store should enhance or improve the aesthetics of the surrounding areas, not detract from them.</p>	Underlined words are deleted for conflict with provincial licensing requirements.