



SPECIAL COUNCIL MEETING AGENDA TUESDAY, JANUARY 15, 2019 IMMEDIATELY FOLLOWING THE PUBLIC HEARING

CALL TO ORDER

ADOPTION OF AGENDA (and late items, if appropriate)

BYLAWS

- a) Zoning Amendment Bylaw No. 1867, 2018 (*Third Reading*).
- b) Zoning Amendment Bylaw No. 1877, 2018 (*Third Reading*).

GIVING OF NOTICES:

- COTW – February 19, 2019
- COUNCIL – January 22, February 12 and 26, 2019
- SPECIAL COUNCIL – January 15, 2019
- COUNCIL – **February 26, 2019 will commence at 1 p.m.**

ACTING MAYORS SCHEDULE – 2019

January	Cllr. Unruh	February	Cllr. Wilson
March	Cllr. DeBoon	April	Cllr. Tzakis
May	Cllr. Comer	June	Cllr. Elford
July	Cllr. Unruh	August	Cllr. Wilson
September	Cllr. DeBoon	October	Cllr. Tzakis
November	Cllr. Comer	December	Cllr. Elford

QUESTION PERIOD

ADJOURNMENT

TOWN OF CRESTON

BYLAW NO. 1867

A bylaw to amend Zoning Bylaw No. 1123, 1989.

WHEREAS Council has enacted a Zoning Bylaw;

AND WHEREAS Council deems it necessary and in the public interest to amend Zoning Bylaw No. 1123;

NOW THEREFORE the Council of the Town of Creston, in open meeting assembled, acts as follows:

Part 1 Citation

1.1 This bylaw may be cited as "Zoning Amendment Bylaw No. 1867, 2018".

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amendments

3.1 Tourist Commercial (C-3) Zone, is amended by adding the following under 1. Permitted Uses:

“.9 Month-to-month rentals, specific only to the property located at 1441 Northwest Boulevard and legally described as Lot 2, District Lot 892, Kootenay District, Plan 4260 (PID: 014-880-709)”;

Part 4 Effective Date

4.1 This bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME by title and SECOND TIME by content this 11th day of December, 2018.

PUBLIC HEARING was held the day of , 20 .

READ A THIRD TIME by title the day of , 20 .

ADOPTED the day of , 20 .

Mayor Ron Toyota

Stacey Hadley, Corporate Officer

Town of Creston

Bylaw No. 1877

A bylaw to amend Zoning Bylaw No. 1123.

WHEREAS the Council of the Town of Creston has enacted a Zoning Bylaw;

AND WHEREAS Council deems it necessary and in the public interest to amend Zoning Bylaw No. 1123;

NOW THEREFORE, the Council of the Town of Creston, in open meeting assembled, enacts as follows:

Part 1 Citation

1.1 This bylaw may be cited as “Zoning Amendment Bylaw No. 1877, 2018”.

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amendments

3.1 Zoning Bylaw No. 1123, 1989, as amended, is hereby further amended as follows:

a. Part Three, Definitions, is amended by adding the following:

“**Cannabis**” is as defined in the Cannabis Act of Canada and includes any Cannabis Product.

“**Cannabis Analytical Testing**” means the authorized production and creation of Cannabis Products for the purpose of testing, and associated activities as lawfully permitted under the Cannabis Act of Canada and regulations enacted thereunder and amended from time to time, including the Cannabis Regulations, and the Town’s Bylaws.

“**Cannabis Buffer Area**” means the area surrounding certain properties within the Town of Creston where certain uses are not permitted, as defined by Schedule B – Cannabis Buffer Areas Map.

“**Cannabis Micro Cultivation**” means the authorized, small-scale growing of cannabis plants and harvesting material from those plants and authorized and ancillary activities as lawfully permitted and authorized under the Cannabis Act of Canada, and regulations enacted thereunder and amended from time to time, including the Cannabis Regulations, and Cannabis Control and Licensing Act of British Columbia and the regulations thereunder as enacted and amended from time to time, and the Town’s Bylaws.

“**Cannabis Micro Processing**” means the authorized, small-scale manufacturing, packaging and labelling of cannabis products destined for sale to customers and intra-industry sales of those products, including to provincially

authorized distributors, as well as authorized activities as lawfully permitted and authorized under the Cannabis Act of Canada, and regulations enacted thereunder and amended from time to time, including the Cannabis Regulations, and the Cannabis Control and Licensing Act of British Columbia and regulations thereunder as enacted and amended from time to time, and the Town's Bylaws.

“Cannabis Nursery” means the authorized growing of cannabis plants to produce the starting material (seed and seedlings) and authorized and ancillary activities as lawfully permitted and authorized under the Cannabis Act of Canada, Cannabis Regulations and other regulations thereunder as enacted and amended from time to time, and the Town's Bylaws.

“Cannabis Operation” means a Cannabis Micro Cultivation; Cannabis Micro Processing; Cannabis Nursery; Cannabis Standard Cultivation; Cannabis Research; Cannabis Standard Processing; or, Medical Marijuana Production Facility use, as defined in this Bylaw.

“Cannabis Product” is as defined in the Cannabis Regulations of Canada as amended from time to time.

“Cannabis Retail Store” means the use of land, buildings or other structure for dispensing, selling or distributing Cannabis as lawfully permitted and authorized under a Retail Cannabis Licence and the Cannabis Distribution Act of British Columbia and Cannabis Act of Canada and the respective regulations thereunder enacted and amended from time to time and a business licence issued under the Town of Creston's Business Licence Bylaw.

“Cannabis Research” means the authorized production of cannabis for research purposes and authorized and ancillary activities as lawfully permitted and authorized under the Cannabis Act of Canada, Cannabis Regulations and other regulations thereunder as enacted and amended from time to time, and the Town's Bylaws.

“Cannabis Standard Cultivation” means the authorized growing of cannabis plants and harvesting material from those plants, and authorized and ancillary activities as lawfully permitted and authorized under the Cannabis Act of Canada and the regulations thereunder as enacted and amended from time to time, including the Cannabis Regulations, and the Cannabis Control and Licensing Act of British Columbia and the regulations thereunder as enacted and amended from time to time, and the Town's Bylaws.

“Cannabis Standard Processing” means the authorized manufacturing, packaging and labelling of cannabis products destined for sale to customers and intra-industry sales of those products, including to provincially authorized distributors, as well as authorized activities as lawfully permitted and authorized under the Cannabis Act of Canada and regulations thereunder as enacted and amended from time to time, including the Cannabis Regulations, and the Town's Bylaws.

“Medical Cannabis” is as defined in section 2 of the Cannabis Control Regulation (BC) as amended from time to time.

“Medical Marihuana Production Facility” Means the use of buildings and other structures for the purpose of growing, processing, packaging, testing, destroying, storing or shipping of marihuana for medical purposes as lawfully permitted and authorized under the Access to Cannabis for Medical Purposes Regulations (Canada), Cannabis Act (Canada) and any regulations thereunder and as amended from time to time, and the Town’s Bylaws.

“Retail Cannabis Licence” means a licence issued to a person or government as lawfully permitted and authorized under the Cannabis Act of Canada and regulations enacted thereunder and as amended from time to time, including the Cannabis Regulations of Canada, and the Cannabis Control and Licensing Act of British Columbia and Cannabis Distribution Act of British Columbia and the respective regulations thereunder as enacted and as amended from time to time.

“Retail Medical Cannabis Sales” means an establishment licenced to sell medical cannabis as lawfully permitted and authorized under the Access to Medical Purposes Regulations of Canada and Cannabis Act of Canada and regulations enacted thereunder and as amended from time to time, including the Cannabis Regulations of Canada, and Cannabis Control and Licensing Act of British Columbia and regulations enacted thereunder and as amended from time to time, and the Town’s Business Licence Bylaw.

- b. Part Five, General Regulations, is amended by repeal of section 5.8.2, which prohibits cannabis production and sales in all zones
- c. Part Five, General Regulations, is amended by adding the following:

5.2.7 A Cannabis Retail Store, Cannabis Operation, Retail Medical Cannabis Sales, or Cannabis Analytical Testing use shall not be considered a Home Occupation under this Bylaw.

- d. Part Five, General Regulations, is amended by adding the following:

CANNABIS PROVISIONS

5.18.1 No primary public entry to a Cannabis Retail Store or Cannabis Operation use shall be located within 150 metres of a parcel boundary of a public school, including but not limited to the following (see Schedule B):

- a) Adam Robertson Elementary School (421 9th Avenue North);
- b) Prince Charles Secondary School (225 18th Avenue South); and,
- c) Creston Education Centre (617 11th Avenue South).

5.18.2 No primary public entry to a Cannabis Retail Store, or Cannabis Operation use shall be located within 150 metres of a parcel boundary of the following public spaces (see Schedule B):

- a) Schikurski Park (1400 Regina Street);
- b) Centennial Park (905 Birch Street);
- c) Creston & District Community Complex (312 19th Avenue North);
- d) Burns Park (2403 Elm Street);
- e) Millennium Park (401 16th Avenue South); and,

- f) Dodd's Creek Park (330 11th Avenue South).
- e. Part Six, Establishment of Zones, Agriculture (A-1) Zone, Section 1, Permitted Uses is amended by adding the following:
 - .8 Cannabis Operation, in accordance with section 2(2.5) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation and Agricultural Land Commission's non-farm use approval as in conformance with the Agricultural Land Commission Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation
- f. Part Six, Establishment of Zones, General Commercial (C-1) Zone, Section 1, Permitted Uses is amended by adding the following:
 - .26 Cannabis Retail Store, in accordance with Section 2.8
- g. Part Six, Establishment of Zones, General Commercial (C-1) Zone, Section 2, Zone Regulations is amended by adding the following:
 - .8 Cannabis Specific Regulations:
 - i. subject to Part Five, Sections 5.18.1 through 5.18.2 inclusive of this Bylaw
- h. Part Six, Establishment of Zones, Highway Service Commercial (HSC) Zone, Section 1, Permitted Uses is amended by adding the following:
 - .73 Cannabis Micro Cultivation, in accordance with Section 2.8
 - .74 Cannabis Micro Processing, in accordance with Section 2.8
 - .75 Cannabis Nursery, in accordance with Section 2.8
 - .76 Retail Medical Cannabis Sales in accordance with the Access to Medical Purposes Regulations of Canada and Cannabis Act of Canada and regulations enacted thereunder and as amended from time to time, including the Cannabis Regulations of Canada, and *Cannabis Control and Licensing Act* of British Columbia and regulations enacted thereunder and as amended from time to time.
 - .77 Cannabis Analytical Testing, in accordance with Section 2.8
 - .78 Medical Marijuana Production Facility, in accordance with Section 2.8
- i. Part Six, Establishment of Zones, Highway Service Commercial (HSC) Zone, Section 2, Zone Regulations is amended by adding the following:
 - .8 Cannabis Specific Regulations:
 - ii. subject to Part Five, Sections 5.18.1 through 5.18.2 inclusive of this Bylaw
 - iii. screening as per Part Nine, Section 1.5 of this Bylaw
 - iv. Cannabis Operation must be totally enclosed
- j. Part Six, Establishment of Zones, Light Industrial (M-1) Zone, Section 1, Permitted Uses is amended by adding the following:
 - .36 Cannabis Micro Cultivation, in accordance with Section 2.9
 - .37 Cannabis Micro Processing, in accordance with Section 2.9
 - .38 Cannabis Standard Cultivation, in accordance with Section 2.9
 - .39 Cannabis Standard Processing, in accordance with Section 2.9

- .40 Cannabis Nursery, in accordance with Section 2.9
 - .41 Cannabis Research, in accordance with Section 2.9
 - .42 Cannabis Analytical Testing, in accordance with Section 2.9
 - .43 Medical Marijuana Production Facility, in accordance with Section 2.9
- k. Part Six, Establishment of Zones, Light Industrial (M-1) Zone, Section 2, Zone Regulations is amended by adding the following:
- .9 Cannabis Specific Regulations
 - i. subject to Part Five, Sections 5.18.1 through 5.18.2 inclusive of this Bylaw
 - ii. cannabis operation must be totally enclosed
 - iii. screening as per Part Nine, Section 1.5 of this Bylaw
- l. Part Nine, Screening and Landscaping Requirements, Section One, Screening of Uses, is amended by adding the following:
- .5 Cannabis Specific Regulations
 - Where a Cannabis Operation abuts a Residential, Community Use, or Commercial zone, a solid, decorative, fence must be erected to a height of at least 2.4m along the lot boundary.
- m. The addition of Schedule B – Cannabis Buffer Areas Map.

Part 4 Effective Date

4.1 This bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME by title and SECOND TIME by content this 11th day of December, 2018.

READ A THIRD TIME by title this day of , 20 .

ADOPTED this day of , 20 .

Mayor Ron Toyota

Stacey Hadley, Corporate Officer

Schedule B Cannabis Buffer Areas Map

A primary public entry to a Cannabis Retail Store, Cannabis Micro Cultivation, Cannabis Micro Processing, Cannabis Standard Cultivation, Cannabis Standard Processing, Cannabis Research, or Medical Marijuana Production Facility use may not be established within the 150m Buffer from Public Schools or Public Spaces, as indicated on this map.

Legend

- Schools
- Parks
- Town of Creston Boundary
- A-1 Agriculture
- C-1 General Commercial
- HSC Highway Service Commercial
- M-1 Light Industrial
- 150m Buffer Area

