

Subject: Procedural Planning Issue regarding Cannabis

Recommendation:

THAT COUNCIL receive Report #2020-0026, Procedural Planning Issue Regarding Cannabis;

AND THAT Council direct Staff to proceed in accordance with the legal advice received from Aird and Berlis, LLP in this regard.

Background:

Town Council established the Cannabis Control Committee ("CCC") to serve as a citizen-led body to investigate methodologies of addressing concerns relating to the Cannabis industry in general. This group has worked very hard since its first meeting of May 29, 2019 and is now producing its first substantive recommendations to Council. These recommendations will include an "Odorous Industries Nuisance By-Law" and proposed amendments to the Town's Official Plan ("OP") and Zoning Bylaw ("ZBL"). The CCC has provided Council with an update on its process on multiple occasions.

Presently, the CCC and Town staff are at an impasse on the question of whether or not to hold a Public Meeting to discuss these draft documents. Staff take the position that a public meeting needs to be held for public commentary and review, the CCC takes the position that a Public Meeting is unnecessary. Instead the CCC is prepared to hold an Open House style event for public educational purposes.

Analysis:

At time of writing, neither Town staff nor the CCC can state with absolute certainty whether or not a Public Meeting is required. Section 34(17) of the *Planning Act* states:

Where a change is made in a proposed by-law after the holding of the public meeting mentioned in clause (12) (a)(ii), the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law.

Typically when the by-law is altered following the public meeting, staff recommend that Council approve the following motion:

That the revisions to the proposed by-law are minor in nature and that no further Statutory Public Meeting is required in accordance with Section 34 (17) of the Planning Act.

Staff Position:

Staff are of the opinion that if Council accepts the recommendations proposed by Staff in the Land Use Planning Report pertaining to Cannabis a Public Meeting should be held. The reasoning for this position is that the changes to the proposed policies and regulations are significantly different and in the eyes of Staff are not minor in nature. Therefore, it would be best practice to conduct an additional public meeting.

At time of writing staff have not been made privy to the draft OP and ZBL amendments that the CCC are working on. It is assumed that these changes will be substantially different from concepts presented at the Public Meeting held back on September 10, 2019 and as such would warrant a further public meeting.

Staff recommend providing additional opportunities for consultation rather than fewer as public input is a valued and critical part of the planning process and is an important element to providing transparency in the decision making process. The required 20 day notice period prior to a statutory public meeting would allow the public and commenting agencies sufficient time to properly review proposed changes and provide constructive feedback at the public meeting.

CCC Position:

The CCC is of the opinion that because the changes to the ZBL and OP are not substantive, a Public Meeting, as defined by the Planning Act, is unnecessary. Instead, it is possible to host an Open House to provide an educational opportunity for residents. This will not create a formal commentary period and will not create systemic delay in ultimately producing changes to the OP and ZBL. Open houses are more informal, are not held as meetings of Council and are not minuted.

Potential Public Meeting Date:

In the event that Council wishes to hold a Public Meeting, potential dates include April 9, 2020 (the Thursday before a Holiday long weekend) or April 15, 2020 (the Wednesday following). Should Council direct convening a public meeting, the Staff recommended date would be April 15th, 2020. The Accursi Room at the Meridian Community Centre has been tentatively reserved for both dates. In accordance

with past directions, the meeting start time would be scheduled for 6:30 p.m. unless otherwise directed.

A notice of public meeting would be required to be published in the newspaper a minimum of 20 days prior to the meeting with the draft policies and regulations available for review during this time period.

Financial Considerations:

A public meeting in the Accursi Room at the MCC costs between \$1,500 - \$2,000 between broadcasting costs and additional staff time. An Open House would likely not be broadcast, but would still require some additional staff time and meeting space.

Alternatives Reviewed:

In the event that Council determines that any changes made to the draft documents since the 2019 Public Meeting are not substantive, but rather are minor in nature, it can instead pass a motion to this effect, indicating this position.

Strategic Plan Relationship: Communication and Engagement

Whether Council approves an Open House or a Public Meeting, either will be an exercise in communications and engagement. The engagement is more formal, and governed by statute, in a Public Meeting under the *Planning Act*.

Consultation:

The Town's Senior Planner, the Director of Planning and Development and the Chief Administrative Officer each contributed to the drafting of this report. Legal advice will be provided in a closed meeting companion report from Aird and Berlis, LLP.

Other Pertinent Reports/Attachments:

Closed Session Legal Advice; privileged.

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