



# Nelson & District Chamber of Commerce

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February 28, 2018

Development Services  
City of Nelson  
101 310 Ward Street  
Nelson BC  
V1L 5S4

### ***Re: Cannabis Feedback***

The Board of Directors of the Nelson and District Chamber of Commerce would like to thank you for the opportunity to include the business community views on the proposed Cannabis legislation that falls under the City of Nelson jurisdiction. We are also pleased that businesses were provided the opportunity to submit survey's on a personal basis, and that the Chamber was able to host a public meeting February 1<sup>st</sup>.

The Chamber Board believes the following issues are paramount in the success of the legalization;

1. All businesses must follow federal and provincial legislation and regulations when consideration is being granted for recreational cannabis legalization. We are supportive that local municipalities cannot make decisions making federal or provincial rules less restrictive.
2. All businesses should be operating on a level playing field with no preferential licensing for either new license applications or existing business seeking a license.
3. The Chamber Board believes it is important that there be no consumption in public space, with the primary concern being the downtown core main streets and amenity areas. It is particularly important to ensure that children under the legal age are not unduly influenced by public consumption. This can be accomplished with enforcement of the clean air bylaw, and with the same type of laws for consumption of alcohol in a public place.

4. The Board also believes there should be a restricted number of licenses allotted for the City of Nelson, with rules similar to licensed cold beer and wine stores. There was no clear consensus on the final number of stores allowed, but it was felt it could be the same as what is currently in place with the temporary dispensaries. There was a feeling that they should not all be located in the downtown core. Location would be restricted to commercially zoned areas in the City and not within close proximity to schools, recreation facilities or where children or youth activities occur.
5. There was also discussion of developing a consumption tax similar to the MRDT for tourism accommodators with funds remitted back to the municipality to help offset enforcement expenses. Exact details need to be finalized and advocacy to the provincial government would need to be established in order to develop favourable Provincial legislation that would enable such a tax policy.

On behalf of the Board of Directors we thank you for the opportunity to provide feedback. We understand this may still be considered a divisive issue, and trust you will take this letter and all business survey feedback into careful consideration during your assessment and survey analysis, as the commercial sector is where these new recreational dispensary businesses will be located.

Sincerely



Michael Borch President  
Nelson and District Chamber of Commerce

cc Mayor Deb Kozak and Council  
Tom Thomson Executive Director  
Nelson and District Chamber of Commerce Board of Directors

Response to City of Nelson letter regarding cannabis legalization:

We are a group who operate

The City of Nelson has a unique opportunity in regards to cannabis legalization. Nelson is world renowned for its tolerant attitude in regards to cannabis.

Existing cannabis dispensaries should be allowed to become licensed and zoned pursuant to the municipality's bylaws, which, in turn, must operate within the parameters of the federal and provincial regulation. Citizens of Nelson, as well as tourists, are accustomed to attending at these locations, and wish to continue doing so. These spaces are safe, known, and already accommodate the extent cannabis industry. The emergent cannabis industry should comply with their current locations.

In regards to your request for view on certain issues:

- Our top concerns regarding cannabis legalization relate to the regulation of existing private storefront dispensaries to ensure that the existing market has continued access to cannabis in a safe, accessible manner;
- There should be no cap on outlets because a cap will simply frustrate the purpose of the legalization of cannabis: an end to the black market. Caps on the number of dispensaries will result in unlicensed shops being forced to operate in a legal nexus which ultimately runs contrary to the stated purposes of cannabis legalization. If there is no cap on dispensaries, then the market will determine how many dispensaries operate, so long as they are in compliance with the municipal regulations;
- Any area which is suitable for retail sales is suitable for a cannabis dispensary;
  - There is no need for a cap on dispensaries;
  - There is no need for a distance requirement between dispensaries - the market will determine how many dispensaries are required;
- There should not be increased restrictions on cannabis consumption locations. Cannabis is a far safer substance than tobacco. We encourage more open and liberal rules regarding where cannabis can be consumed;
- Cannabis should be freely grown indoors and outdoors, and there should be no prohibition on its visibility from the street. The plant itself is not large and is not offensive visually in any manner, so a visual bar on it serves no public utility and is not rationally connected to the stated goals of cannabis legalization. The plant is also not dangerous or smokeable until it is properly harvested and cured, so there is no danger in children stealing plants while they are growing;
- We encourage the City of Nelson to offer sensible rules and regulations for the sale of cannabis in the municipality. Our concern is that overly restrictive rules and regulations will result in the continuation of the black market, which runs contrary to the stated goals of cannabis legalization federally and provincially

## Letter from Nelson Cannabis Let's Get it Right Consultation Forum

This submission is from Nelson Cannabis Lets Get it Right Consultation Forum. This forum and discussion group has been able to provide a voice for cannabis activists and cannabis people who have been active in the legalisation process at all levels of government. We are identified as a Cannabis Advocacy Group and a relevant sector.

We have worked to provide a concise and relevant paper for your consideration. Over the past months we have become well read and informed. We have challenged many of our own assumptions. We have hosted three public events featuring cannabis speakers and have had many discussions both formal and in formal. There are 11 members in regular discussions, a face book discussion page and input considered from no less than forty people.

This submission has been composed by Brenton Raby and is an accurate reflection of the discussions and conclusions of this group as it relates to retail outlets, public consumption, and personal cultivation.

Please consider the following.

The Senate Report on Cannabis Legalization and Regulation provided the framework for legalization. It is a wonderful read; balancing the concerns of cannabis legalisation with the values Canadian's have for personal freedoms.

The Report is firm in that Canada can learn from and improve on the experiences in America. It is clear that we are not the wild west. Tight regulations will be applied from the outset. It is important to acknowledge that these regulations must be reviewed over time and adjusted as we gain data and insight on cannabis benefits and cannabis risks.

Commit to a review of Bylaws and fees after a time to ensure they remain reasonable and amendments might be undertaken. An evidence based review.

The benefits that cannabis hemp varieties will have on our community and business sector.

Appreciate the Provincial empowerment of local government towards empowering Local Choice.

Single application for business licence per entity. Prevent multiple attempts=increasing odds.

No multiple cannabis retail licences to one entity. Single business licence per applicant. This is important to prevent the domination of the Nelson cannabis retail market by a single player.

Tightly manage or restrict City Cannabis Licences from being transferable, especially if suspecting multiple licences for an individual or single corporation.

Placing a cap on the number of business licences that is not well considered can result in the a sense that a City licence is a valuable commodity to be bought and sold. How would the City deal with an abundance of applications? A lottery system is not preferred.

Manage the number through zoning, separation distances etc as way of providing true Local Control. Zoning considerations can be varied. A cap is a cap and will not provide true local discretion to allow for reasonable business proposals.

Reasonable business licence fees. A cannabis business in Nelson will likely have to obtain their Provincial licence similar to the Provincial Liquor Primary Licence. The fee for this is \$4,400+.

Federal licence fees are estimated to be in the \$5000+ range.  
Adding too much to the costs might unduly stress new small businesses.

Avoid using cannabis business licence fees to enforce more broadly based cannabis by laws not associated with business operations. Use the business licence fees for the true costs of administrating the business.

Understand that the market should not be over valued. A principle goal of legalisation is to eliminate the over value of cannabis. The current cannabis market value is not an accurate one.

The 2018 Provincial budget has modest assumptions on cannabis revenue. The City should also be modest in its financial assumptions.

Empowering reasonable legal personal use gardening outside. This plant adores the sunshine and many people want to garden outside not inside. The ability to garden your own plant ensures that cannabis growing does not result in large cannabis farms dominating the ALR, the continued profiting of a grey market by illicit producers and the harms associated with covert(hidden) indoor growing.

Is it reasonable to over regulate how a plant is visible to others in a City built on a mountainside where everybody can see what everybody else is doing by walking up hill a couple of blocks or hiking to the Gyro Park lookout?

Support City zoning by laws that define reasonable business separations, while at the same time providing for a licencing and variance process that empowers an applicant to outline their proposal and how it has considered City and neighbour's concerns.

Support City zoning by laws to help manage Historic Baker Street's affordability for all types of businesses.

No co location with alcohol, tobacco, e juice or e cigarette products.

Understand that the Province has a one licence fits all model at this time. Ensure a business having a Provincial Retail Licence and a City licence for retail sale can reasonably amend that licence to another permitted cannabis business when permitted.

Support 9 or 10am to 10 or 11 pm. Operating hours.

Recognize that the regulatory stance taken by the City needs to include an appreciation of its counter culture and progressive image, which is well known across Canada.

Respectfully Submitted.

**February 26, 2018**

Development Services and Engineering Department  
Nelson City Hall  
Nelson, B.C.  
V1L 5S4

**RE: City of Nelson & Cannabis Regulation – A Successful Transition**

We write to you today representing two of Nelson's currently operating, licensed medical cannabis dispensaries, The Nelson Potorium and The Kootenay's Medicine Tree, (both are certified trade members of the Canadian Association of Medical Cannabis Dispensaries) on the topic of the coming passage of Bill C-45 (The Cannabis Act) and the resultant Provincially licensed retail sales of certain cannabis products to adults 19 and over. Unfortunately we were unable to gain the participation of the other professionally run/licensed dispensaries in Nelson for this letter although attempts were made.

First, we are grateful to be included in Nelson's historic medical cannabis dispensary bylaw, this is, overall, a positive step forward that sustains local, storefront access to medical cannabis while allowing council a measure of control over how many operate within the city.

It is clear from our past communication with Solicitor-General Mike Farnworth and from the recently released Cannabis Private Retail Licensing Guide (CPRLG) that municipal governments will have a well deserved ability to control how many retail cannabis stores are able to open and whether they be public, private, or both.

We strongly urge city staff to craft bylaws that protect local, currently operating medical cannabis dispensaries that will be seeking council's approval for transitioning to private retail cannabis licenses.

**Public vs. Private Cannabis Retail**

Public cannabis retail stores will necessarily use tax payer dollars to compete with Nelson's already well established cannabis retail operations, which are locally owned, small businesses that employ local residents and pay municipal license fees, and all required provincial and federal taxes and fees. The potential for well funded, public retail cannabis stores to put our private retail out of business remains a clear threat.

Public cannabis retail stores will take most of the money made out of the local community and back to Victoria. Private retail puts proportionally more money back into the local economy.

The selection and purchase of cannabis is a meaningful exchange of not just money for product but is more information based in regards to effects and use of the product than the purchase of liquor. Currently operating medical cannabis dispensaries employ managers and staff that have an intimate familiarity with the many different kinds of cannabis strains and products and are able to advise customers on the difference in effects and safe dosing. The knowledge level of the average dispensary employee that transitions to a private retail shop is superior and more informed than any public retail employee having been through the cannabis version of "Serving It Right", which private retail staff will have to obtain as well.

Public retail stores will be new entities to the communities they are allowed to open in, and consequently do not have relationships with our local cultivators of craft cannabis. These local cultivators have been contributing to our local economy for decades and many will be applying for micro-cultivation licenses to supply the new, legal system of cannabis distribution and sales. These micro-cultivators will not be able to produce the volume to supply the new system that mostly Eastern Canadian cannabis production companies already licensed and in production are able to. So we need local, private retail stores already in established relationships with local cannabis cultivators to demand locally produced strains for our shelves so that big Eastern Canadian cannabis companies do not smother our incredible local cannabis breeders and cultivators.

## **An Over-saturated Market**

Currently, it is clear Nelson is over-saturated with medical cannabis dispensaries for the population of the city and the surrounding area (RDCK) with 59,517 residents served by 7 dispensaries, or 1 dispensary for every 8502 people. Compare that with the city of Vancouver which currently has 95 dispensaries (10 licensed 18 under review, 67 unlicensed) serving the Greater Vancouver regional population of 2,463,431 people, or 1 dispensary for every 25,930 people. This ratio will be cut down post legalization, however the point remains that in reality the residents of Greater Vancouver have had their needs for cannabis access met with less dispensaries per capita than currently exist in Nelson.

According to the CPRLG no store whether public or private, can receive a license to operate without a positive comment on the application from the municipality by way of a motion of council. It is at this juncture in the process that Nelson can decide which of the currently licensed medical cannabis dispensaries can move on in their application for private retail license.

According to the numbers noted above it becomes clear that Nelson can serve the needs of its community and the surrounding region for cannabis access by approving approximately 3 private retail stores. We strongly urge staff and council to favour locally owned dispensaries which have been proven good actors in the community by complying with the requirements of the current bylaw and generally being of good behavior and not having any negative interactions with Nelson City Police.

### **Giants at the Gate: Big Canna-Biz Comes to Nelson**

This is an exciting time in Canada, seeing such an historic and massive legal policy change with many positive social and economic benefits for Canadians if handled the right way.

Nelson is synonymous world-wide, with high quality cannabis otherwise known by the general label: "B.C. Bud". As such, many medium and large companies, both publicly traded and not, are positioning to open businesses in Nelson to claim part of the globally respected Kootenay cannabis brand. While this can have a positive effect on the local and regional economy, it will be a disaster for locally owned, private retail cannabis stores. In order to protect currently operating medical cannabis dispensaries that intend to apply for provincial licensing, we ask that the moratorium on new private retail cannabis businesses continue until such time

that all of Nelson's selected top dispensaries, supported by positive motions from Nelson city council, have been issued private retail licenses. At that time, we then ask that a cap on the number of the current issued private retail licenses be established to protect our local retail cannabis stores from large, well-funded, external companies.

### **Zoning**

We ask that the current locations of licensed medical cannabis dispensaries, allowed by Temporary Use Permits, be protected for any dispensary that is able to transition to a provincial private retail cannabis license, and that through the re-issuance of future TUPs or other solution, not be forced to move.

In conclusion, we remain available for any further needed information or support in the crafting of Nelson's plan for the coming regulation of cannabis. Our industry experience, and current work in support of the provincial governments coming regulations for distribution and sale via CAMCD is at your collective disposal and we are happy to help make this the best possible start to the legalization of cannabis for the city of Nelson and her surrounding regions.

Sincerely,

Jim Leslie

Executive Director – The Kootenay's Medicine Tree Inc.

Kootenay Region Board Member – Canadian Association of Medical Cannabis Dispensaries

<https://www.camcd-acdcm.ca/>

778 984 4420 (Cell)

Chris Campbell

Owner – The Nelson Potorium

Trade Member – Canadian Association of Medical Cannabis Dispensaries

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Leaf Cross Health Society:  
358 Baker St. Nelson BC V1L 4H5  
Phone 778-463-4372

[admin@leafcrosshealth.com](mailto:admin@leafcrosshealth.com)

Feb 28, 2018

Development Services  
101 – 310 Ward Street  
Nelson BC V1L 5S4

To whom it may concern,

Thank you for the opportunity to provide feedback on city licensing.

Leaf Cross Health Society has been operating in Nelson BC since 2015. We have been servicing patients in Nelson and the rest of Canada since. We are incorporated as a non-profit society in BC, Our society's goal is to lead individuals into a healthy life style and raise awareness about the benefits of medicinal cannabis as a major alternative treatment option; while continuously working towards the enrichment of our community. We hope to use alternative medicine as a gateway to community building and spreading knowledge about alternative treatment options. As such, we are dedicated to nurturing a healthy and supportive relationship with our patients and community. We have made substantial donations to local charities in Nelson and have stayed true to our mission.

In regards to, our top concerns for cannabis legalization in Canada:

-To be able to provide safe access to cannabis to our patients and be able to still work directly with Cannabis growers/suppliers.

In regards to the total number of Cannabis outlets in Nelson:

-We believe that the current 6 outlet cap is sufficed to service Nelson.

In regards to areas in the city which would be fit for cannabis retail stores.

-We believe that the current zoning bylaws are good because they provide easy safe access to patients while keeping good distances from schools, city buildings, and community centers tho we believe these are unnecessary restrictions.

-There should be no restrictions on distances if a cap of stores is made.

In regards to public consumption:

-Current clean air bylaw is suffice.

In regards to where Cannabis can be grown.

-Anywhere on one's property.

BC Independent Cannabis Association  
2969 Martindale Road, Saanichton BC, V8M 1Y2  
**Phone** 250-686-2502  
  
[independentcannabis.ca](http://independentcannabis.ca)



FEBRUARY 28<sup>TH</sup>, 2018

**Development Services, attn.: cannabis feedback**

**101 - 310 Ward Street**

**Nelson, British Columbia V1L 5S4**

To whom it may concern,

Thank you for the opportunity to provide feedback on the proposed licensing system for Nelson. We believe that cities will be instrumental in ensuring a timely, yet satisfactory, roll-out of retail cannabis locations, and hope to be of assistance in that regard.

The BC Independent Cannabis Association was formed in 2015 as a round-table discussion group for local industry participants in Victoria, BC. Since then, the group has formally incorporated as a not-for-profit society in BC, with the mandate of fostering the current cannabis industry through this period of legalization of recreational cannabis.

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In regard to cannabis legalization in Canada, our top concern as the BCICA is to work with municipal, provincial, and federal governments to ensure that the industry isn't legislated back into the black-market. Cannabis users, growers, extractors, retailers, and the like, simply want to be able to participate in the legal economy. This means operating in the public sphere, paying their taxes, and certainly, getting municipal business licenses. If Cities like Nelson can produce workable regulations that foster growth and economic prosperity, everyone wins.

In regard to the question posed about caps on retail cannabis outlets, we propose that there be no such cap in place, and that the City approves each license application on its own merits. During this licensing phase, we also propose that existing dispensaries be given priority over new applicants, provided they receive, or intend to receive a provincial license to distribute.

Areas of Nelson that would be acceptable for retail cannabis outlets are contained within the Official Community Plan. As commercial development is directed to concentrate in the Downtown, Rattletown, and the West and central Waterfront areas, with some small scale commercial considered for the Waterfront East area, we propose that permitted areas for cannabis retail should include, but not be limited to, those spaces designated as appropriate for commercial use. As there is community acceptance of small scale commercial development, such as home-based businesses and convenience stores, and local food markets, we propose that the City allow retail cannabis stores in those residential areas, on a case-by-case basis.

Regulated distances between retail cannabis stores can often be arbitrary, and there is no evidence to suggest that a clustering, or declustering, of retail cannabis stores has any effect on the amount of criminal activity or wrongful acts. We propose that the City mandate no minimum distances between retail cannabis locations, and we encourage the City to instead set minimum distances from other features in the community, such as public schools, daycares, or any other areas deemed to be of a sensitive nature.

The provincial and federal Ministries of Health, the Regional District, and the City all recognize the social impact that tobacco smoke has and limit its public consumption within that regard. We propose that the City permit the smoking of recreational cannabis in all areas where tobacco smoking is currently allowed.

Areas of Nelson that would be acceptable for growing should include, but not be limited to, those spaces designated as Mixed Use Commercial/Industrial. As the City wants to convert heavy industrial areas to a higher intensity mixed use commercial/industrial use, which could include either light industrial or “hightech” industrial uses, we propose that indoor cannabis growing facilities be permitted in these areas on a case-by case basis.

As the City has no direct authority over the use of Agricultural Land Reserve areas for cannabis growing, we encourage the City to exercise their right to maintain control over the form and design of these facilities, and propose that the City seek to work with potential farm sites through the issuing of building permits.

Thank you again for the opportunity to contribute to the drafting of regulations for your community.

Sincerely,

**Courtland Sandover-Sly**

**President, BC Independent Cannabis Association**

ENDORSED BY:



## **Pharmacists of Nelson Position Statement on Recreational Cannabis**

We, the pharmacists of Nelson, comprised of those employed at Nelson Clinic Pharmacy, Nelson Remedy'sRx, Nelson Pharmasave #148 and Nelson Shopper's Drug Mart #275, provide this statement as our position on potential City of Nelson regulations pertaining to Recreational Cannabis. It is important to note this is meant to reflect the consensus of individual pharmacists in the Nelson locations only and in no way represents the position of the larger corporate entities of the particular chains, banners and franchises mentioned here. Nelson Safeway Pharmacy and Nelson Walmart Pharmacy have declined to participate in this statement.

As advocates of public health, our top concern is the health and safety of the citizens of Nelson. Specifically, we would like to mitigate any deleterious health effects legalization of cannabis may have upon our citizens, with primary concern being that of youth health. While we expect both the federal and provincial governments to roll out public health campaigns to educate the population, particularly targeting our youth but also the elderly and the greater general public, on both the safe use and potential negative health consequences of increased cannabis consumption that can be expected due to wider availability, easier access and the social normalization of cannabis consumption, we also expect the City of Nelson to launch a public health awareness campaign. We implore the City to provide our bylaw officers with the resources to enforce the Clean Air Bylaw and for our Nelson City Police to strictly enforce any potential impaired driving implications that may arise. We feel strongly that the provincial regulation prohibiting any reference to "pharmacy", "dispensary", "apothecary" or any other term that may lead the public to believe recreational cannabis retailers provide medical cannabis be strictly enforced.

With regard to the number of retail outlets, we do not believe a cap should be instituted. A cap may have the consequence of artificially increasing the value of the licenses and may dissuade competitive values and services between outlets. Rather, we prefer the free-market economy style; market forces will eventually lead to an equilibrium in supply and demand, with top quality product and service the result.

With respect to spacing of retail outlets, our main concern is for separation from schools, daycares and youth centres. We do not wish to see our downtown core housing a plethora of dispensaries, so a limit of 4 to 5 in the core would be appropriate, with spacing of approximately 150 metres (300 metres may not be realistic in our small downtown core footprint). Railtown: 3 to 4. Chahko Mika Mall/Prestige area: 1 to 2. Nelson Avenue/Hwy 3A: This is a mostly residential area with close proximity to a school and a large park. We suggest a limit of 1 in this area. Industrial area: no limit (though this depends on the city's future plan for the current industrial area, re the Pathway to 2040 Sustainability Strategy and Sustainable Waterfront and Downtown Master Plan and potential new park space in and around the old waste transfer site).

Regarding the growing of cannabis plants for personal use, we believe both indoor and outdoor growing should be allowed, though in keeping with provincial guidelines they should remain out of line of sight from public roadways, easements and other public access points. We do not believe additional restrictions should be put in place such as setbacks from property lines, as in many cases a close to property line placement, such as next to a solid fence, may be the least visible area on the property.

In summary our primary focus is increasing all aspects of health and wellness of Nelsonites through education and health advocacy regarding any type of consumption or activity, be it recreational or medicinal.

## MEDICAL STAFF RECOMMENDATIONS TO NELSON CITY COUNCIL RE: RECREATIONAL CANNABIS REGULATIONS

We believe that the primary purpose of the City of Nelson regulations being drafted re: Recreational Cannabis should be to protect the residents of Nelson from the potential adverse effects of cannabis. We are specifically concerned about the health of our region's young people. The definition of a young person could include those under 19 or it could be extended to include those in their early to mid twenties. In any case, it should include more than just those in high school.

It is clear that, even though recreational cannabis use is and has been illegal, a high proportion of young people currently use cannabis on a regular basis. Use can vary from a few times a day to a few times a month or year. The type of cannabis used can also vary from low to very high concentrations of its two major components: THC (tetrahydrocannabinol) and CBD (cannabidiol).

It is also clear that many people, young people included, incorrectly view cannabis as without harm. The limited body of high quality research that exists currently suggests that there is a range of serious short and long term adverse health consequences that occur in some people due to the regular use of cannabis:

The short term effects of cannabis use may include the following: (a) Decreased concentration and short-term memory which may affect the ability to study and learn and also the ability to control a motor vehicle and (b) Adverse effects on mood and increased risk of psychosis.

Long term effects may include: (a) Reduced cognitive ability (b) Addiction (c) Worsening of psychiatric symptoms such as depression, anxiety, and psychosis (d) Adverse physical effects such as Cannabis Hyperemesis Syndrome.

These side effects can vary widely with the type, frequency and route that cannabis used. Studies of the side effects of these varying formulations of cannabis are currently lacking, therefore we believe that 'The Precautionary Principle' needs to apply in decision making around cannabis. That is, with the introduction of a new product or process whose effects are disputed or unknown or extensive scientific knowledge is lacking, there is a social responsibility to protect the public from exposure to harm until such evidence accumulates.

The Medical Staff therefore believes that City Council should:

1. Ensure that regulations do not make it easier for young people to obtain cannabis for recreational use. This could include limiting the number of stores selling recreational cannabis and where these stores can be located.
2. Facilitate education for the community and especially its' young people on the potential risks of cannabis use.

3. Prevent the public from exposure to cannabis use by designating specific areas for its use and enforcing these regulations.

Nelson City council should be congratulated on its early, comprehensive and thorough proactive approach in preparing for this important new social issue.

Respectfully submitted,

Kootenay Lake Medical Staff



# Nelson Police Department

606 Stanley Street  
Nelson BC V1L 1N4  
Office: (250) 354-3919  
Fax: (250) 354-4179

March 27, 2018

City of Nelson  
Development Services  
310 Ward St  
Nelson BC

To: Develop Services Staff,

Re: Marijuana Store Fronts

The Nelson Police Department would like to provide the following comments about the pending legalization of recreational marijuana and the storefront sales operations that may come with the change in laws.

We would prefer that the number of shops be limited in the downtown core. As with liquor stores, some individuals that purchase the products will attempt to do use the product immediately after leaving the store. This is often in the nearby alleys or parks etc. The greater concentration of these shops in one area, the greater the use in the area. We would also like to see a suitable spacing between the shops. 300 metres between locations has been mentioned and we believe that this would be a suitable distance. Of course, we feel that this spacing should also include spacing between these business and places such as parks, schools, youth centres and other location frequented by young people.

I believe that use of the product, specifically when smoked, should also be controlled in our downtown area. Like liquor, I believe its use should be prohibited in the downtown area, except in private businesses or private dwellings. Although I previously considered supporting its use in designated smoking areas, I am now of the opinion, that like liquor, its use should not be permitted in public.

The present ban on cigarette smoking in the downtown core is fairly confusing and difficult to enforce. A complete ban of cigarette smoking, except in two or three designated smoking areas, would be less confusing and more easily enforced. Marijuana smoking in public, if not banned from public use in the downtown, should at a minimum be limited in these same designated areas.

Like the medical marijuana dispensaries, any store selling marijuana should be required to incorporate the same security measures as set out in the medical marijuana bylaw. Violent robberies continue to be a concern for these locations, and appropriate security measures may help to prevent the criminal activity, as well, may assist police in investigating the offences.

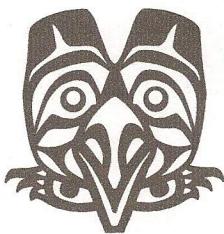
The City must ensure that licensing bylaws contain clauses that would allow for revocation of related business licenses should they breach any conditions of the bylaw or any related laws enacted by either the provincial and federal governments. When this new legislation is enacted, there will be rules regarding the sale of cannabis, which will include sale of products to youth, associations to criminals and organized crimes, etc.. The City must be ready to deal harshly with any business operating outside the law.

Please let me know if you have any questions.

Sincerely,



Paul Burkart  
Chief Constable  
Nelson Police Department



## **Hume Elementary School Parent Advisory Council**

February 20, 2018

**City of Nelson  
Development Services  
101-310 Ward Street  
Nelson, B.C.  
V1L 5S4**

### **Attention: Cannabis Feedback**

Dear Sir or Madam:

### **Re: Cannabis Legalization – Bylaw feedback**

I write on behalf of Hume Elementary School's Parent Advisory Council. Our membership consists of the parents and guardians of 195 children in Grades K through 5.

#### ***Location of Dispensaries***

It is very important to our PAC that a cannabis dispensary not be permitted nearby any school, regardless of the age level of the students who attend.

After attending the City information meeting for PACs, we realized that Hume Elementary School seems to be in the unique position of being the only Nelson area school that has a commercial zone being considered as a potential dispensary location. This zone is located directly across the street on Nelson Avenue and carries on down the block towards Safeway.

The close proximity of this zone to our school raises huge concerns for both parents and school personnel alike for many reasons. Loitering outside and near such businesses, in light of this new culture of openness, is a huge concern. Another concern is the fact that signage for a cannabis dispensary located that closely, even subtle signage, would constantly advertise cannabis and the acceptability of cannabis use to our children as they play on the playground and look out their school windows. Daily exposure to cannabis messaging would have a serious impact on our children.

### ***Public Consumption***

It is our PAC's respectful opinion that the City's currently Clean Air and Smoking Regulation (Bylaw No.3378) needs to be made more restrictive and amended to include cannabis smoking and vaping. Considering the intoxicating effect of second hand cannabis smoke and the small amount necessary to serious impact a child's health and safety, it would make sense to treat cannabis like liquor. There should be no public smoking or vaping of cannabis.

In the alternative to a complete ban on public smoking and vaping of cannabis, our PAC asks the City to recognize that school grounds are play areas for children that are also actively used by the community outside of school hours as park space. Some of our parents are concerned to see adults modeling any type of smoking behavior (tobacco or cannabis) in front of children. As such, our PAC would like to see the Clean Air Bylaw amended to protect all schools and their grounds the same as they currently protect Lakeside and other city parks. The current Bylaws ban smoking within 7 meters of a Park but only ban smoking within 7 meters of the schools' doorways. Our PAC would like to request that smoking of any kind be prohibited on all school grounds regardless of school hours.

### ***Placement of homegrown plants***

Another concern of our parent membership is the location of the up to 4 cannabis plants that will be allowed to be grown on personal property. The idea that school neighbors could all have cannabis plants in their yards is a significant concern of many parents but we understand that the City can only control where on the property the plants are grown.

Some parents are concerned about tempting children/youth to use and/or steal the plants, while others raised concerns about family pets. Overall we agree that out of sight is best and we would prefer there be no cannabis plants visible from the school grounds or to our children as they walk to school. A requirement that cannabis only be grown out of sight, in fenced yards and/or a greenhouse for added security would speak to most of our parents' concerns.

### ***Edibles***

Lastly, although we understand that edibles will not be legal until 2019, please know that edibles are a huge concern for parents. Educating our children about cannabis safety is one thing but how do they watch out for cannabis that is hidden in child friendly treats such as gummies, chocolate bars, rice crisp treats, cookies and brownies? The news reports that edibles have already inadvertently made their way to schools in other areas and so we take this opportunity now to voice our strong opposition to these sorts of edibles being sold in Nelson area dispensaries.

Lastly, considering that we all have lots to learn on this and don't always know the questions to ask until later, our PAC recommends that the City make our regulations/bylaws with respect to cannabis smoking and vaping as strict as possible to start and loosen them up later if needed once there is confidence in safety.

Thank you for considering our views and for doing as much as you can to ensure that the safety of children and youth is always a top priority for the City of Nelson.

Yours truly,



Patricia K. Routien  
Chair, Hume PAC  
250-361-7636

**310 Nelson Ave, Nelson BC V1L 2M8**  
**HumeSchoolPAC@gmail.com**

**Re: Your request for completion of a Cannabis Legalization Feedback Statement**

On behalf of the members and executive of **Branch 51, Senior Citizens Association of British Columbia** I would like to thank the **City of Nelson** for sending your delegation to our monthly meeting on Wednesday, February 7<sup>th</sup>. The presentation was informative and well received by our members, five of whom agreed to participate in a more detailed review of your questionnaire and the materials and issues presented at the meeting. This letter outlines the unanimous consensus of the committee members, all of whom attended the information meeting as well as participating in the work of the review committee.

As a general observation, the committee was unanimous in the view that the best approach by the **City of Nelson** to the matter of the legalization of cannabis is to keep the City regulation of the distribution, sale and consumption of cannabis to the absolute minimum. Once cannabis has been legalized by Parliament it should, in the main, be treated no differently from other legally consumable products such as alcohol and tobacco. Overall, we are of the view the more City regulations that are imposed, the greater the risk of unnecessary cost and difficulties for the City and its citizens in the future.

The following are our responses to the specific questions you ask in your questionnaire:

**1    *What are your top concerns about the legalization of cannabis?***

Response: As suggested above, our main concern in the current atmosphere of uncertainty about the pending legalization of cannabis is the potential for **over-regulation out of fear of the unknown**. Many concerns were raised in our discussions about aspects of the cannabis legalization issue that are not within the jurisdiction of local government but we felt raising them in this letter would just be a distraction from what you need to hear from us at this time – our concerns in areas that are a municipal responsibility.

**2    *Do you think there should be a cap on the total number of outlets in Nelson?***

Response: Though we understand the Province will authorize local governments to limit numbers and locations of cannabis outlets, we do not think this is an issue that should be regulated by the City of Nelson any more than it regulates the number of outlets permitted for other legally sold products. We are confident that, if allowed to do so freely, the market will not only determine how many outlets for cannabis are needed in Nelson but also which outlets are doing the best job of meeting the needs of consumers. Regulation and limits on numbers of outlets will only frustrate the market and encourage extraneous influences and political pressures to over-rule and obstruct the natural choices of consumers in the marketplace. Please, don't do it.

**3.    *Which areas of the City are best suited to cannabis outlets? How many should be permitted in each area? Should there be a minimum distance between cannabis outlets?***

Response: For the same market-based reasons stated in item 2, above, we do not feel any of these three questions should be a concern for the City of Nelson. Let the market determine how many cannabis outlets are set up and where. Provided they are located in an appropriately zoned commercial area and not close to a school or other location where children and youth congregate they should be

free to determine their own location. If too many cannabis outlets congregate in the same small area of the City they will do so at their own commercial peril and most will probably go broke fairly quickly.

**4. Do you think public consumption of recreational cannabis should be limited to current areas where people can smoke in public?**

Response: Yes, on the understanding that the current Clean Air Bylaw's limits on public tobacco consumption are based on public health concerns and designed to achieve public health objectives. We believe the same public health concerns and all the same consumption limits should apply to cannabis smoke. However, once cannabis is a legal commodity, we do NOT believe that it's users should face any other specific consumption regulations or limits unique to cannabis. While we believe BC's current public alcohol consumption regulations are extremely antiquated and serve us poorly when they treat all British Columbians all like irresponsible children, nevertheless, since both products are intoxicants, we DO believe that public cannabis consumption should be treated the same as public alcohol consumption.

**5. Please state any concerns related to where cannabis can be grown?**

Response: Once it is legalized cannabis will once again become, in law, what it has always been, in reality, a natural product – a simple plant. We see no reason to limit where citizens of Nelson can grow cannabis or any other plant on their own private property provided they don't exceed whatever limits are imposed by Parliament and provided they don't create a nuisance for their neighbours by growing it in a manner that encourages neighbourhood children and youth to steal it. Whether it is planted in the front yard or the back yard or whether it is visible or not from the neighbour's window or the sidewalk out front should not be the City's concern. Whether it trails over the fence into the neighbour's yard IS the neighbour's concern and should be subject to regulation and a fine if not corrected. A similar approach should be followed for apartment dwellers growing cannabis on their patio or deck.

**6. Please share any additional concerns.**

Response: Recognizing that the Clean Air Bylaw effectively excludes almost the entire downtown core from public smoking, and, therefore, from all future consumption of cannabis in areas or venues open to the public in the downtown area, we wonder how the responsible and legal public consumption of cannabis can actually happen in the heart of our city once it is legalized. We think it is illusory to pretend that no public cannabis consumption will take place because of the Clean Air Bylaw. Even more to the point, we believe it is irresponsible to knowingly leave this situation as it is - indirectly re-criminalizing public cannabis consumption through the back door by allowing Clean Air Regulations to make the legal public consumption impossible. Some safe and legal downtown areas for cannabis consumption will need to be made available.

In Europe, cannabis outlets are also allowed to provide an adjacent smoking lounge provided it is properly equipped with an air circulation and filtration system that protects the health of the consumers in the lounge as well as the public outside the building. The City should investigate this and other options for enabling the safe and legal public consumption of cannabis in downtown Nelson.

We hope our input is helpful to the City and we thank you very much for giving us this opportunity to comment on this important issue.

Sincerely,

Bev Fischer, President

Senior Citizens Association Branch No. 51



Supporting families, youth & individuals

March 9, 2018

City of Nelson  
310 Ward Street  
Nelson, BC

Attention: Planning Department

**Re: Cannabis Regulations**

Thank you for the opportunity to provide feedback to the City of Nelson in light of changing cannabis legislation coming later this year. The following are the recommendations of our agency's Downtown Nelson Street Outreach Program on this matter:

1. Limit the number of licenses for dispensaries in the downtown core. Setting up a "free-market" for dispensaries could drastically change the downtown Nelson community.
2. Ensure that limitations regarding number of, and distance between dispensaries, does not negatively impact the availability or affordability of medical marijuana. Medical marijuana is a prescription that must be paid for by individual patients. Many people who use medical marijuana have mobility issues, so ease of access is important.
3. Consider making exceptions to bylaws which may impact organizations such as the Compassion Club, or provide support to such organizations in transitioning to a model that complies with bylaws.
4. Marijuana smoking should adhere to the existing Clean-Air bylaw. Additional limitations which prevent the smoking of marijuana in the downtown core should be considered.
5. Consider allowing for the establishment of "marijuana bars" in order to provide space for people to use marijuana. This could reduce outdoor/public use in the downtown core.

If you wish any further information or discussion about our recommendations, please do not hesitate to contact us.

Yours sincerely,

A handwritten signature in blue ink that reads "Rona Park".

Rona Park  
Executive Director

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