

## Ashley Bellwood

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**From:** [REDACTED]  
**Sent:** October 17, 2019 7:27 PM  
**To:** Ashley Bellwood  
**Subject:** Notice of Application for Cannabis Retail Store-1560 Main Street-NOT IN FAVOUR

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Purple Category

Dear Ashley,

We received a letter in the mail regarding the notice of application for cannabis retail store. We [REDACTED] the above address.

I am concerned about having a cannabis store near to where we live as we have [REDACTED] children and I don't think it's healthy to raise our children in an environment that is exposed to smoking pots. Just by smelling it from other people who smokes pot in the street gives us a serious headache and my kids complain about a bad smell. How much more if there will have a store in our area? I also don't trust that the people under the influence of marijuana will act in a civilized manner as they will be high.

I understand that the District will make good profit from the Cannabis store but I do hope also that the District will make a good judgement and look at the bad effects this may cause to the health and safety of the people especially the younger generations.

I strongly OPPOSE this application for Cannabis retail store. I hope that the District will listen to our concern.

Thanks,

[REDACTED]  
Sent from my iPhone

## Ashley Bellwood

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**From:** [REDACTED]  
**Sent:** October 18, 2019 2:52 PM  
**To:** Ashley Bellwood  
**Subject:** Re cannabis store

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Purple Category

Dear Sir

I live in [REDACTED] and this proposed cannabis store at 1560 Main Street would almost be [REDACTED] Do I object ? Certainly Where would patrons park? In the alley behind. Constant traffic And no matter what you say they do come in cars and noisy trucks. I need no more noise here Also many patrons of such an establishment are not of high standards I am a [REDACTED] and do not want to feel unsafe because of this store Find another place please. Cut the profit margin for taxes and start thinking of the needs of residents who just seek a safe place to live Thank you [REDACTED]

Sent from my iPhone

## Ashley Bellwood

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**From:** [REDACTED]  
**Sent:** October 26, 2019 3:51 PM  
**To:** Ashley Bellwood  
**Subject:** case pln2019-00048

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello Ashley,

This is [REDACTED] to the proposed site of the Cannabis retailer. I wanted to send to you my comments on this application.

[REDACTED]  
[REDACTED] In my opinion, opening this type of business in this location would be a mistake as it has two challenges that I know will be a factor:

The first problem being parking. The building has four parking stalls that can only be accessed from the back alley in which the staff will use up at least two to three of the four stalls. This type of business would have fairly high volume of traffic which leads to the customers trying to leave their vehicles either at the A&w location or [REDACTED]. Parking is a big problem in this area now as it is. [REDACTED]

[REDACTED]. People are parking on the street, at other businesses and a lot of them leave their cars at the Canadian Tire mall parking lot. [REDACTED]

At [REDACTED]  
[REDACTED]  
[REDACTED] Therefore, in my opinion, adding the cannabis store will make an already big parking problem into an even bigger problem.

The other problem that this creates is the odour of burning cannabis. [REDACTED]  
[REDACTED] to keep us cool in the summer months and we [REDACTED]  
[REDACTED] families [REDACTED] shopping for [REDACTED] with their kids and I do not want for them to have to smell any odour. [REDACTED] claims that they would discourage it in their parking however this will not stop them from smoking [REDACTED]

This area after the Lynwood Inn closed has really cleaned up. We used to have a problem with intoxicated people walking around and break ins, but after their closure the neighbourhood has improved and I worry that a business like this is a step back.

I have seen that you have another application for a store like this beside the Lynwood Beer store. That location makes a lot more sense because it has lots of parking and does not conflict with the cold beer and wine store, in fact may go hand in hand.

I will say that [REDACTED] conducts [REDACTED] very well and I enjoyed talking to [REDACTED]. I do believe that the look of the building would benefit with their improvements but that is the only positive I can see.

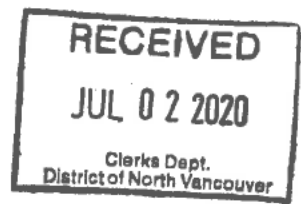
We have been doing business here for [REDACTED] years paying taxes and I would hope that whoever is part of this decision would listen to this.

Thank You

[REDACTED]

[REDACTED]

[REDACTED]



Dear Sir,

I live in the apartment at [redacted]  
My windows face [redacted]  
[redacted]

I am now subject to intoxicated people "yahoing" in the alley at all hours and now a caribbas store! at 1560 Main.

There is no parking so the alley would be parking and smoking for all sorts. I am totally opposed to this going in and I hope the council will reject this license and another one just a couple of blocks away! Please rethink this.

Sincerely  
Gwendolyn F. Smith

**From:** [Corrie Kost](#)  
**To:** [Mayor and Council - DNV](#)  
**Subject:** Presentation for the July 7th public hearing on a Cannabis Retail Store at 1560 Main St.  
**Date:** July 05, 2020 9:59:56 PM  
**Attachments:** [Comments relating to July 7th Public Hearing-b.pdf](#)  
[covid\\_public\\_hearing\\_guidance\\_june\\_22-M192.pdf](#)

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Your Worship and Members of council,

Attached is my input on the subject matter. For reference I have also attached "Guidance for the conduct of public hearings under Ministerial Order M192".

It is my desire that none of the material should be redacted in any way. Please let me know if there is any problem with this.

Yours truly,  
Corrie Kost  
2851 Colwood Dr.  
N. Vancouver, BC  
V7R2R3

Public input for DNV Public Hearing **Bylaw 8420 1560 Main St** on July 7<sup>th</sup> 2020

Corrie Kost, 2851 Colwood Dr, North Vancouver

Your Worship & Members of Council,

For these public hearings my comments will be related to two issues –

- (1) the process whereby these public hearings are being held and
- (2) my opinions on the two specific proposals for Cannabis outlets.

**Issue 1: Process/Inclusivity (Note: this section is in common to both public hearings)**

My comments relate to the paramount issue of inclusivity for all citizens of the DNV during the Covid-19 pandemic.

Inclusivity means that all our citizens, no matter their technical capability, should be able to be aware of issues coming to council, and be able to provide their voice to any matter of interest to them.

As you are likely aware, some citizens have no internet capability. As well, many homes no longer receive the (now weekly) copy of the North Shore News. The closure of our libraries exacerbates access to relevant council agendas. This is further compounded by the lack of physical access to District Hall.

This means that many of our most vulnerable citizens can no longer participate in the local democratic process.

I am aware that significant steps have been taken to mitigate the change in public input procedures. I had hoped that certain problematic meetings (such as public hearings) would have been delayed to a time when traditional procedures can again be safely allowed. That a public hearing has been called (unnecessarily for the items at this time in my opinion) makes me want to suggest that the public hearing should be adjourned/deferred to a later date as they have done in Delta, Squamish, White Rock, and Mission(ref1). In addition, as was done in places such as Delta, council should “*extend third reading of all applications involving a zoning amendment to January 15, 2021 and waving fees for extensions*”.

Another “process” concern is the lack of access to the full material that has been submitted by the public either before or during the public hearing. It has been a tradition that not only should the public have unfettered presentation of their points of view but they should be able to speak to points presented orally or in writing made by other members of the public.

In the meantime I feel that more should be done to improve inclusivity in the public process. In my humble opinion the public could easily be accommodated, with the required social/physical distancing, in the council chamber (as for example in Port Coquitlam, Maple Ridge, and West

Vancouver (ref1)). Alternatively speakers could be accommodated, say 10 at a time, while the rest wait in the hallway or outside of the building. To that end, may I suggest **that council review with staff ways in which equity of access for all our citizens can be re-established.**

Another point about “*process*” has to do with the advertisements placed in the North Shore News. I have already mentioned that this local newspaper is no longer being distributed to the wide community as it was in the past thus disenfranchising a number of our residents. In addition I should point out that the June 24<sup>th</sup> notification on page A19 states “*You may sign up in advance **to speak at the hearing** [my emphasis] by contacting the Municipal Clerk at [gordonja@dnv.org](mailto:gordonja@dnv.org) prior to noon, Tuesday July 7, 2020.*” The notice goes on to say “*After the speakers list [above] has been exhausted, there will be an opportunity for additional speakers to make submissions by telephone.*”

You can well imagine my surprise when after I submitted my name to “speak at the hearing” I was told that I could do no such thing but had to do this electronically from my home.

Having access to the DNV website (ref 3) on “Speak at a public hearing” I want to note that it states “Public input will be limited to the first 10 requests received”. If this is not an error, then in my opinion it violated our Community Charter.

## **Issue 2 - My opinions on this matter (Bylaw 8420 - 1560 Main St).**

On March 3<sup>rd</sup> 2020 council held a public hearing for a “Retail Cannabis Store” for 385 North Dollarton Highway. This was discussed, approved, and adopted by Council at a “Regular” council meeting on June 15 2020. This was despite opposition by the majority in the neighbourhood and despite councils’ earlier discussions that the preferred location of the first Cannabis retail outlets should be in one of the Town Centres – which that one was not! So now we come around to discussing two Cannabis outlets which are also not in any Town Centre. I note in the Jan 16/2020 staff report that the 3 responses to the local area notification for 1560 Main st. were all opposed. Of concern is the report’s note on page 21 - **COUNCIL DISCRETION**

*While this policy is intended to establish a framework which would apply to all rezoning applications for retail cannabis uses, Council maintains full discretion to allow or reject any application for a retail cannabis use and may, in its sole discretion, exempt applications from all or any part of this policy.*

This has the potential to undercut the public’s assessment of the pro/cons of the proposal.

It should be noted that the science of the potential negative health impacts has not been settled (ref2) . Recent reports have indicated that products marketed at these facilities deliver doses inconsistent with their labelling. (ref4 and 5). A Summary reference (ref 6) to the Canadian Cannabis Survey 2019 by the Government of Canada might prove useful for council. It may also be worth noting that late last year Toronto had only 5 legal Cannabis store (population 5 million) – more were planned for this year.



**I make two suggestions to council.**

**(a)** Consistent with previous council statements to go slow on this issue, **approve only one** of the two proposals tonight be accepted by council. My **personal preference**, due to easier access, meeting parking without the complexity/confusion of covenant parking on an adjacent lot, and being more remote from single family homes, **is to approve the 1520 Barrow St proposal.** OR

**(b)** Council **reject both proposals** until such a time as the public can properly assess recent scientific publications of negative impacts of cannabis recreational use – especially for those under the age of about 25, and, more importantly, also allow for full public participation which is currently limited by Covid-19.

**Question:** If it is later determined that recreational use is too harmful for society, what powers do local governments have to close these facilities or modify the sales of their products?

References:

(1) <https://udi.bc.ca/covid-19-municipal-updates/>

(2) <https://www.drugabuse.gov/sites/default/files/marijuana-research-report.pdf>

(3) <https://www.dnv.org/our-government/speak-public-hearing> (attached)

(4) <http://davidhammond.ca/wp-content/uploads/2018/03/2019-THC-Communication-IJDP-Hammond.pdf>

(5)

[https://www.researchgate.net/publication/317276098\\_Variation\\_in\\_cannabis\\_potency\\_and\\_prices\\_in\\_a\\_newly-legal\\_market\\_Evidence\\_from\\_30\\_million\\_cannabis\\_sales\\_in\\_Washington\\_State](https://www.researchgate.net/publication/317276098_Variation_in_cannabis_potency_and_prices_in_a_newly-legal_market_Evidence_from_30_million_cannabis_sales_in_Washington_State)

(6) <https://www.canada.ca/en/health-canada/services/publications/drugs-health-products/canadian-cannabis-survey-2019-summary.html>

Yours truly,

Corrie Kost

2851 Colwood Dr.

North Vancouver, V7R2R3

# Access to 1560 Main St is problematic & Parking added nextdoor



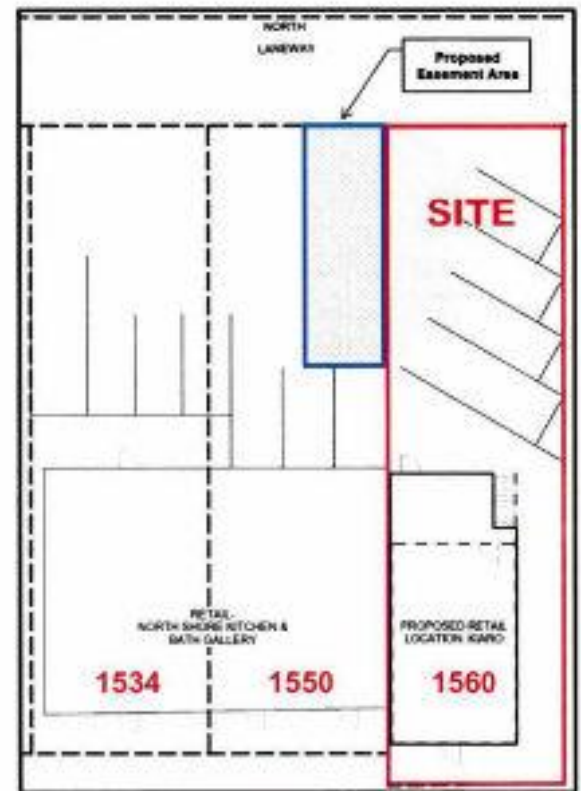
The maps below demonstrates access and egress for the site. As there is a median on Mountain Highway, only "right-in" and "right-out" vehicle movements are permitted at this location.

Vehicles unable to directly access the lane from Mountain Highway can enter the lane at the east end of Oxford Street. When leaving the site, vehicles can exit the lane directly onto Mountain Highway via a right-hand turn, or via Oxford Street which provides access to Mountain Highway (north and south) and to Main Street to the south.

**FROM P 7&9 OF  
"REPORT"**



1560 Main Street - Site Access and Egress



Proposed Parking Layout and Easement Area

District of North Vancouver

## Speak at a public hearing

Official Community Plan (OCP) and Zoning bylaws differ from other District bylaws in that Council is statutorily required to hold a Public Hearing before the OCP or Zoning bylaw can be changed. The Public Hearing must be held after the first reading of the bylaw and before the third reading.

A public hearing is an opportunity for members of the public to speak to Council if they feel their interest in property will be affected by a proposed bylaw. The proposed change is presented in the form of an application. Council may consider more than one application at a public hearing.

Note ! -cjk



The public hearings on Tuesday, July 7, 2020 will be held virtually. Residents that would like to sign up to speak virtually or submit input are asked to email the Municipal Clerk at [gordonja@dnv.org](mailto:gordonja@dnv.org) [mailto:gordonja@dnv.org] before 12pm noon on the day of the meeting. Public input will be limited to the first 10 requests received.

### What happens at the hearing

Speakers are called from the speakers list in the order that they signed up. At the end of the speakers list, the Chair may call on speakers from the audience.

You will have 5 minutes to address Council for a first time. After everyone who wishes to speak has spoken once, speakers will then be allowed one additional five minute presentation. Any additional presentations will only be allowed at the discretion of the Chair.

All members of the audience are asked to refrain from applause or other expressions of emotion. Council wishes to hear everyone's views in an open and impartial forum. Council will not debate the merits of the proposed bylaw or enter into dialogue with the public at the hearing.

### How to do it

1. Come to the meeting and add your name to the public comment log. Sign up begins 30 minutes before the meeting starts.
2. Go to the speakers table when the presiding member of the meeting calls your name.
3. Introduce yourself to Council, giving them both your name and address.
4. Speak for five minutes (the presiding member will let you know when your time is up).

If you wish to present a written submission you may do so. All submissions will be retained by the Clerk and copies of submissions will be available from the Clerk upon request during the Hearing.

Your only opportunity to comment on the proposed bylaw will be during the Hearing, as members of Council are not permitted to receive further submissions after the close of the Hearing. If members of the public have questions, they may state them, but it is not expected that staff would provide responses to questions from the public at this point.

[View the dates and agendas for upcoming public hearings \[http://app.dnv.org/PublicHearings/Default.aspx\]](http://app.dnv.org/PublicHearings/Default.aspx)



If you do not want to attend the public hearing, you can submit your comment in writing. Your submission must be received before the close of the Public Hearing. Your submission will be retained by the Clerk, and copies will be available from the Clerk on request during the Hearing.

### Details of the hearing process

1. The Chair opens the public hearing, and outlines the public hearing process.
2. For each application being considered:

- a. The Clerk identifies the subject of the hearing
  - b. Staff briefly outline the proposal
  - c. The applicant presents their proposal
  - d. The public expresses their opinion. Council is here to listen to the public, not to debate the merits of the bylaw.
  - e. Staff answers any questions that Council has
3. At the conclusion of the public input Council may either adjourn or close the public hearing.
- a. Adjourning the meeting — If staff has been asked to report back on questions which would raise new issues, to accommodate a large group of speakers who have not yet had an opportunity to be heard, or further submissions from the applicant have been requested; Council may adjourn the hearing by a motion which states the date, time and location for the hearing to be reconvened
  - b. Closing the meeting — Council may request staff to report back on any outstanding questions raised at the public hearing. By resolution Council may close the hearing and refer the bylaw back to a Regular meeting Council for further consideration. Council must not receive any new submissions or information from interested parties after the close of the public hearing.
4. When the Bylaw is returned to Council, Council may then, without further notice or hearing:
- a. Adopt or defeat the bylaw
  - b. Alter then adopt the bylaw provided that the alteration does not
    - i. Alter the use
    - ii. Increase the density
    - iii. Without the owner's consent, decrease the density of any area from that originally specified in the bylaw.



## **Guidance for the conduct of public hearings under Ministerial Order M192**

On June 17, 2020 Ministerial Order M139 under the *Emergency Program Act* was repealed and replaced by Ministerial Order M192. Previous provisions under M139 that enabled local governments to address the challenges of holding public hearings while complying with prohibitions on mass gatherings and recommendations on physical distancing continue to apply. This guidance provides general advice to local governments about conducting public hearings by electronic or other communications facilities, as permitted under the order. More detailed information on important considerations and best practices for enhancing access and transparency when conducting public hearings electronically is forthcoming.

*For information about orders related to provincial and local states of emergencies, bylaw enforcement and mutual aid agreements please see: <https://news.gov.bc.ca/>*

A public hearing is a statutory requirement prior to adopting certain land use bylaws, such as official community plans (OCPs) and zoning bylaw amendments. Amendments to these bylaws are needed for many development application decisions to proceed, including for much needed housing. Additionally, decisions on land use bylaws made now by local governments will have a clear effect on BC's economic recovery efforts, both during and after the provincial state of emergency.

At a public hearing, persons who believe that their interest in a property is affected by a proposed land use bylaw must be afforded a reasonable opportunity to be heard or to present written submissions. Implicit in both the *Local Government Act* and the *Vancouver Charter* are that hearings will be in person, which local governments have identified as being problematic during the provincial state of emergency while physical distancing guidelines are in place and public health orders restrict the size of gatherings to less than 50 people. Electronic hearings provide an opportunity to meet ongoing business needs while achieving public health measures, however, without express authority local governments could risk challenges on jurisdictional and administrative fairness grounds if they were to conduct hearings by those means.

To enable local governments to proceed safely with public hearings, this order authorizes local governments and the Islands Trust to conduct public hearings using electronic or other communication facilities, such as teleconference.

Local governments are expected to continue adhering to principles of procedural fairness when conducting public hearings electronically, including enabling the public to see that local governments acknowledge and respect their right to participate in the local decision-making process. Furthermore, appropriate procedural rules are needed to ensure that councils and boards obtain sufficient information to make appropriate decisions about proposed bylaws.

The purpose of this guidance is to provide local governments an overview of the order and general advice on public hearings during the COVID-19 pandemic.

### **What does the updated order allow local governments to do?**

- Ministerial Order M192 authorizes local governments and the Islands Trust to hold public hearings by means of electronic or other communication facilities, such as teleconference.

### **Why is this order needed?**

- The ministry continues to hear from local governments concerned about their inability to conduct public hearings to make important land use decisions for their community, which will help B.C.'s recovery efforts, while also complying with the public health order on mass gatherings and the recommendations on safe physical distancing.
- Local governments are required under the *Local Government Act* and *Vancouver Charter* to hold public hearings before making some land use decisions, like amending official community plans and certain zoning bylaws.
- This order enables local governments to safely hold public hearings to make important land use planning decisions, like approving much needed affordable housing projects, while following the Provincial Health Officer's order prohibiting mass gatherings and the advice to maintain physical distancing of two meters.

### **Wasn't this power already granted by Ministerial Order M083 and M139?**

- Ministerial Order No. M083, made on March 26, 2020 under the *Emergency Program Act*, created an exception to open meeting requirements and any relevant procedure bylaws by permitting local governments to limit required public participation and to conduct all or part of a meeting 'by means of electronic or other communication facilities.'
- However, M083 did not extend to public hearings, which are distinct from council and board meetings, with their own legislative requirements, and rules and procedures.
- On May 1, 2020 Ministerial Order M083 under the *Emergency Program Act* was repealed and replaced by Ministerial Order M139. The public hearing provisions of M139 remain unchanged in M192.

### **Do the provisions in procedure bylaws still apply to public hearings conducted electronically?**

- Under the order, a public hearing may be conducted using electronic or other communication facilities despite any applicable requirements in a procedure bylaw.
- However, prior to conducting an electronic public hearing, local governments will want to work with the chair to revise procedural rules to maximize clarity, transparency and access for the public, and to ensure that due process is maintained.

- While the authority to make procedural rules rests with the chair of the hearing, it is the local government that bears the risk of a challenge to the bylaw that is subject to the hearing, so it is in local governments' best interest to ensure that public hearings are conducted appropriately.
- Distinct from procedural rules, local governments may want to prepare an internal guide that describes how an electronic public hearing will be implemented, including considerations such as who will be responsible for the technology during the hearing, how the hearing will be moderated, and the back-up options to allow people to participate in the event of unexpected technical difficulties.

### **What changes are there to notice requirements for public hearings held electronically?**

- Regardless of the format of a public hearing, local governments are still required to provide notice in accordance with the *Local Government Act*.
- Under the order, the place of a hearing specified in a notice may include a hearing conducted using electronic or other communication facilities.
- The notice for a hearing conducted electronically will need to include instructions for participating in the hearing or information on how and where to get the instructions.

### **If a local government office is closed, how can the public inspect the bylaw that is the subject of the public hearing?**

- Local governments must still make available for inspection the bylaw that is subject to a public hearing, and the information on where and when it is available must be included in the notice.
- Under the order, the place where a bylaw can be inspected may include online.

### **Can a public hearing be held in-person and electronically?**

- Local governments are best positioned to determine the most appropriate format for a public hearing in their communities during the pandemic.
- Although there is no outright ban on in-person public hearings, local governments will need to consider whether they can conduct an in-person public hearing safely while complying with the public health order on mass gatherings and the guidelines on physical distancing.
- The order enables a public hearing to be conducted electronically, either wholly or in combination with some in-person attendance.
- Regardless of the format of the hearing, local governments can encourage the public to provide written submissions, as is currently required in the legislation.

**What guidance do you have for local governments regarding access and transparency of electronic public hearings?**

- Electronic hearings are one way by which local governments can ensure that they are complying with the public health orders and necessary physical distancing while continuing to make important planning and land use decisions for their communities, including amendments to bylaws.
- Local governments are accountable to their citizens and have a responsibility to ensure that opportunities for public input are accessible and transparent.
- Maintaining procedural fairness, transparency and accountability should be of paramount concern in designing a process for electronic or phone participation in a public hearing.

**Some community members do not have a computer or are not comfortable using technology. What other options are there to receive their opinions at a public hearing?**

- Local governments will need to carefully consider issues of access and transparency when holding public hearings that rely on electronic rather than in-person attendance.
- In addition to online meetings, the order enables local governments to hold public hearings by phone or teleconference.
- Local governments can also encourage the public to provide written submissions, as has always been allowed, as an alternative to attending an electronic public hearing.

**Are there any options for moving forward with land use decisions other than holding in-person or electronic public hearings?**

- This order provides local governments the authority they need during the COVID-19 pandemic to be able to hold public hearings safely and legally prior to making important land use decisions.
- The input obtained during a public hearing is a critical part of land use decision making and many local governments choose to hold public hearings even when they are not legally required.
- However, during the current provincial state of emergency, local governments may want to consider waiving public hearings where permitted, such as a proposed amendment to a zoning bylaw that is aligned with the official community plan.
- Should a local government choose to waive the public hearing, it would still be required to comply with the statutory notice requirements for waiving public hearings.



- For hearings that are waived, local governments may wish to obtain legal advice on how to best provide the public with different opportunities for input, while being clear that such feedback is not considered formal public hearing input.

#### **Are there any restrictions on collecting personal data during public hearings held electronically?**

- The *Freedom of Information and Protection of Privacy Act* prohibits the storage or disclosure of personal information outside of Canada.
- Ministerial Order M085, issued on March 26, 2020, provides a temporary exception to this prohibition. Under several conditions, local governments may use third-party electronic tools, such as video-conferencing for public hearings, while sharing or disclosing information outside of Canada. The conditions are:
  - third-party tools or applications are being used to support and maintain the operation of programs or activities of the local government,
  - the third-party tools or applications support public health recommendations or requirements related to minimizing transmission of COVID-19, and
  - any disclosure of personal information is limited to the minimum amount reasonably necessary
- For more information, please refer to [Ministerial Order M085](#).

#### **Are boards of variance also authorized to hold their meetings using electronic or other communication facilities? What about advisory planning commissions?**

- Under the open meeting and electronic meeting provisions of this order, boards of variance and advisory planning commissions established by municipalities, regional districts and the Islands Trust can meet using electronic or other communication facilities.
- Local governments may need to review and possibly amend the procedure requirements in their board of variance and advisory planning commission establishing bylaws to ensure that meetings can be held in accordance with the bylaws.
- For more information on electronic open meetings, please refer to the [Guidance for Open Meetings, Electronic Meetings and Timing Requirements for Bylaw Passage under Ministerial Order 192](#).

#### **Who asked for these changes to be made?**

- The ministry continues to hear from local governments concerned about their inability to conduct public hearings and meetings to make important land use decisions for their community

while also following the public health order on mass gatherings and the safe physical distancing recommendations.

- Concerns about potential delays in development application processes have also been raised by housing providers, homeowners, and the wider development sector.

#### **Where can local governments get more information about B.C.'s response to COVID 19?**

- BC Government's COVID 19 Provincial Support and Information website provides a hub through which you can access critical non-health information as it is updated, including provincial health officer orders, as well as get access to the BC Centre for Disease Control COVID site, which provides authoritative health-related information visit: [bccdc.ca](https://bccdc.ca)
- As well, there is a toll-free phone line open at 1-888-268-4319 (1-888-COVID19) between 7:30 a.m. and 8 p.m. seven days a week for non-medical information about the virus (including latest information on social distancing, as well as access to support and services from the provincial and federal governments.
- For more information about Provincial support and health information, visit [gov.bc.ca/COVID-19](https://gov.bc.ca/COVID-19).

#### **Where can local governments get more information?**

- For other local government resources and guidance on orders, please visit the COVID-19 Updates for Local Governments & Improvement Districts [webpage](#).
- For more information regarding electronic public hearings, contact [PLUM@gov.bc.ca](mailto:PLUM@gov.bc.ca)

**From:** [Corrie Kost](#)  
**To:** [Mayor and Council - DNV](#)  
**Subject:** Presentation for the July 7th public hearing on a Cannabis Retail Store at 1560 Main St.  
**Date:** July 06, 2020 2:58:15 PM  
**Attachments:** [Comments relating to July 7th Public Hearing-b2.pdf](#)  
[covid\\_public\\_hearing\\_guidance\\_june\\_22-M192.pdf](#)

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Your Worship and Members of Council,

Attached is my input on the subject matter - with small corrections and an added reference. For reference I have also attached "Guidance for the conduct of public hearings under Ministerial Order M192". **Please replace the original or if not possible add it as a new submission.**

As was the case for the original submission it is my desire that none of the material should be redacted in any way.

Yours truly,  
Corrie Kost  
2851 Colwood Dr.  
N. Vancouver, BC  
V7R2R3



## **Guidance for the conduct of public hearings under Ministerial Order M192**

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*For information about orders related to provincial and local states of emergencies, bylaw enforcement and mutual aid agreements please see: <https://news.gov.bc.ca/>*

A public hearing is a statutory requirement prior to adopting certain land use bylaws, such as official community plans (OCPs) and zoning bylaw amendments. Amendments to these bylaws are needed for many development application decisions to proceed, including for much needed housing. Additionally, decisions on land use bylaws made now by local governments will have a clear effect on BC's economic recovery efforts, both during and after the provincial state of emergency.

At a public hearing, persons who believe that their interest in a property is affected by a proposed land use bylaw must be afforded a reasonable opportunity to be heard or to present written submissions. Implicit in both the *Local Government Act* and the *Vancouver Charter* are that hearings will be in person, which local governments have identified as being problematic during the provincial state of emergency while physical distancing guidelines are in place and public health orders restrict the size of gatherings to less than 50 people. Electronic hearings provide an opportunity to meet ongoing business needs while achieving public health measures, however, without express authority local governments could risk challenges on jurisdictional and administrative fairness grounds if they were to conduct hearings by those means.

To enable local governments to proceed safely with public hearings, this order authorizes local governments and the Islands Trust to conduct public hearings using electronic or other communication facilities, such as teleconference.

Local governments are expected to continue adhering to principles of procedural fairness when conducting public hearings electronically, including enabling the public to see that local governments acknowledge and respect their right to participate in the local decision-making process. Furthermore, appropriate procedural rules are needed to ensure that councils and boards obtain sufficient information to make appropriate decisions about proposed bylaws.

The purpose of this guidance is to provide local governments an overview of the order and general advice on public hearings during the COVID-19 pandemic.

### **What does the updated order allow local governments to do?**

- Ministerial Order M192 authorizes local governments and the Islands Trust to hold public hearings by means of electronic or other communication facilities, such as teleconference.

### **Why is this order needed?**

- The ministry continues to hear from local governments concerned about their inability to conduct public hearings to make important land use decisions for their community, which will help B.C.'s recovery efforts, while also complying with the public health order on mass gatherings and the recommendations on safe physical distancing.
- Local governments are required under the *Local Government Act* and *Vancouver Charter* to hold public hearings before making some land use decisions, like amending official community plans and certain zoning bylaws.
- This order enables local governments to safely hold public hearings to make important land use planning decisions, like approving much needed affordable housing projects, while following the Provincial Health Officer's order prohibiting mass gatherings and the advice to maintain physical distancing of two meters.

### **Wasn't this power already granted by Ministerial Order M083 and M139?**

- Ministerial Order No. M083, made on March 26, 2020 under the *Emergency Program Act*, created an exception to open meeting requirements and any relevant procedure bylaws by permitting local governments to limit required public participation and to conduct all or part of a meeting 'by means of electronic or other communication facilities.'
- However, M083 did not extend to public hearings, which are distinct from council and board meetings, with their own legislative requirements, and rules and procedures.
- On May 1, 2020 Ministerial Order M083 under the *Emergency Program Act* was repealed and replaced by Ministerial Order M139. The public hearing provisions of M139 remain unchanged in M192.

### **Do the provisions in procedure bylaws still apply to public hearings conducted electronically?**

- Under the order, a public hearing may be conducted using electronic or other communication facilities despite any applicable requirements in a procedure bylaw.
- However, prior to conducting an electronic public hearing, local governments will want to work with the chair to revise procedural rules to maximize clarity, transparency and access for the public, and to ensure that due process is maintained.

- While the authority to make procedural rules rests with the chair of the hearing, it is the local government that bears the risk of a challenge to the bylaw that is subject to the hearing, so it is in local governments' best interest to ensure that public hearings are conducted appropriately.
- Distinct from procedural rules, local governments may want to prepare an internal guide that describes how an electronic public hearing will be implemented, including considerations such as who will be responsible for the technology during the hearing, how the hearing will be moderated, and the back-up options to allow people to participate in the event of unexpected technical difficulties.

### **What changes are there to notice requirements for public hearings held electronically?**

- Regardless of the format of a public hearing, local governments are still required to provide notice in accordance with the *Local Government Act*.
- Under the order, the place of a hearing specified in a notice may include a hearing conducted using electronic or other communication facilities.
- The notice for a hearing conducted electronically will need to include instructions for participating in the hearing or information on how and where to get the instructions.

### **If a local government office is closed, how can the public inspect the bylaw that is the subject of the public hearing?**

- Local governments must still make available for inspection the bylaw that is subject to a public hearing, and the information on where and when it is available must be included in the notice.
- Under the order, the place where a bylaw can be inspected may include online.

### **Can a public hearing be held in-person and electronically?**

- Local governments are best positioned to determine the most appropriate format for a public hearing in their communities during the pandemic.
- Although there is no outright ban on in-person public hearings, local governments will need to consider whether they can conduct an in-person public hearing safely while complying with the public health order on mass gatherings and the guidelines on physical distancing.
- The order enables a public hearing to be conducted electronically, either wholly or in combination with some in-person attendance.
- Regardless of the format of the hearing, local governments can encourage the public to provide written submissions, as is currently required in the legislation.

**What guidance do you have for local governments regarding access and transparency of electronic public hearings?**

- Electronic hearings are one way by which local governments can ensure that they are complying with the public health orders and necessary physical distancing while continuing to make important planning and land use decisions for their communities, including amendments to bylaws.
- Local governments are accountable to their citizens and have a responsibility to ensure that opportunities for public input are accessible and transparent.
- Maintaining procedural fairness, transparency and accountability should be of paramount concern in designing a process for electronic or phone participation in a public hearing.

**Some community members do not have a computer or are not comfortable using technology. What other options are there to receive their opinions at a public hearing?**

- Local governments will need to carefully consider issues of access and transparency when holding public hearings that rely on electronic rather than in-person attendance.
- In addition to online meetings, the order enables local governments to hold public hearings by phone or teleconference.
- Local governments can also encourage the public to provide written submissions, as has always been allowed, as an alternative to attending an electronic public hearing.

**Are there any options for moving forward with land use decisions other than holding in-person or electronic public hearings?**

- This order provides local governments the authority they need during the COVID-19 pandemic to be able to hold public hearings safely and legally prior to making important land use decisions.
- The input obtained during a public hearing is a critical part of land use decision making and many local governments choose to hold public hearings even when they are not legally required.
- However, during the current provincial state of emergency, local governments may want to consider waiving public hearings where permitted, such as a proposed amendment to a zoning bylaw that is aligned with the official community plan.
- Should a local government choose to waive the public hearing, it would still be required to comply with the statutory notice requirements for waiving public hearings.

- For hearings that are waived, local governments may wish to obtain legal advice on how to best provide the public with different opportunities for input, while being clear that such feedback is not considered formal public hearing input.

#### **Are there any restrictions on collecting personal data during public hearings held electronically?**

- The *Freedom of Information and Protection of Privacy Act* prohibits the storage or disclosure of personal information outside of Canada.
- Ministerial Order M085, issued on March 26, 2020, provides a temporary exception to this prohibition. Under several conditions, local governments may use third-party electronic tools, such as video-conferencing for public hearings, while sharing or disclosing information outside of Canada. The conditions are:
  - third-party tools or applications are being used to support and maintain the operation of programs or activities of the local government,
  - the third-party tools or applications support public health recommendations or requirements related to minimizing transmission of COVID-19, and
  - any disclosure of personal information is limited to the minimum amount reasonably necessary
- For more information, please refer to [Ministerial Order M085](#).

#### **Are boards of variance also authorized to hold their meetings using electronic or other communication facilities? What about advisory planning commissions?**

- Under the open meeting and electronic meeting provisions of this order, boards of variance and advisory planning commissions established by municipalities, regional districts and the Islands Trust can meet using electronic or other communication facilities.
- Local governments may need to review and possibly amend the procedure requirements in their board of variance and advisory planning commission establishing bylaws to ensure that meetings can be held in accordance with the bylaws.
- For more information on electronic open meetings, please refer to the [Guidance for Open Meetings, Electronic Meetings and Timing Requirements for Bylaw Passage under Ministerial Order 192](#).

#### **Who asked for these changes to be made?**

- The ministry continues to hear from local governments concerned about their inability to conduct public hearings and meetings to make important land use decisions for their community



while also following the public health order on mass gatherings and the safe physical distancing recommendations.

- Concerns about potential delays in development application processes have also been raised by housing providers, homeowners, and the wider development sector.

#### **Where can local governments get more information about B.C.'s response to COVID 19?**

- BC Government's COVID 19 Provincial Support and Information website provides a hub through which you can access critical non-health information as it is updated, including provincial health officer orders, as well as get access to the BC Centre for Disease Control COVID site, which provides authoritative health-related information visit: [bccdc.ca](https://bccdc.ca)
- As well, there is a toll-free phone line open at 1-888-268-4319 (1-888-COVID19) between 7:30 a.m. and 8 p.m. seven days a week for non-medical information about the virus (including latest information on social distancing, as well as access to support and services from the provincial and federal governments.
- For more information about Provincial support and health information, visit [gov.bc.ca/COVID-19](https://gov.bc.ca/COVID-19).

#### **Where can local governments get more information?**

- For other local government resources and guidance on orders, please visit the COVID-19 Updates for Local Governments & Improvement Districts [webpage](#).
- For more information regarding electronic public hearings, contact [PLUM@gov.bc.ca](mailto:PLUM@gov.bc.ca)

Public input for DNV Public Hearing **Bylaw 8420 1560 Main St** on July 7<sup>th</sup> 2020

Corrie Kost, 2851 Colwood Dr, North Vancouver

Your Worship & Members of Council,

For these public hearings my comments will be related to two issues –

- (1) the process whereby these public hearings are being held and
- (2) my opinions on the two specific proposals for Cannabis outlets.

**Issue 1: Process/Inclusivity (Note: this section is in common to both public hearings)**

My comments relate to the paramount issue of inclusivity for all citizens of the DNV during the Covid-19 pandemic.

Inclusivity means that all our citizens, no matter their technical capability, should be able to be aware of issues coming to council, and be able to provide their voice to any matter of interest to them.

As you are likely aware, some citizens have no internet capability. As well, many homes no longer receive the (now weekly) copy of the North Shore News. The closure of our libraries exacerbates access to relevant council agendas. This is further compounded by the lack of physical access to District Hall.

This means that many of our most vulnerable citizens can no longer participate in the local democratic process.

I am aware that significant steps have been taken to mitigate the change in public input procedures. I had hoped that certain problematic meetings (such as public hearings) would have been delayed to a time when traditional procedures can again be safely allowed. That a public hearing has been called (unnecessarily for the items at this time in my opinion) makes me want to suggest that the public hearing should be adjourned/deferred to a later date as they have done in Delta, Squamish, White Rock, and Mission(ref1). In addition, as was done in places such as Delta, council should “*extend third reading of all applications involving a zoning amendment to January 15, 2021 and waving fees for extensions*”.

Another “process” concern is the lack of access to the full material that has been submitted by the public either before or during the public hearing. It has been a tradition that not only should the public have unfettered presentation of their points of view but they should be able to speak to points presented orally or in writing made by other members of the public.

In the meantime I feel that more should be done to improve inclusivity in the public process. In my humble opinion the public could easily be accommodated, with the required social/physical distancing, in the council chamber (as for example in Port Coquitlam, Maple Ridge, and West

Vancouver (ref1)). Alternatively speakers could be accommodated, say 10 at a time, while the rest wait in the hallway or outside of the building. To that end, may I suggest **that council review with staff ways in which equity of access for all our citizens can be re-established.**

Another point about “*process*” has to do with the advertisements placed in the North Shore News. I have already mentioned that this local newspaper is no longer being distributed to the wide community as it was in the past thus disenfranchising a number of our residents. In addition I should point out that the June 24<sup>th</sup> notification on page A19 states “*You may sign up in advance **to speak at the hearing** [my emphasis] by contacting the Municipal Clerk at [gordonja@dnv.org](mailto:gordonja@dnv.org) prior to noon, Tuesday July 7, 2020.*” The notice goes on to say “*After the speakers list [above] has been exhausted, there will be an opportunity for additional speakers to make submissions by telephone.*”

You can well imagine my surprise when after I submitted my name to “speak at the hearing” I was told that I could do no such thing but had to do this electronically from my home.

Having access to the DNV website (ref 3) on “Speak at a public hearing” I want to note that it states “Public input will be limited to the first 10 requests received”. If this is not an error, then in my opinion it violated our Community Charter.

## **Issue 2 - My opinions on this matter (Bylaw 8420 - 1560 Main St).**

On March 3<sup>rd</sup> 2020 council held a public hearing for a “Retail Cannabis Store” for 385 North Dollarton Highway. This was discussed, approved, and adopted by Council at a “Regular” council meeting on June 15 2020. This was despite opposition by the majority in the neighbourhood and despite councils’ earlier discussions that the preferred location of the first Cannabis retail outlets should be in one of the Town Centres – which that one was not! So now we come around to discussing two Cannabis outlets which are **both in the Lower Lynn Town Centre**. I note in the Jan 16/2020 staff report that the 3 responses to the local area notification for 1560 Main st. were all opposed. Of concern is the report’s note on page 21 - **COUNCIL DISCRETION**

*While this policy is intended to establish a framework which would apply to all rezoning applications for retail cannabis uses, Council maintains full discretion to allow or reject any application for a retail cannabis use and may, in its sole discretion, exempt applications from all or any part of this policy.*

This has the potential to undercut the public’s assessment of the pro/cons of the proposal.

It should be noted that the science of the potential negative health impacts has not been settled (ref2) . Recent reports have indicated that products marketed at these facilities deliver doses inconsistent with their labelling. (ref4 and 5). A Summary reference (ref 6) to the Canadian Cannabis Survey 2019 by the Government of Canada might prove useful for council. It may also be worth noting that late last year Toronto had only 5 legal Cannabis store (population 5 million) – more were planned

for this year. A recent informative reference by the National Institute on Drug Abuse – Marijuana (ref7) is worth a read.

**I make two suggestions to council.**

**(a)** Consistent with previous council statements to go slow on this issue, **approve only one** of the two proposals tonight be accepted by council. My **personal preference**, due to easier access, meeting parking without the complexity/confusion of covenant parking on an adjacent lot, and being more remote from single family homes, **is to approve the 1520 Barrow St proposal.** OR

**(b)** Council **reject both proposals** until such a time as the public can properly assess recent scientific publications of negative impacts of cannabis recreational use – especially for those under the age of about 25, and, more importantly, also allow for full public participation which is currently limited by Covid-19.

**Question:** If it is later determined that recreational use is too harmful for society, what powers do local governments have to close these facilities or modify the sales of their products?

References:

- (1) <https://udi.bc.ca/covid-19-municipal-updates/>
- (2) <https://www.drugabuse.gov/sites/default/files/marijuana-research-report.pdf>
- (3) <https://www.dnv.org/our-government/speak-public-hearing> (attached)
- (4) <http://davidhammond.ca/wp-content/uploads/2018/03/2019-THC-Communication-IJDP-Hammond.pdf>
- (5) <https://www.researchgate.net/publication/317276098> Variation in cannabis potency and prices in a newly-legal market Evidence from 30 million cannabis sales in Washington State
- (6) <https://www.canada.ca/en/health-canada/services/publications/drugs-health-products/canadian-cannabis-survey-2019-summary.html>
- (7) <https://www.drugabuse.gov/sites/default/files/marijuana-research-report.pdf>

Yours truly,

Corrie Kost

2851 Colwood Dr.

North Vancouver, V7R2R3

# Access to 1560 Main St is problematic & Parking added nextdoor



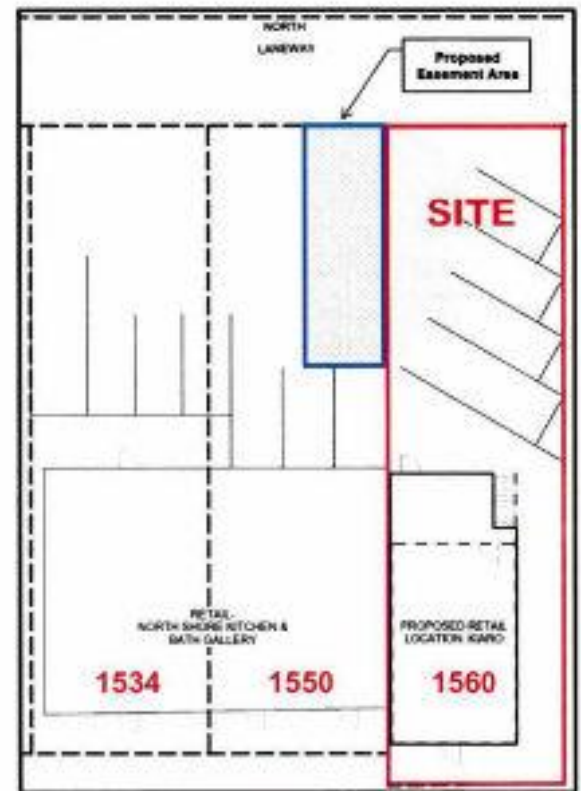
The maps below demonstrates access and egress for the site. As there is a median on Mountain Highway, only "right-in" and "right-out" vehicle movements are permitted at this location.

Vehicles unable to directly access the lane from Mountain Highway can enter the lane at the east end of Oxford Street. When leaving the site, vehicles can exit the lane directly onto Mountain Highway via a right-hand turn, or via Oxford Street which provides access to Mountain Highway (north and south) and to Main Street to the south.

**FROM P 7&9 OF  
"REPORT"**



1560 Main Street - Site Access and Egress



Proposed Parking Layout and Easement Area

District of North Vancouver

## Speak at a public hearing

Official Community Plan (OCP) and Zoning bylaws differ from other District bylaws in that Council is statutorily required to hold a Public Hearing before the OCP or Zoning bylaw can be changed. The Public Hearing must be held after the first reading of the bylaw and before the third reading.

A public hearing is an opportunity for members of the public to speak to Council if they feel their interest in property will be affected by a proposed bylaw. The proposed change is presented in the form of an application. Council may consider more than one application at a public hearing.

Note ! -cjk



The public hearings on Tuesday, July 7, 2020 will be held virtually. Residents that would like to sign up to speak virtually or submit input are asked to email the Municipal Clerk at [gordonja@dnv.org](mailto:gordonja@dnv.org) [mailto:gordonja@dnv.org] before 12pm noon on the day of the meeting. Public input will be limited to the first 10 requests received.

### What happens at the hearing

Speakers are called from the speakers list in the order that they signed up. At the end of the speakers list, the Chair may call on speakers from the audience.

You will have 5 minutes to address Council for a first time. After everyone who wishes to speak has spoken once, speakers will then be allowed one additional five minute presentation. Any additional presentations will only be allowed at the discretion of the Chair.

All members of the audience are asked to refrain from applause or other expressions of emotion. Council wishes to hear everyone's views in an open and impartial forum. Council will not debate the merits of the proposed bylaw or enter into dialogue with the public at the hearing.

### How to do it

1. Come to the meeting and add your name to the public comment log. Sign up begins 30 minutes before the meeting starts.
2. Go to the speakers table when the presiding member of the meeting calls your name.
3. Introduce yourself to Council, giving them both your name and address.
4. Speak for five minutes (the presiding member will let you know when your time is up).

If you wish to present a written submission you may do so. All submissions will be retained by the Clerk and copies of submissions will be available from the Clerk upon request during the Hearing.

Your only opportunity to comment on the proposed bylaw will be during the Hearing, as members of Council are not permitted to receive further submissions after the close of the Hearing. If members of the public have questions, they may state them, but it is not expected that staff would provide responses to questions from the public at this point.

[View the dates and agendas for upcoming public hearings \[http://app.dnv.org/PublicHearings/Default.aspx\]](http://app.dnv.org/PublicHearings/Default.aspx)



If you do not want to attend the public hearing, you can submit your comment in writing. Your submission must be received before the close of the Public Hearing. Your submission will be retained by the Clerk, and copies will be available from the Clerk on request during the Hearing.

### Details of the hearing process

1. The Chair opens the public hearing, and outlines the public hearing process.
2. For each application being considered:

- a. The Clerk identifies the subject of the hearing
  - b. Staff briefly outline the proposal
  - c. The applicant presents their proposal
  - d. The public expresses their opinion. Council is here to listen to the public, not to debate the merits of the bylaw.
  - e. Staff answers any questions that Council has
3. At the conclusion of the public input Council may either adjourn or close the public hearing.
- a. Adjourning the meeting — If staff has been asked to report back on questions which would raise new issues, to accommodate a large group of speakers who have not yet had an opportunity to be heard, or further submissions from the applicant have been requested; Council may adjourn the hearing by a motion which states the date, time and location for the hearing to be reconvened
  - b. Closing the meeting — Council may request staff to report back on any outstanding questions raised at the public hearing. By resolution Council may close the hearing and refer the bylaw back to a Regular meeting Council for further consideration. Council must not receive any new submissions or information from interested parties after the close of the public hearing.
4. When the Bylaw is returned to Council, Council may then, without further notice or hearing:
- a. Adopt or defeat the bylaw
  - b. Alter then adopt the bylaw provided that the alteration does not
    - i. Alter the use
    - ii. Increase the density
    - iii. Without the owner's consent, decrease the density of any area from that originally specified in the bylaw.