



THE RESORT MUNICIPALITY OF WHISTLER COUNCIL POLICY

POLICY NUMBER:	G-27	DATE OF RESOLUTION:	AUGUST 2, 2022
NAME: Cannabis Retail Policy			

1.0 SCOPE OF POLICY

This policy applies to applications to permit cannabis retail stores within Whistler.

2.0 PURPOSE

This policy describes the Resort Municipality of Whistler's (RMOW's) proposed approach to the regulation of cannabis retail that is consistent with the community's values and policies expressed in the Official Community Plan (OCP), including upholding the resort experience, while balancing community and guest demand with community safety and a family-friendly environment.

This policy is intended to clarify the RMOW's application intake, review, and approval process to permit new cannabis retail stores by outlining application requirements and evaluation criteria and to provide direction on regulations to permit cannabis retail stores within the RMOW.

The application guidelines and evaluation criteria set clear expectations and establish a transparent process.

3.0 BACKGROUND

The federal Cannabis Act made the consumption and retail sale of cannabis legal in Canada as of October 2018, subject to provincial and local government regulations. The BC provincial *Cannabis Control and Licensing Act (CCLA)* makes the Province the licensing authority for retail sales licenses for cannabis through the Liquor and Cannabis Regulation Branch (LCRB), subject to local government approval. Local governments have the authority to regulate the location of cannabis retail stores under its zoning power. Local governments also must be in support of a particular location for a cannabis retail store for the Province to issue a Cannabis Retail Store (CRS) license under the *CCLA*. In alignment with federal and provincial regulations, this Policy creates a framework for reviewing applications to permit cannabis retail stores in Whistler.

Recognizing the RMOW's limited land supply, growth management policies, and ongoing desire for a diverse and vibrant commercial sector, the proposed cannabis regulatory framework provides for limiting approval to a select number of locations, providing reasonable access while limiting proliferation. This policy will enable the RMOW to oversee approval and

monitoring of cannabis retail, which will be thoughtfully integrated within existing land use patterns, consistent with community objectives and land use planning in Whistler, and support the goals, objectives and policies of the OCP.

This policy is intended to provide a framework for a proposed Temporary Use Permit (TUP) approach to permit a cannabis retail store in each of five TUP areas. A TUP may allow a use not permitted by the Zoning Bylaw and specify the conditions under which the temporary use may be carried out. TUPs authorize the specific use for three years and can be renewed once for an additional three years.

By maintaining case-by-case approval for cannabis retail stores through a TUP approach, the RMOW maintains authority to select successful proponents based on considerations that are consistent with the community's vision and updated OCP and advance community and municipal policy goals. This approach provides the RMOW with the authority to decide whether each application should be approved or denied based on its merits including context, neighbourhood fit, public interest, the ability to limit the number of locations, and consideration of the principles and evaluation criteria outlined in this policy and associated proposed bylaws.

The proposed regulatory approach would require all cannabis retail stores to obtain a TUP and business licence from the RMOW in conjunction with a provincial CRS license from the LCRB to operate in Whistler.

The legislative framework of the Province of British Columbia, including the *Community Charter*, *Local Government Act (LGA)*, and the *CCLA*, provides the basis upon which the RMOW may regulate certain locational and other aspects of cannabis retail stores, as well as procedures for assessing and approving business proposals.

4.0 GUIDING PRINCIPLES

The principles below guided the Cannabis Retail Policy creation and are the foundation of this Council policy. The following guiding principles were developed from existing RMOW plans and policies and are recommended to be considered in evaluation of potential cannabis retail applications along with the locational guidelines in 5.1 and the evaluation criteria specified in 5.2:

- Support a thriving and diverse economy;
- Reinforce Whistler's mountain community character;
- Promote community and social well-being;
- Establish a transparent and efficient process;
- Balance community and visitor demand with community safety and Whistler's family-friendly environment; and
- Support and advance reconciliation and economic opportunities with the Skwxwú7mesh and Lilwat7úl people.

5.0 POLICIES

5.1 Location Guidelines

A cannabis retail store may be located in a commercial unit that:

- Is within an area described as a Temporary Use Permit area shown in Schedule 1;
- Is at least 300 m from the property line of any parcel containing an elementary or high school or Meadow Park Recreation Centre; and
- Does not have frontage on the Village Stroll as shown in Schedule 1.

This policy supports approval of up to five cannabis retail stores. Cannabis store locations will be distributed through Whistler with one outlet supported in each of the areas described as a Temporary Use Permit area shown in Schedule 1:

- Function Junction
- Whistler Creek
- Nesters Plaza
- Whistler Village
- Village North

The front entrance of a cannabis retail location must be:

- Further than 750 metres from the front entrance of another cannabis retail location;
- Except in the Village, where the front entrance of any cannabis retail location must be further than 150 metres from the front entrance of another cannabis retail location; and
- Measured in a straight line from the closest part of front entrance to closest part of front entrance.

All cannabis retail stores must comply with the requirements of the *Provincial Cannabis Licensing Regulation*.

5.2 APPLICATION EVALUATION CRITERIA

Applications must include a Community Impact Statement describing how the business will address goals and objectives of the OCP, particularly:

- i. Balancing resort and community needs;
 - ii. Provisions for employee housing;
 - iii. Commitment to a Living Wage;
 - iv. Relationships with or support for community organizations;
 - v. Leadership on sustainability and climate action, with additional reference to Whistler's *Climate Action Big Moves Strategy*, and *Zero Waste Action Plan*;
 - vi. Contributions to local economic development and overall character that promote a four-season family-friendly resort destination;
 - vii. Commitment to Whistler's community health and social strategy goals; and
 - viii. Commitments to reconciliation and providing economic opportunities for the the Lil'wat Nation and Squamish Nation.
- a. Business operations and store design should contribute to Whistler's mountain resort character and must comply with applicable bylaws, plans, and policies, including:

- i. Storefront design compliance with relevant OCP Development Permit area guidelines, RMOW Sign Bylaw No. 558, 1987, and the CCLA;
 - ii. Proximity and availability of parking and potential vehicle traffic impacts in compliance with Zoning and Parking Bylaw No. 303, 2015; and
 - iii. Access for pedestrians of all abilities, cyclists, including proximity to public transit.
- b. Council may consider the applicant's security plans and nuisance mitigation plans including:
 - i. Security plan and monitoring meeting or exceeding provincial requirements;
 - ii. Impact on visitors and neighbours including odour;
 - iii. The applicant's commitment to abide by the terms of any Good Neighbour Agreement; and
 - iv. The applicant's efforts to inform customers about the Smoking Regulation Bylaw No. 2136, 2017.

5.3 APPLICATION REQUIREMENTS

1. Resources for application submission, including detailed instructions, submission requirements, links to the application forms, and dates of the application intake period will be posted online at whistler.ca/CannabisRetail.
2. Applications will be encouraged to submit during a defined thirty day batch application intake period. Applications made outside of the defined thirty day batch application intake period will be considered by the RMOW at a later date. Each application will be evaluated on its own merits.
3. All applications must include all of the information identified in Schedule 2 (Application Submission Requirements) to be considered complete. Applications can be submitted by email to planning@whistler.ca or in-person at Municipal Hall.
4. The following applies to application submissions during the defined thirty day batch application intake period:
 - Only one application submission per business/operator per area shown in Schedule 1 will be accepted;
 - An application submission containing more than one application will not be considered and will be disqualified; and,
 - An application submission containing more than one proposed location will not be considered and will be disqualified.
5. Cannabis Retail TUP applications will be reviewed concurrently with the LCRB referral for a CRS licence.
6. Each application will be assessed against the guiding principles, location guidelines and evaluation criteria in sections 4.0, 5.1 and 5.2 of this Policy.
7. Applicants may require other permits such as a Development Permit, Sign Permit and/or Building Permit in addition to a Cannabis Retail TUP.

8. Applicants will also need to apply for and obtain an RMOW business licence after receiving an RMOW Cannabis Retail TUP and provincial CRS license.

5.4 APPLICATION INTAKE AND REVIEW PROCEDURE

1. Upon the close of the initial 30 day batch application intake period, all complete Cannabis Retail TUP applications will be reviewed.
2. Public notification will be issued per bylaw and statutory requirements and LCRB referral review processes (Schedule 3).
3. All applications will be brought to Council for TUP approval consideration and resolution on the LCRB referral.
4. Council may approve a Cannabis Retail TUP and may resolve to support the LCRB CRS licence referral for each Cannabis Retail TUP that is approved.
5. The LCRB will be notified of the Council resolution for each CRS licence referral.

5.5 TEMPORARY USE PERMIT RENEWAL

Applicants that have been issued a Cannabis Retail TUP can apply to renew their Cannabis Retail TUP once prior to the end of the first three-year term.

6.0 LIQUOR AND CANNABIS REGULATION BRANCH REFERRALS

The LCRB is responsible for issuing provincial licences for cannabis retail stores. Cannabis retail establishments must obtain a CRS licence from the LCRB in order to operate. As part of the CRS licence application process, the LCRB provides notice of the CRS application to the local government, and will not issue a provincial licence until a positive recommendation from the local government is received. Local governments that decide to give comments and recommendations must solicit public input on the proposed location of the cannabis business; if the local government is not supportive of the application and does not provide a recommendation that the CRS licence be issued, the LCRB cannot issue the licence and the application process ends. Alternatively, if the local government provides a positive recommendation for the application, the LCRB will review the recommendation, but still maintains discretion whether or not to issue the licence.

The RMOW will only accept CRS licence referrals that are associated with an existing Cannabis Retail TUP application. Once an LCRB referral has been accepted, the RMOW will issue a public notice and collect written comments from residents, as required by s. 13 of the *Cannabis Licensing Regulation*.

The review and approval process for an LCRB CRS license referral will occur concurrently with the RMOW's review process for a Cannabis Retail TUP application. Council will consider written comments with each Cannabis Retail TUP application, and will provide a decision on the application and a resolution on the CRS licence referral.

Schedule 3 includes a flowchart of the CRS licence referral notification, review, and response procedure.

Staff time and notification costs associated with the CRS licence referral will be recovered through the CRS licence referral fee established by bylaw.

7.0 COUNCIL DISCRETION

While this policy intends to establish a framework which applies to all TUP applications for cannabis retail stores if the proposed regulatory approach is established by Council through necessary bylaw amendments, Council maintains full discretion in consideration of applications for a TUP to allow cannabis retail.

8.0 AUTHORITY TO ACT

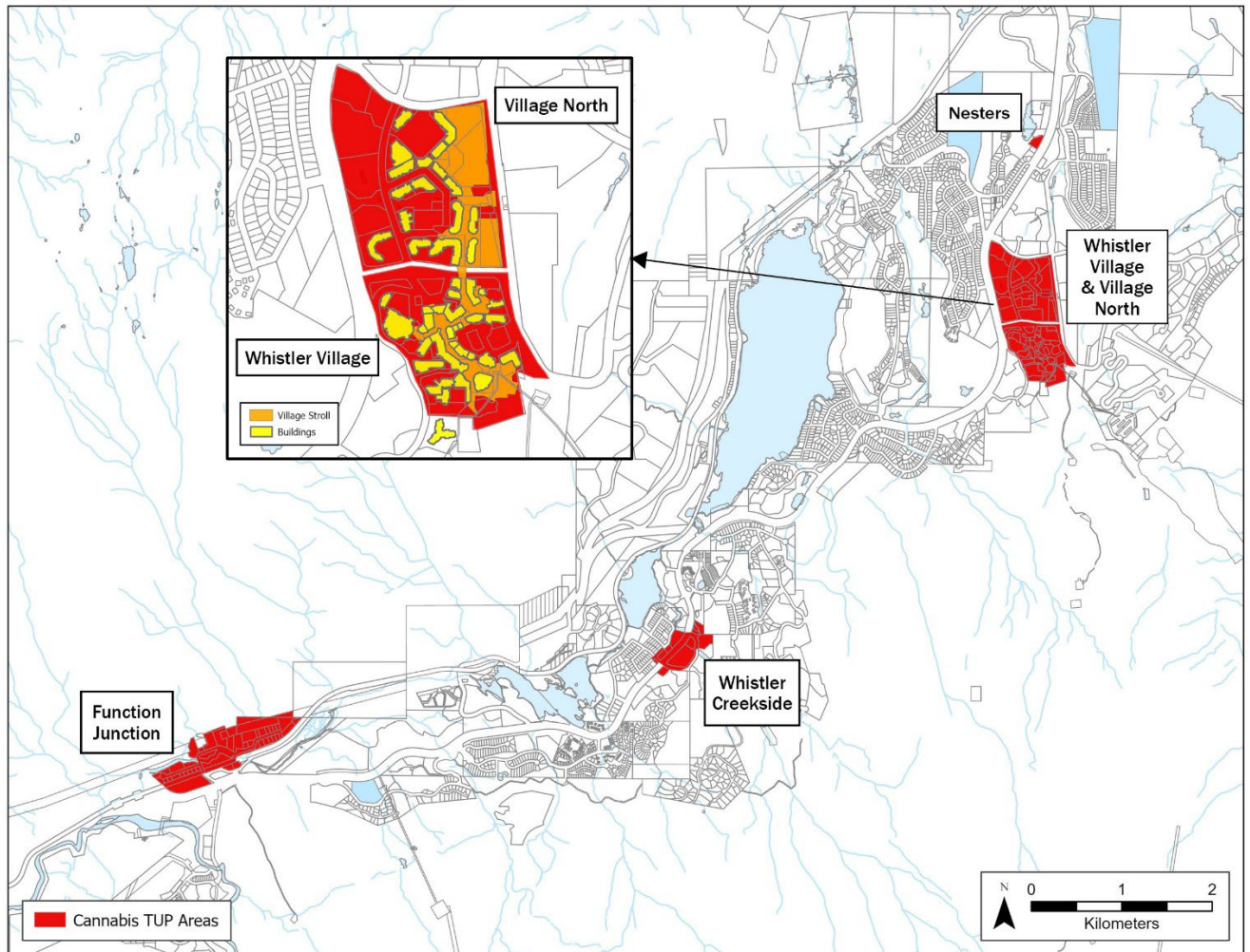
The legislative framework of the Province of British Columbia, including the *Community Charter*, *LGA*, and the *CCLA*, provides the basis upon which the RMOW may regulate certain locational and other aspects of cannabis retail stores, as well as procedures for assessing and approving business proposals.

Administration of this policy is the responsibility of the RMOW Planning Department.

Certified Correct:

P. Lysaght
Manager of Legislative Services/Corporate Officer

Schedule 1: Temporary Use Permit Areas



Schedule 2: Application Submission Requirements for Cannabis Retail Temporary Use Permit

Submission Requirements	
Name and contact information of applicant(s)	
Application Form A completed Temporary Use Permit application form and application fee, including civic address and legal description of the property where the proposed business is to be located.	
Provincial Referral or Proof of Provincial Application Application submitted to LCRB for municipal review and comment	
Proof of Property Ownership or Interest Letter of consent signed by the subject property strata corporation or registered owner(s) authorizing application submission and proof of an option for lease or purchase of the subject property; or a State of Title Certificate confirming the ownership of the subject property	
Title Search Dated within 30 days of the application.	
Community Impact Statement • Must address the guiding principles, location guidelines and evaluation criteria in the Cannabis Retail Policy • Must outline how the business will address the relevant RMOW policies and contribute to Whistler's priorities, goals and vision as outlined in our OCP, including economic, social and environmental impacts the business may have on the surrounding neighbourhood and wider community, and strategies for mitigating potential negative impacts	
Good Neighbour Agreement Indicating commitment to addressing nuisance issues.	
Business Plan Full description of the proposed business operation, including the following information: • Past business experience • Corporate structure • Number of staff, products sold, target market, and hours of operation • Any proposed educational initiatives and strategies regarding nuisance, consumption and cannabis-related issues • Insurance coverage information	
Context Plan Aerial map showing the location of the cannabis retail store and confirmation that the proposed location complies with all locational requirements per this policy and Whistler's Zoning and Parking Bylaw.	
Design proposal Including the following documents: • Site Plan • Floor Plans noting all doors, entrances, exits, cash registers, location of fixed shelving or displays and location of all areas open to the public and those designated for staff and storage areas • Security Plan, demonstrating compliance with or exceeding LCRB requirements • Parking plan, if applicable • Odour control plan and store ventilation	

Schedule 3: Municipal Review Process for LCRB Cannabis Retail Store Licence Referral

Referral from LCRB	Municipal Review	Public Input	Staff Recommendation	Council Review	Recommendation to LCRB
Confirmation that CRS licence referral corresponds to an existing RMOW Cannabis Retail TUP application	Staff reviews CRS licence referral concurrent with related Cannabis Retail TUP application for compliance with municipal policy and bylaws	Public notification (two consecutive newspaper ads; site sign for 30 days)	Public comments form part of council consideration for Cannabis Retail TUP approval.	Council votes on Cannabis Retail TUP application and resolution to LCRB, with consideration of staff recommendation and public comments.	Staff provides council resolution to LCRB