



RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way TEL 604 932 5535
Whistler, BC Canada V8E 0X5 TF 1 866 932 5535
whistler.ca FAX 604 935 8109

STAFF REPORT TO COUNCIL

PRESENTED: September 20, 2022 **REPORT:** 22-130
FROM: Planning - Projects **FILE:** 7657.00
SUBJECT: RESORT MUNICIPALITY OF WHISTLER CANNABIS RETAIL STRATEGY BYLAW
AMENDMENTS REPORT

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Resort Experience be endorsed.

RECOMMENDATION(S)

That Council consider giving first and second readings to “Zoning Amendment Bylaw (Cannabis Retail) No. 2371, 2022”;

That Council consider giving first, second and third readings to “Business Licence Amendment Bylaw (Cannabis Retail) No. 2373, 2022” (Business Licence Bylaw);

That Council consider giving first, second and third readings to “Liquor Licence and Cannabis Retail Licence Application Processing Fee Bylaw No. 2374, 2022”;

That Council authorize staff to schedule a Public Hearing regarding “Zoning Amendment Bylaw (Cannabis Retail) No. 2371, 2022”; and further

That Council authorize staff to give public notice of their intention to adopt the Business Licence Bylaw and provide an opportunity for persons who consider they are affected by the Business Licence Bylaw to make written submissions to Council prior to adoption of the Business Licence Bylaw.

PURPOSE OF REPORT

This report presents the proposed bylaw amendments in alignment with the Cannabis Retail Policy G-27 to introduce, permit and regulate cannabis retail stores in the Whistler community using Temporary Use Permits (TUPs).

- “Zoning Amendment Bylaw (Cannabis Retail) No. 2371, 2022;” (the Zoning Bylaw) is proposed to be amended to designate TUP areas for the retail sale of cannabis and specify general conditions regarding the issuance of TUPs for the retail sale of cannabis including minimum required distances between cannabis retail stores and schools and maximum number of cannabis retail stores;

- “Business Licence Amendment Bylaw (Cannabis Retail) No. 2373, 2022 (the Business Licence Bylaw) is proposed to be amended to include an additional application requirement for a cannabis retail store business licence;
- The Liquor Licence Application Processing Fee Bylaw (Liquor Bylaw) is proposed to be repealed and replaced with the “Liquor Licence and Cannabis Retail Licence Application Processing Fee Bylaw No. 2374, 2022” (Liquor and Cannabis Application Bylaw), to establish a fee in respect of cannabis retail store licence applications referred to the RMOW;

Amendments to the Land Use Procedures and Fees Bylaw for Cannabis Retail TUPs are also required and these have been addressed in the Land Use Procedures and Fees Bylaw No. 2205, 2022 – First, Second, and Third Reading Report, presented to Council on September 20, 2022.

This report also recommends that Council direct staff to schedule a Public Hearing for the proposed Zoning Bylaw amendment, and to direct staff to give public notice of the proposed Business Licence Bylaw amendment and to give members of the public the opportunity to make written submissions to Council on the proposed bylaw.

Information Report

Administrative Report (Decision or Direction)

DISCUSSION

Background

On August 2, 2022, Council received an update on community engagement, adopted Cannabis Retail Policy G-27 (attached as Appendix A) and directed staff to bring forward proposed bylaw amendments for the regulation of cannabis retail in Whistler consistent with the framework described in [Administrative Report 22-116](#), including amendments to:

- Zoning and Parking Bylaw No. 303, 2015;
- Land Use Procedures and Fees Bylaw No. 2019, 2012;
- Liquor Licence Application Processing Fee Bylaw No. 2224, 2019;
- Business Licence and Regulation Bylaw No. 2253, 2019; and
- Bylaw Enforcement Notice Bylaw No. 2174, 2018.

Subsequent to the previous meeting, staff determined that amendments to the Bylaw Enforcement Notice Bylaw are unnecessary, as the existing Bylaw establishes adequate procedures for enforcing Whistler’s bylaws with respect to cannabis retail stores.

Council Policy G-27 along with the proposed bylaw amendments allow for a clear set of regulations that establishes where and how many cannabis retail stores may be allowed through designating TUP areas and specifying general conditions regarding the issuance of TUPs to permit the retail sale of cannabis in those areas, and providing a transparent application intake, review and approvals process for new cannabis retail stores in Whistler. Subject to adoption of the proposed bylaw amendments, a designated intake period will be defined to consider complete cannabis retail TUP applications in a batch application process. Staff will review applications for completeness and evaluation submission following the policy guidelines. All complete cannabis retail TUP applications will be presented to Council with recommendations for consideration of approval.

Analysis

The legislative framework of the Province of British Columbia, including the *Community Charter*, *Local Government Act* (LGA), and the *Cannabis Control and Licensing Act* (CCLA), provide 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. The following analysis provides an overview of the bylaw amendments for Council consideration proposed to implement the RMOW's policy framework for cannabis retail.

Zoning Bylaw Amendment

The proposed Zoning Bylaw allows the land use to be permitted through TUPs and specifies general conditions regarding the issuance of TUPs including locations that provide sufficient buffers between stores and a maximum of five retail stores. The proposed Zoning Bylaw is proposed to be amended to:

- add a definition of cannabis retail that refers to the definition in the Federal *Cannabis Act* in Part 2 (Interpretation);
- revise the RMOW-wide prohibition on cannabis retail that is currently included in Part 4 (General Prohibitions);
- designate five TUP areas (Village, Village North, Creekside, Function Junction and Nesters Plaza) where the retail sale of cannabis may be allowed in Part 5 (General Regulations); and
- Specify general conditions regarding the issuance of TUPs for the retail sale of cannabis in those five TUP areas including that no more than one cannabis retail TUP will be approved in each cannabis retail TUP area and minimum distances between cannabis retail stores and schools and Meadow Park Recreation Centre.

Land Use Procedures and Fees Amendment Bylaw

Staff have been working on a comprehensive update of the Land Use Procedures and Fees Bylaw, which includes provisions to address application and review requirements for cannabis retail TUPs. The updated Land Use Procedures and Fees Bylaw will establish application procedures, notification requirements, and an application fee for TUPs. Of note, the proposed Land Use Procedures and Fees Bylaw does not delegate the power to issue a TUP to permit the retail sale of cannabis in a designated TUP area. These provisions are presented in Land Use Procedures and Fees Bylaw No. 2205, 2022 – First, Second, and Third Reading Report, presented to Council on September 20th, 2022.

Business Licence and Regulation Bylaw Amendment

The Business Licence Bylaw is proposed to be amended to include a requirement that cannabis retail business licence applications provide proof that the applicant has received a provincial Cannabis Retail Store licence prior to issuance of an RMOW business licence. The annual fee for a cannabis retail store is proposed to be the standard annual business licence fee of \$190.

Liquor Licence Application Processing Fees Bylaw

The Liquor Bylaw is proposed to be repealed and replaced with the Liquor and Cannabis Application Bylaw that includes a fee for cannabis retail store licence applications that are referred to the RMOW from the Liquor and Cannabis Regulation Branch (LCRB), following a similar process to the RMOW's established practice for liquor store licence referrals. The proposed fee offsets the costs incurred in assessing the referral, including staff time and advertising.

Bylaw Enforcement Notice Bylaw Amendment

Following further review it was determined that no amendments to the Bylaw Enforcement Notice Bylaw are necessary.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

On August 2, 2022, Council received [Administrative Report 22-116](#) which presented the public engagement summary on the proposed approach to administer and regulate cannabis retail through TUPs in Whistler that took place over winter and spring 2022. At that meeting, Council adopted Cannabis Retail Policy G-27 to provide clarity and direction for the intake, evaluation and processing of cannabis retail applications, and directed staff to bring forward proposed bylaw amendments to allow for a cannabis retail use to be permitted and regulated in Whistler.

[Administrative Report No. 21-137](#) (December 7, 2021) presented an overview of the recommended approach to permitting and regulating cannabis retail in Whistler, and to seek endorsement of a work program and engagement strategy to bring forward an OCP-based framework outlining community goals, objectives, and policies to guide consistent decision-making, and related bylaw amendments for regulation of cannabis retail in Whistler.

Corporate Plan

The RMOW Corporate Plan is updated annually and articulates strategic direction for the organization. This section identifies how this report links to the plan.

Council Focus Areas

Community Balance

*Effectively **balance resort and community needs** through deliberate planning, partnerships and investment*

Climate Action

*Provide leadership to **accelerate climate action and environmental performance** across the community*

Housing

*Advance strategic and innovative initiatives to enable and **deliver additional employee housing***

Pandemic Recovery

*Leadership and support for **community and tourism recovery and sustainability** – priority focuses are where recovery needs intersect with other Council focus areas*

Not Applicable

Corporate Goals

Community character and mountain culture is reflected in municipal initiatives

Municipal decision-making supports the effective stewardship of natural assets and ecological function

- Corporate policies and operations ensure continuous excellence in infrastructure, facility and program management
- A high level of accountability, transparency and community engagement is maintained
- Corporate financial health is optimized to ensure long-term community success
- A vibrant local economy and safe, resilient resort community is effectively reinforced by organizational activities

Community Vision and Official Community Plan

The Official Community Plan (OCP) is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

Chapter 5: Land Use and Development addresses residential and tourist accommodation, commercial and industrial space, and agricultural and extractive uses. In particular, Goal 5.6 seeks to maintain a complementary balance of commercial land use to reinforce Whistler's mountain resort character, the needs of the community, and the local tourism economy.

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| 5.6.1 | Objective | Maintain a balanced supply of commercial and industrial space and associated land uses. |
| 5.6.1.6 | Policy | Evaluate any proposed rezoning for additional space or changes in use for consistency with the intended purpose and roles of the location, compatibility of the surrounding area, the potential displacement of other essential uses, and potential impacts on the vitality and success of other existing developments. |
| 5.6.3.19 | Policy | Work to address potential impacts associated with federal legalization of cannabis. |

BUDGET CONSIDERATIONS

Staff time for this work is covered by the Planning Department budget. Once the proposed cannabis retail regulatory scheme has been created, and relevant bylaws adopted, application fees will be imposed to offset staff time reviewing and administering cannabis retail temporary use permit and licence applications.

LÍLWAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lílwat People, known in their language as *L'il'wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler's resort economy. This section identifies areas where RMOW activities intersect with these relationships.

Report recommendations are consistent with the goals and objectives contained in OCP Chapter 3: and OCP Chapter 4: Growth Management. Relevant policies from OCP Chapter 3 pertain to participation in Whistler planning and development for the Squamish Nation and Lílwat Nation, specifically:

- 3.3.3.1 Policy The Lílwat Nation and Squamish Nation meaningfully participate in the future direction of Whistler and the surrounding region.
- 3.6 Goal The Squamish Nation and Lílwat Nation are successfully participating in Whistler's resort economy and regional economic growth.
- 3.6.1 Objective Strengthen cooperation and coordination to realize economic benefits.

OCP Goal 4.1 is to effectively manage to maintain Whistler's unique sense of place, protect the environment, provide a high quality of life for residents and provide exceptional visitor experiences. The related policy from Chapter 4 pertaining to cooperative relationship building with Squamish Nation and Lílwat Nation is:

- 4.1.2.3 Policy Work collaboratively towards both Whistler and the Lílwat and Squamish Nations benefiting from the local tourism economy and complementary economic development and capacity building opportunities.

This approach will further the RMOW's commitment to creating an enduring relationship and enabling participation in Whistler's resort economy.

Whistler's Cannabis Retail Policy has been shared with the Lílwat Nation and the Squamish Nation via their referral portals.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

- Inform Consult Involve Collaborate Empower

Comment(s):

During development of the Cannabis Retail Council Policy, staff engaged the community, prospective cannabis retailers, and stakeholder groups, to gather input and insight into cannabis retail in Whistler through a combination of online forums with industry, in-person meetings with key stakeholders, a public input period, and information sharing via the RMOW's website, supported by social media. A summary of this engagement was presented on August 2, 2022 in [Administrative Report 22-116](#).

The proposed Zoning Bylaw is subject to a public hearing adhering to statutory public notice requirements prior to Council consideration of third reading.

The proposed Business Licence Bylaw amendment is subject to requirements to provide an opportunity for persons who consider they are affected by the proposed Business Licence Bylaw to make representations to Council prior to adoption. The opportunity to provide written submissions on the Business Licence Bylaw addresses this requirement and is subject to public notice.

REFERENCES

Appendix A – Cannabis Retail Policy

Land Use Procedures and Fees Bylaw No. 2205, 2022 – First, Second, and Third Reading Report,
Administrative Report No. 22-127 (Included in Council Package)

Zoning Amendment Bylaw No. 2371, 2022 (Included in Council Package)

Business Licence Amendment Bylaw No. 2373, 2022 (Included in Council Package)

Liquor Licence and Cannabis Retail Licence Application Processing Fee Bylaw No. 2374, 2022
(Included in Council Package)

Land Use Procedures and Fees Bylaw No. 2205, 2022 (included in Council Package)

SUMMARY

This report presents proposed bylaw amendments related to the Cannabis Retail Policy G-27 to allow the retail sale of cannabis through the issuance of a TUP in a designated TUP area in Whistler. The proposed bylaw amendments will allow Council to consider permitting up to five stores within certain existing commercial areas of Whistler.

This report also recommends that Council direct staff to schedule a Public Hearing for the proposed Zoning Bylaw amendment, and to direct staff to give public notice of the proposed Business Licence Bylaw amendment and to give members of the public the opportunity to make written submissions on the bylaw.

The policy framework was designed to further identify community priorities, including health, safety and community well-being, resort and community balance, resort and community balance, climate action and sustainability, and reconciliation.

SIGN-OFFS

Written by:

Megan Mucignat,
Planning Analyst – Projects

John Chapman,
Manager of Planning – Projects

Reviewed by:

Mike Kirkegaard,
Director of Planning

Jessie Gresley-Jones,
General Manager, Resort Experience

Virginia Cullen,
Chief Administrative Officer