

Cannabis Retail Strategy

Bylaw Amendments

September 20, 2022



Purpose

- To present proposed bylaw amendments to introduce, permit and regulate cannabis retail stores in Whistler:
 - ✓ Zoning and Parking Bylaw No. 303, 2015
 - ✓ Business Licence and Regulation Bylaw No. 2253, 2019
 - ✓ Liquor Licence Application Processing Fee Bylaw
- To recommends that Council direct staff to schedule a Public Hearing for the proposed Zoning Bylaw amendment
- To recommend that Council direct staff to give public notice of the proposed Business Licence Bylaw amendment

Background

- Cannabis Retail Policy G-27 adopted by Council on August 2, 2022
- Directed staff to prepare proposed bylaw amendments for the regulation and administration of cannabis retail in Whistler
 - ✓ 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.

Background

- Amendments to the Land Use Procedures and Fees Bylaw for Cannabis Retail TUPs are 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.
- Staff determined that amendments to the Bylaw Enforcement Notice Bylaw are unnecessary
 - ✓ the existing Bylaw establishes adequate procedures for enforcing Whistler’s bylaws with respect to cannabis retail stores.

Zoning Bylaw Amendment

- adds a definition of cannabis retail that refers to the definition in the *Federal Cannabis Act* in Part 2;
- revises the RMOW-wide prohibition on cannabis retail;
- designates five TUP areas where the retail sale of cannabis may be allowed
 - ✓ (Village, Village North, Creekside, Function Junction and Nesters Plaza)
 - ✓ Restricts cannabis retail locations from the Village Stroll in the Village and Village North TUP areas
- Specifies general conditions regarding the issuance of TUPs for the retail sale of cannabis in those five TUP areas:
 - ✓ no more than one cannabis retail TUP will be approved in each cannabis retail TUP area
 - ✓ minimum distances between cannabis retail stores and schools and Meadow Park Recreation Centre.

Land Use Procedures and Fees Bylaw Amendment

- Forms part of comprehensive update to land use procedures and fees
- Will establish application procedures, notification requirements, and an application fee for TUPs
 - ✓ Application fee is \$2,400
 - ✓ Does not delegate the power to issue a TUP to permit the retail sale of cannabis in a designated TUP area.

Business Licence and Regulation Bylaw Amendment

- Adds 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

- Proposes to repeal and replace with the Liquor and Cannabis Application Bylaw to
 - ✓ include a fee for cannabis retail store licence applications that are referred to the RMOW from the Liquor and Cannabis Regulation Branch (LCRB)
 - ✓ follows 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
 - ✓ The proposed fee is \$2,000
 - ✓ This is the same fee currently levied for liquor store licence referrals

Community Engagement

- During development of the Cannabis Retail Council Policy, staff engaged the community, prospective cannabis retailers, and stakeholder groups
 - ✓ summary 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.

Recommendation

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”

Recommendation

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 “Business Licence Amendment Bylaw (Cannabis Retail) No. 2373, 2022” 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.