

Cannabis Retail Strategy

Council Policy, Proposed Bylaw Amendments, and
Consultation summary

August 2, 2022



Purpose

- To present Council with:
 - ✓ the Cannabis Retail Policy that outlines the proposed regulatory approach and specifies policies for consideration of future applications;
 - ✓ a summary of the recommended provisions of the proposed regulatory approach, including bylaw amendments, and
 - ✓ a summary of the input and feedback received during community and industry engagement completed in February and March of 2022

Background

- On December 7, 2021, Council directed staff to develop an approach to administer and regulate cannabis retail in Whistler:
 - ✓ Policy framework
 - ✓ Temporary Use Permit framework
 - ✓ Bylaw amendments
 - ✓ Community and stakeholder engagement

Areas of Responsibility

Federal	Provincial	Local Government
<ul style="list-style-type: none">• Legalization of recreational cannabis• Production - oversight of cultivation, and processing• Product quality, packaging and labelling• Research and testing	<ul style="list-style-type: none">• Wholesale distributor• Licensing authority for retailers• Public health considerations	<ul style="list-style-type: none">• Power to allow or prohibit cannabis retail as a land use• Zoning bylaw – location of stores• Business licencing – Provincial licensing referral review

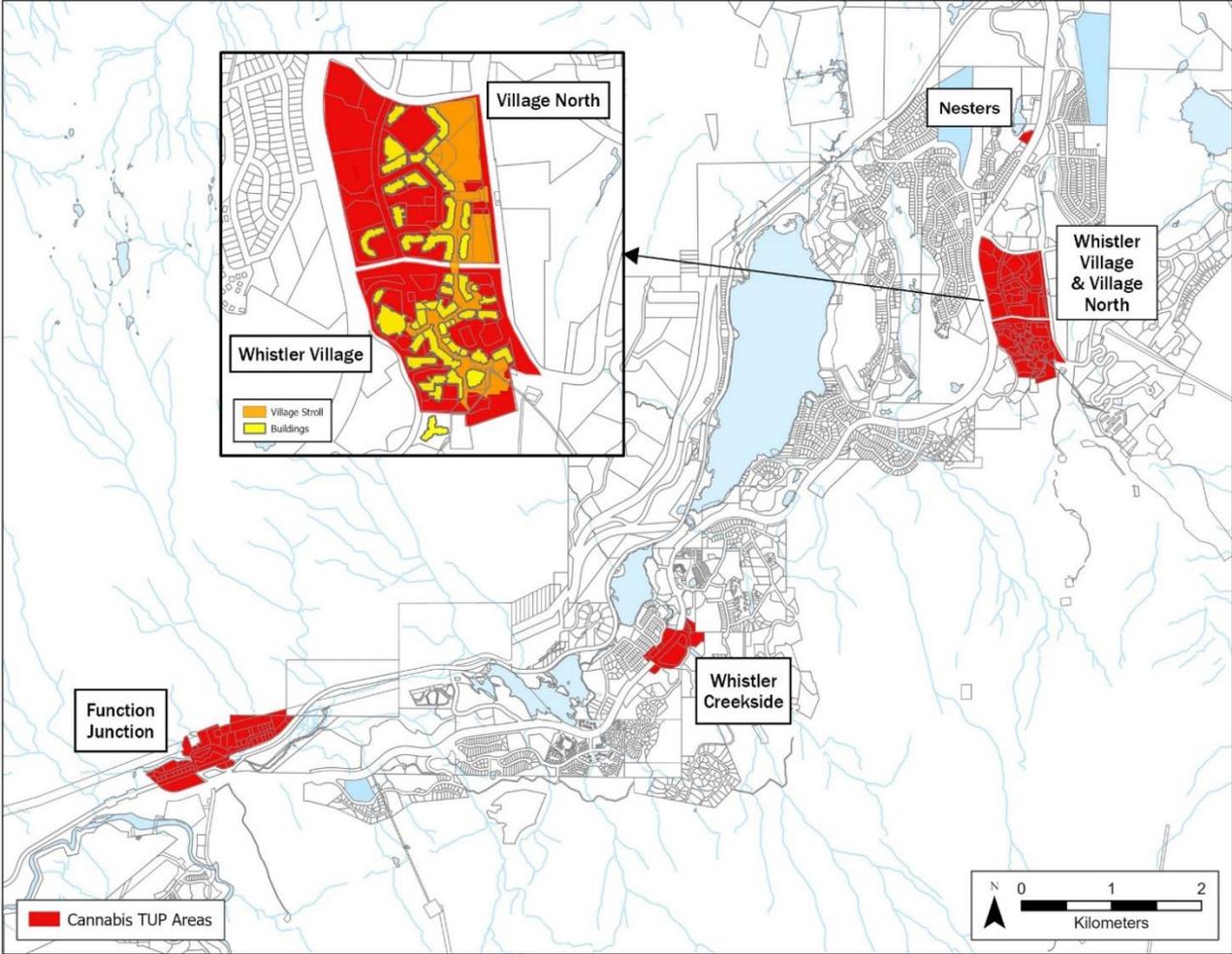
Cannabis Retail Policy - Overview

- Based on relevant OCP goals, objectives and policies
 - ✓ Will guide application review and ensure consistency in decision-making.
- Consistent with the community's values and policies expressed in the Official Community Plan including:
 - ✓ Enhancing resort experience
 - ✓ Balancing community and guest demand with community safety and a family-friendly environment
- Establishes guiding principles for cannabis retail in Whistler
- Describes location guidelines, application evaluation criteria, application requirements, application review procedure, and referral procedures

Cannabis Retail Policy – Guiding Principles

- Guiding principles based on relevant OCP goals, objectives and policies to guide review of applications and consistency in decision-making
 - ✓ 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 Liłwat7úl people.

Location criteria



WHISTLER: A PLACE WHERE OUR COMMUNITY THRIVES, NATURE IS PROTECTED AND GUESTS ARE INSPIRED.



Application Evaluation Criteria

- Applicants will be required to submit a Community Impact Statement to address the guiding principles and evaluation criteria, including:
 - ✓ Balancing resort and community needs;
 - ✓ Provisions for employee housing;
 - ✓ Commitment to a Living Wage;
 - ✓ Relationships with or support for community organizations;
 - ✓ Leadership on sustainability and climate action, with additional reference to Whistler's *Climate Action Big Moves Strategy*, and *Zero Waste Action Plan*;
 - ✓ Contributions to local economic development and overall character that promote a four-season family-friendly resort destination;
 - ✓ Commitment to Whistler's community health and social strategy goals; and
 - ✓ Commitments to reconciliation and recognizing the unceded territories of the Lil'wat Nation and Squamish Nation.

Application Process

- RMOW will define intake period for initial batch application and accept Cannabis Retail TUP applications
 - ✓ Review for completeness and compliance with Policy and bylaws
 - ✓ Issue public notifications per statutory and LCRB referral review requirement
 - ✓ Advance applications with recommendation for Council consideration
 - ✓ Council authorizes or denies TUP application and related LCRB referral
- Applicant applies for and obtain an RMOW business licence if a TUP and provincial Cannabis Retail Store licence have been issued

Provincial Licensing Authority

- Liquor and Cannabis Regulation Branch (LCRB) licenses cannabis retail stores
 - ✓ each application referred to local government for review
 - ✓ Support from local government is necessary
- Applicants must obtain support from both province (LCRB) and local government

Consultation

- Staff sought input through winter and spring 2022 from the community, stakeholder groups and the cannabis industry about:
 - ✓ Community priorities
 - ✓ Location and potential number of cannabis retail stores,
 - ✓ Store design and operations
 - ✓ Application and approval process

Consultation

Method	Purpose	Participation
Community engagement portal and questionnaire	Provided opportunity for the community to share thoughts through a more detailed series of closed and open-ended questions	<ul style="list-style-type: none"> • 274 unique visits to the community engagement page • 87 surveys submitted
Virtual cannabis industry workshop and engagement portal	Sought to provide more depth of each draft section of the document and explore community insights using an interactive Q&A format	<ul style="list-style-type: none"> • 126 unique visits to the cannabis retail engagement page • 84 participants in industry workshop
Targeted stakeholder meetings	Staff hosted meetings to provide an overview of the proposed framework and collect input related to issue mitigation, community needs and policy context.	<ul style="list-style-type: none"> • Meetings with community organizations, agencies, and service providers

Community Consultation

- Themes highlighted from community and stakeholder consultation:
 - ✓ Broad community support for cannabis retail in Whistler
 - ✓ Support for proposed locations and distribution
 - ✓ Concern about potential impacts from cannabis consumption in public spaces
 - ✓ Support for storefront design that addresses DPA guidelines and Whistler's mountain community character
 - ✓ Preference for local ownership will drive community benefits

On December 7, 2021, Resort Municipality of Whistler (RMOW) Council directed staff to proceed with the development of a framework to regulate the sale of retail cannabis in Whistler.

The provincial *Cannabis Control and Licensing Act* authorizes local governments to:

- allow or prohibit cannabis retail as a land use;
- establish the location of cannabis retail locations;
- establish business licence application fees and operational requirements through the business regulation power.

While many communities have created regulatory frameworks to approve and licence cannabis retail, it has been prohibited as a use in all zones by the RMOW zoning bylaw.

As part of the creation of cannabis retail regulations in Whistler, engagement with the community and with key stakeholders including the cannabis industry is important to help identify community goals and priorities for implementation.

Thank you for providing feedback. The consultation period has now closed. An engagement summary will be shared when staff present the draft Cannabis Retail Policy to Council on August 2. Project updates will be posted on whistler.ca/cannabisretail

PROPOSED APPROACH MARK THE MAP ASK A QUESTION

Consultation has concluded

Proposed Approach

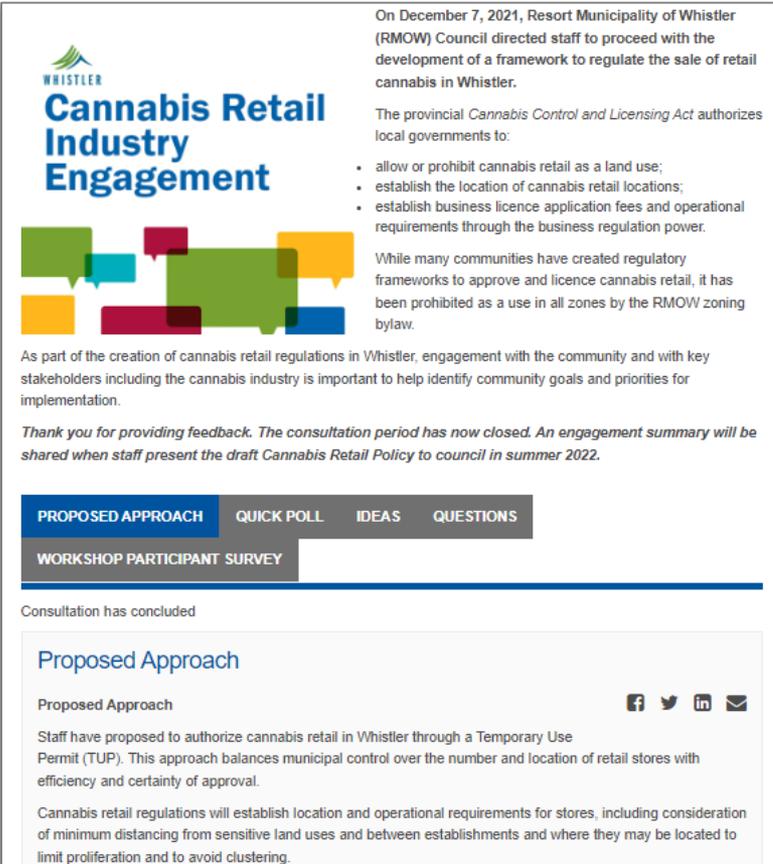
17 Feb 2022

Staff have proposed to authorize cannabis retail in Whistler through a Temporary Use Permit (TUP). This approach balances municipal control over the number and location of retail stores with efficiency and certainty of approval.

Cannabis retail regulations will establish location and operational requirements for stores, including consideration of minimum distancing from sensitive land uses and between establishments and where they may be located to limit proliferation and to avoid clustering.

Industry Consultation

- Themes highlighted from cannabis industry consultation:
 - ✓ Support for proposed locations and distribution
 - ✓ Support for straightforward and transparent application review and approval process
 - ✓ Concern over the term of a temporary use permit, but support for potential shorter approval timelines (compared to rezoning)



On December 7, 2021, Resort Municipality of Whistler (RMOW) Council directed staff to proceed with the development of a framework to regulate the sale of retail cannabis in Whistler.

The provincial *Cannabis Control and Licensing Act* authorizes local governments to:

- allow or prohibit cannabis retail as a land use;
- establish the location of cannabis retail locations;
- establish business licence application fees and operational requirements through the business regulation power.

While many communities have created regulatory frameworks to approve and licence cannabis retail, it has been prohibited as a use in all zones by the RMOW zoning bylaw.

As part of the creation of cannabis retail regulations in Whistler, engagement with the community and with key stakeholders including the cannabis industry is important to help identify community goals and priorities for implementation.

Thank you for providing feedback. The consultation period has now closed. An engagement summary will be shared when staff present the draft Cannabis Retail Policy to council in summer 2022.

PROPOSED APPROACH QUICK POLL IDEAS QUESTIONS

WORKSHOP PARTICIPANT SURVEY

Consultation has concluded

Proposed Approach

Proposed Approach Facebook Twitter LinkedIn Email

Staff have proposed to authorize cannabis retail in Whistler through a Temporary Use Permit (TUP). This approach balances municipal control over the number and location of retail stores with efficiency and certainty of approval.

Cannabis retail regulations will establish location and operational requirements for stores, including consideration of minimum distancing from sensitive land uses and between establishments and where they may be located to limit proliferation and to avoid clustering.

Proposed bylaw amendments

Bylaw Name & No.	Proposed Amendments
Zoning and Parking Bylaw No. 303, 2015	<ul style="list-style-type: none">• Add definition of Cannabis Retail;• Revise or remove prohibition on Cannabis Retail;• Designate Cannabis Retail Temporary Use Permit Areas in Function Junction, Creekside, Nesters, the Village and Village North, with:<ul style="list-style-type: none">○ Minimum distancing requirements between stores of 750 metres except for in the Village and Village North, where it is required to be a minimum of 150 metres;○ Minimum distancing requirements of 300 metres from schools and from Meadow Park Recreation Centre; and○ No cannabis retail with frontage on the Village Stroll.

Proposed bylaw amendments

Bylaw Name & No.	Proposed Amendments
Land Use Procedures and Fees Bylaw No. 2019, 2012	<ul style="list-style-type: none">• Add Cannabis Retail TUP application procedures, as necessary:<ul style="list-style-type: none">○ Cannabis Retail TUP application fee and TUP renewal fee; and○ Revise so that Cannabis retail TUP approvals are not delegated.
Liquor Licence Application Processing Fees Bylaw No. 2224, 2019	<ul style="list-style-type: none">• Update Bylaw title to include Cannabis Retail; and• Add LCRB referral review fee.

Proposed bylaw amendments

Bylaw Name & No.	Proposed Amendments
Business Licence and Fees Bylaw No. 2253, 2019	<ul style="list-style-type: none">● Add Cannabis Retail definition;● Add additional application submission requirements for Cannabis Retail business licence:<ul style="list-style-type: none">○ Standard annual business licence fee (currently \$190.00);○ Confirmation of provincial Cannabis Retail Store licence;○ Cannabis Retail Good Neighbour Agreement;○ Proof of security plan that meets or exceeds provincial requirements.
Bylaw Notice Enforcement Bylaw No. 2174, 2018	<ul style="list-style-type: none">● Add a penalty for unauthorized use of land or building for cannabis retail use.

Recommendation

That Council adopt the Cannabis Retail Policy attached as Appendix A to this Administrative Report 22-116;

That Council receive the public engagement summary on the proposed approach to administer and regulate cannabis retail through Temporary Use Permits in Whistler; and further

That Council direct staff to bring forward amendments to the following Resort Municipality of Whistler bylaws:

- 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;

for regulation of cannabis retail in Whistler consistent with the framework described in this Administrative Report 22-116 report.