



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: December 20, 2022 **REPORT:** 22-158
FROM: Planning - Projects **FILE:** 7657.00
SUBJECT: PUBLIC HEARING SUMMARY AND THIRD READING FOR ZONING AMENDMENT
BYLAW (CANNABIS RETAIL) NO. 2371, 2022

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION(S)

That Council consider giving third reading, as revised to “Zoning Amendment Bylaw (Cannabis Retail) No. 2371, 2022”.

PURPOSE OF REPORT

This report presents “Zoning Amendment Bylaw (Cannabis Retail) No. 22371, 2022” (proposed Bylaw) for Council’s consideration of third reading, as revised.

This report also provides a summary of the verbal and written submissions made during the Public Hearing process for the proposed Bylaw held on November 29, 2022, pursuant to section 465(5) of the *Local Government Act*. Staff are not recommending any changes to the proposed Bylaw based on the Public Hearing submissions.

Information Report

Administrative Report (Decision or Direction)

DISCUSSION

Background

On September 20, 2022, Council gave first and second reading to the proposed Bylaw and directed staff to proceed with a Public Hearing ([Administrative Report 22-130](#)). The Public Hearing was held on November 29, 2022.

The proposed Bylaw was presented to Council alongside “Business Licence Amendment Bylaw (Cannabis Retail) No. 2373, 2022” (Business Licence Bylaw) and “Liquor Licence and Cannabis Retail Licence Application Processing Fee Bylaw No. 2374, 2022” (Application Processing Fee Bylaw) as a suite of bylaw amendments necessary to implement Whistler’s Cannabis Retail Council Policy G-27 (Council Policy G-27). The Application Processing Fee Bylaw was subsequently adopted by Council on October 4, 2022, and the Business Licence Bylaw was adopted by Council on December 6, 2022.

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Council Policy G-27 along with the proposed bylaw amendments establishes a clear set of regulations for cannabis retail in Whistler, including designating Temporary Use Permit (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.

Analysis

The proposed Bylaw will amend the Zoning and Parking Bylaw 303, 2015 (Zoning Bylaw). It will allow the land use for cannabis retail 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 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, schools and the Meadow Park Recreation Centre.

Public Hearing Summary

A Public Hearing for the proposed Bylaw was held on November 29, 2022. No written or verbal submissions were made by the public respecting the proposed Bylaw. With completion of the Public Hearing, no additional submissions to Council may be made by the Public. Staff are not recommending any changes to the proposed Bylaw based on the Public Hearing submissions.

The Public Hearing package included a copy of the proposed Bylaw with updated maps designating the five TUP areas that included legends and other improvements for readability. It also included a slightly revised map for the Village TUP (Figure 5-E) that clarified that the Bus Loop roadway is not included as a potential TUP location. The changes made are not considered substantive, but rather for clarification only. The revised maps are included in the proposed Bylaw for consideration of third reading, as revised.

Next Steps

Subject to adoption of the proposed Bylaw, 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 Council Policy G-27 guidelines. All complete cannabis retail TUP applications will be presented to Council with recommendations for consideration of approval.

POLICY CONSIDERATIONS

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Relevant Council Authority/Previous Decisions

September 20, 2022: [Administrative Report No. 22-130](#) presented the proposed Bylaw amendments in alignment with the Cannabis Retail Policy G27 to introduce, permit and regulate cannabis retail stores in the Whistler community using Temporary Use Permits (TUPs). The proposed Bylaw was presented to Council for first and second reading, alongside Business Licence Bylaw and Application Processing Fee Bylaw which were presented for first, second, and third reading, and have subsequently been adopted.

On August 2, 2022: Council received [Administrative Report No. 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.

December 7, 2021, [Administrative Report No. 21-137](#) 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

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- 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.

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	Word to address potential impacts associate 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.

LÍ'WAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Líl'wat 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.

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 Líl'wat Nation, specifically:

- 3.3.3.1 Policy The Líl'wat Nation and Squamish Nation meaningfully participate in the future direction of Whistler and the surrounding region.
- 3.6 Goal The Squamish Nation and Líl'wat 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 Líl'wat Nation is:

- 4.1.2.3 Policy Work collaboratively towards both Whistler and the Líl'wat 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 G-27 has been shared with the Líl'wat 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 with [Administrative Report 22-116](#).

As noted above, a Public Hearing on the proposed bylaw was held on November 29, 2022. Notification of the Public Hearing was done in accordance with section 466 of the *LGA*. There were no submissions or representations made by the public.

REFERENCES

Appendix A – Council Policy G-27
"Zoning Amendment Bylaw (Cannabis Retail) No. 2371, 2022" (included in Council Package for third reading, as revised).

SUMMARY

DECEMBER 20, 2022

This report presents the proposed Bylaw for Council’s consideration of third reading, as revised and provides a summary of the Public Hearing for the proposed Bylaw pursuant to section 465(5) of the *Local Government Act*. Members of the Public Hearing made no submissions or representations and staff are recommending no changes to the proposed Bylaw based on the public hearing process. The report recommends that Council consider giving third reading to the proposed Bylaw, as revised.

SIGN-OFFS

Written by:

Megan Mucignat, RPP MCIP,
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