

Non-Medical (Recreational) Cannabis Retail Policy

Department:	<u>Development Services</u>	Policy No.:	<u>DEV-011</u>
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POLICY PURPOSE

The *Non-Medical (Recreational) Cannabis Policy* identifies the requirements for the sales of non-medical (recreational) cannabis in the Village of Pemberton. In particular, the policy establishes the jurisdiction, definitions, policy related to land use and zoning and includes Village requirements related to the business licence application requirements and approval procedures.

JURISDICTION

The jurisdiction and roles of the regulatory authorities and the proponent in the review and approval of recreational cannabis retail businesses are generally described as follows:

- **Government of Canada** - In accordance with BILL C-45 *Cannabis Act*, the federal government has created a plan for regulating Cannabis and sets standards for health and safety, actions that are illegal or criminal and aspects of regulation that are the responsibility of the provinces.
- **Province of British Columbia** – In accordance with the *Cannabis Control and Licencing Act (CCLA)*, the provincial government has established a legislative framework and full regulatory framework on how products will be sold to consumers. The Act describes general rules relating to cannabis; licensing; special rules (i.e., possession limits, personal cultivation, consumption in public, minors), enforcement and training. Certain additional regulatory powers are enabled for local governments and regional districts.
- **Village of Pemberton** –The Province has established that local governments may further restrict certain elements of non-medical (recreational) cannabis retail sales. Criteria that local governments will be able to address include, but are not limited to, the following:
 - Zoning and Land Use (including distance requirements from public uses and other cannabis-related operations);
 - Operational Requirements (business hours of operation and security features);
 - Storefront and Signage limitations, including the display of products;
 - Business Licence Regulations; and
 - Public Consumption.
- **Applicants** - Applicants for a private non-medical cannabis retail store licence must make application through the provincial Liquor and Cannabis Regulation Branch.

OBJECTIVES

- To permit the legal and controlled sale of non-medical (recreational) cannabis within the Village of Pemberton.
- To encourage locations that integrate with the surrounding land uses.
- To only permit cannabis retail use in the Town Centre Commercial (C-1) Zone.
- To restrict the maximum number of cannabis retail businesses to two (2).
- To establish distance requirements from public facilities to minimize impacts and influences on minors and other vulnerable populations.
- To indicate the process by which the Village will make decisions with respect to potential application referrals from the Province and how the views of nearby residents will be gathered.

DEFINITIONS

Applicant means a company or organization proposing to operate a non-medical (recreational cannabis) retail business in the Village of Pemberton.

Non-Medical Cannabis means a cannabis plant used for recreational purposes. Cannabis has the same meaning as in the *Cannabis Act* (Canada), subject to any prescribed modifications.

Distance Requirement means the minimum distance measured horizontally from the subject property of the proposed non-medical cannabis retail business for notification.

Vulnerable Populations means children and youth under the age of nineteen (19), people with mental health problems, pregnant women, and other socio-economically disadvantaged populations.

POLICY

1. Licencing Referrals and Notification

- The provincial *Liquor and Cannabis Regulation Branch* (LCRB) will be responsible for licencing non-medical (recreational) retail businesses. A cannabis retail licencing regime similar to the current licencing regime for liquor has been established whereby licence applications must be initiated with the LCRB, before being referred to the Village of Pemberton. Refer to **Appendix A – Cannabis Retail Application Process**.
- When an application is received, the LCRB will notify the local government where the proposed store will be located. Upon receiving notice, the Village of Pemberton can:
 - Choose not to make a recommendation (which ends the licence application as the LCRB is not able to issue a licence unless the local government gives a positive recommendation); or
 - Choose to make comments and recommendations on an application, based on the views of nearby residents.

- Council will make their recommendation based in part on the views of nearby residents. Views of nearby residents will be gathered by mailing or otherwise delivering a written notification to properties within 100 metres of the proposed non-medical (recreational) cannabis retail business location and by placing notices in the local newspaper following the regulations set out in section 94 of the *Community Charter*. The notice will invite property residents/property owners to send in comments and/or attend a meeting where a decision to recommend the application be supported will be considered. This notification will be done for each and every application referred to the Village by the LCRB.
- If the views of nearby residents are supportive, the Village may send a positive recommendation to the LCRB, and the application will continue to be processed by the Province.
- If the views are not supportive, the Village may not send a positive recommendation to the LCRB and the application will be halted.

2. Application Referral Review Fee

- The Village of Pemberton will charge a review fee payable by the Applicant per referral.

3. Land Use and Zoning

- The Village of Pemberton Zoning Bylaw No. 832, 2018 prohibits medical cannabis dispensaries in all zones.
- In order for non-medical (recreational) cannabis retail sales to be permitted in the Village of Pemberton, the Village adopted a Zoning Amendment (Amendment Bylaw No. 847, 2018; adopted October 16, 2018) to permit non-medical (recreational) cannabis retail in the Town Centre Commercial (C-1) Zone, under certain Conditions of Use.
- A maximum of two (2) non-medical (recreational) cannabis retail businesses will be permitted to operate in the Town Centre Commercial (C-1) Zone at any one time.

4. Conditions of Use - Distancing Requirements

- Locations for non-medical (recreational) cannabis retail businesses must be at least one hundred and fifty (150) meters away from the following public uses:
 - Community Centres and Youth Centres
 - Libraries
 - Licenced Daycares
 - Playgrounds and Playing Fields
 - Schools
 - Skate Parks/Bike Parks and any other locations frequented by minors not including the Downtown Barn, Pioneer Park, Fougberg Park or the Pemberton & District Museum.
- A map showing the distancing requirements (buffers) is attached as **Appendix B**.

5. Operational Requirements

- Operational Requirements for non-medical (recreational) cannabis retail businesses shall be determined by the Village of Pemberton Business Licence Bylaw, as amended or replaced from time to time.

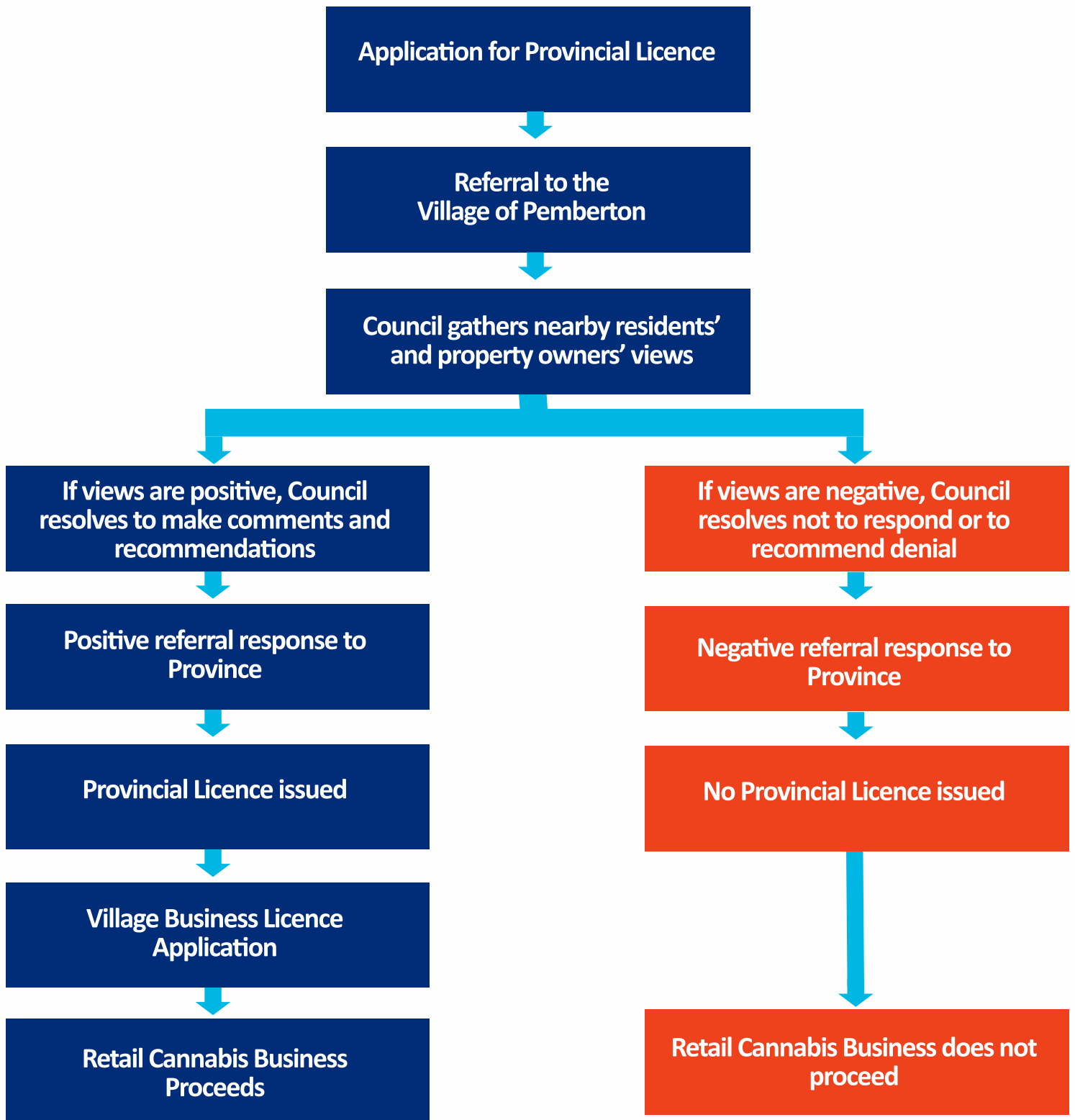
6. Business Licence Fee and Requirements

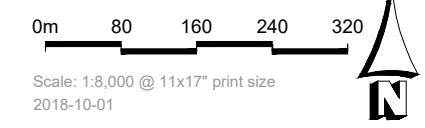
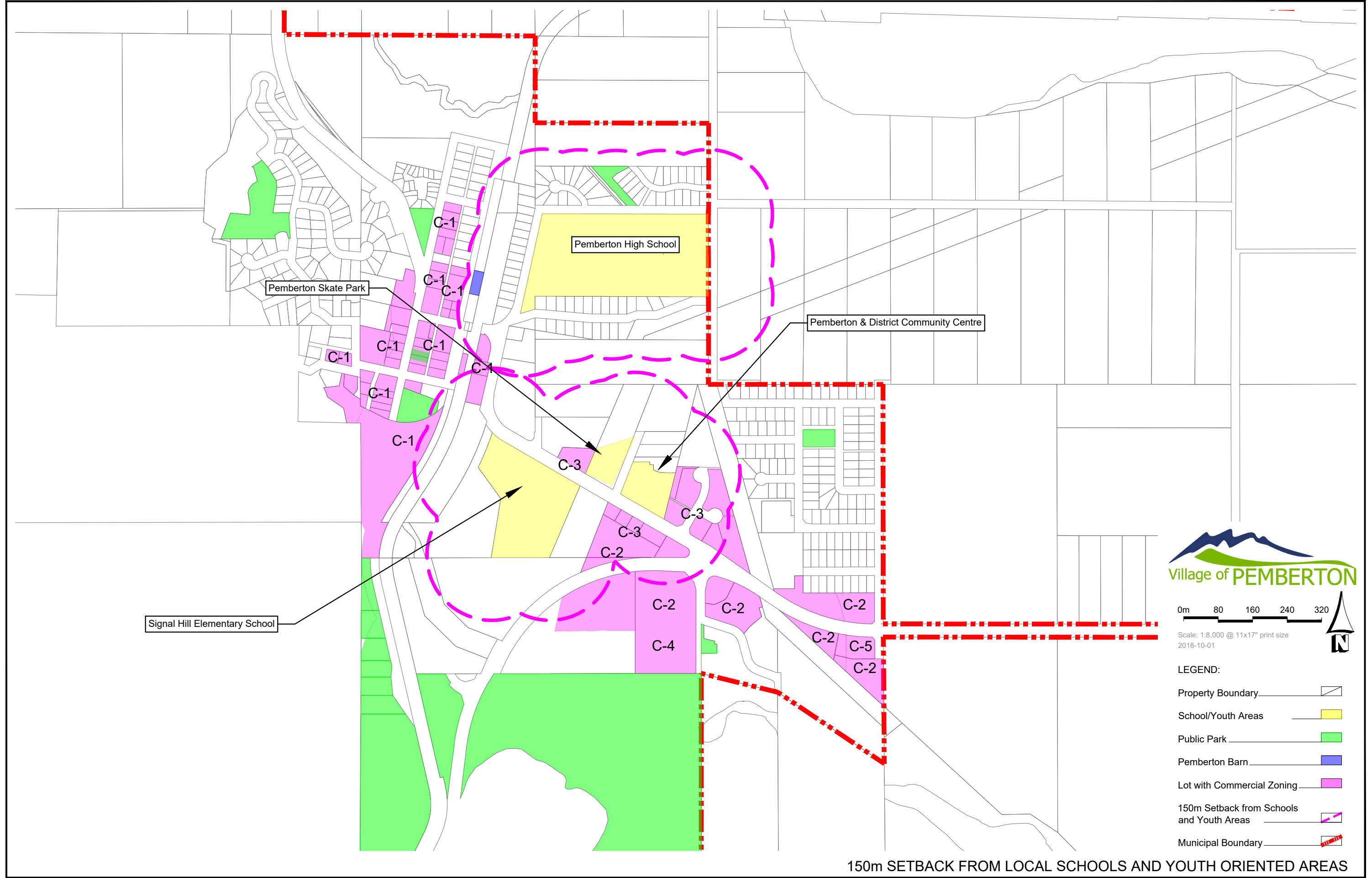
- A non-medical (recreational) cannabis retail business must obtain a Village of Pemberton Business Licence before operating their business.
- Business Licence requirements for non-medical (recreational) cannabis retail businesses shall be determined by the Village of Pemberton Business Licence Bylaw, as amended or replaced from time to time.

7. Signage

- Signage Requirements for non-medical (recreational) cannabis retail businesses shall be as determined by the Village of Pemberton Sign Bylaw, as amended or replaced from time to time.

Non-Medical (Recreational) Cannabis Retail Licence Application Process





LEGEND:

Property Boundary	
School/Youth Areas	
Public Park	
Pemberton Barn	
Lot with Commercial Zoning	
150m Setback from Schools and Youth Oriented Areas	
Municipal Boundary	

150m SETBACK FROM LOCAL SCHOOLS AND YOUTH ORIENTED AREAS