

**Date:** September 4, 2018

**To:** Nikki Gilmore, Chief Administrative Officer

**From:** Lisa Pedrini, Senior Planner

**Subject:** Recreational Cannabis Retail Sales – Draft Policy

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## **PURPOSE**

The purpose of this report is to present to the Committee of the Whole for their consideration a Draft Policy that describes the proposed approach to regulate non-medical (recreational) cannabis retail sales and use in the Village of Pemberton.

## **BACKGROUND**

The federal government has approved a bill to legalize non-medical (recreational) cannabis by October 17, 2018. *BILL C-45, Cannabis Act*, was introduced in the House of Commons on April 13, 2017, received Third Reading on November 27, 2017, passed the Senate vote on June 19, 2018 and received Royal Assent on June 21, 2018. This Bill provides 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.

In response, the Province of British Columbia passed BILL 30, *Cannabis Control and Licensing Act (CCLA)* to establish a legislative framework and a full regulatory framework. This framework establishes how the products will be sold to consumers, for example through private, licensed stores and government-run facilities across the province. Consumers in British Columbia will need to be of legal age (set at 19) and will also be able to purchase legal cannabis online. Strict regulations surrounding where the drug can be consumed are also included.

The federal *Cannabis Act* and provincial *Cannabis Control and Licensing Act* provide the framework for which local governments may further restrict non-medical (recreational) cannabis. 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 marijuana-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.

At the Committee of the Whole Meeting No. 172, held Tuesday, February 20, 2018, two memorandums from Lidstone & Company that summarized the Province's just released *BC Cannabis Private Retail Licencing Guide: Applications and Operations* were presented that provided an overview of what local governments should consider doing to be prepared for the legalization of recreational cannabis retail sales.

In this regard, the Committee of the Whole passed the following resolution:

*Moved/Seconded*

**THAT** Staff prepare a summary of the local government considerations presented in the Memorandum by Lidstone & Company, titled "Local Government 'To Do' List to Prepare for Cannabis Sales" for discussion at a future Committee of the Whole Meeting.

**CARRIED**

At the Committee of the Whole Meeting No. 174, held Tuesday March 20, 2018, Staff presented a flow chart to guide Council in its decision making with respect to the new legislation. There were a number of decision points that Council must consider, beginning with whether there was an interest in allowing retail sales of non-medical cannabis (NMC) within the Village's boundaries. It was determined that there was interest, and as a result, the Committee of the Whole passed the following resolution:

*Moved/Seconded*

**THAT** the Committee of the Whole recommends to Council that Staff be directed to undertake the development of Policy respecting the retail sales of non-medical cannabis (NMC) in anticipation of the Cannabis Act coming into effect.

**CARRIED**

*Moved/Seconded*

**THAT** Committee of the Whole recommend to Council that Staff be directed to investigate the Cannabis Licencing application process and report back at a future Committee of the Whole meeting.

**CARRIED**

**OPPOSED:** Councillor Ross, Councillor Helmer

As the sale of NMC is not yet legal and upon advice from the Village's Solicitors, the prohibition of retail sales continues to be in force in the new Zoning Bylaw No. 832, 2018, adopted on July 24, 2018.

With respect to the investigation of the licencing application process, Staff presented a flow chart at the Committee of the Whole held on July 24<sup>th</sup> and the Committee's recommendation to Council was supported by Council and the following resolution was passed at the Regular Council meeting held later that day:

*Moved/Seconded*

**THAT** Staff monitor other municipalities regarding pursuing a cannabis retail licence and bring back more information at the next Committee of the Whole meeting in September.

**CARRIED**

**OPPOSED:** Councillor Ross & Councillor Helmer

At this time, Staff has not been able to confirm if any other municipality is actively seeking to make application for a cannabis retail licence, but continues to monitor and will bring back information as it is available.

### **Policy Development**

The Village has prepared for the Committee of the Whole's consideration, a Draft Non-Medical (Recreational) Cannabis Retail Policy to establish criteria for cannabis retail sales in the Village of Pemberton and to guide decision making on provincially referred applications.

The proposed Policy is attached as **APPENDIX A** and rationale and detail on the Draft Policy is provided below.

### **Licensing Referrals and Notification**

The provincial Liquor and Cannabis Regulation Branch (LCRB) will be responsible for licensing NMC retail businesses. As such, they have established a cannabis retail licensing regime similar to the current licensing regime for liquor. Applications must be initiated with the LCRB, before being referred to the municipality involved. The local government's role in the licensing process is attached as **APPENDIX B**.

When an application is received, the LCRB will notify the local government where the proposed store will be located. Upon receiving notice, the local government 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. Views may be gathered using one or more of the following methods:
  - Receiving written comment in response to a public notice of the application,
  - Conducting a public hearing in respect to the application,
  - Holding a referendum, or
  - Using another method that local government considers appropriate.

It is up to the local government to determine the area, relative to the licensee's application, where the resident's views must be gathered.

It is Staff's recommendation to use the same notification process the Village utilizes to notify residents of a Development Variance Permit (DVP) Application to gather resident's views on NMC cannabis business license applications. For DVP applications, Staff prepares a written notice and mails or otherwise delivers that notice to affected residents within 100m of the property inviting property owners or tenants to either send in their comments by a certain date or attend the meeting where the decision will be made and make their comments be known to Council. This would be done for each and every application referred to the Village from the LCRB.

## Land Use and Zoning

Local Governments are able to impose restrictions in its Zoning Bylaw regarding the location of cannabis retail sales. Currently cannabis retail sales are prohibited in all Zones pursuant to Zoning Bylaw No. 832, 2018, Section 6.4 (vi.). There are several options available to the Village of Pemberton on how to legitimize the land use after October 17, 2018:

- a) **Amend the Zoning Bylaw:** The Village could decide which zones they would be amenable to allowing NMC retail sales and initiate an amendment to its Zoning Bylaw to remove the outright prohibition and add NMC retail sales as a permitted use in zones that the Village feels would be suitable. If this is the preferred option, Staff would propose that NMC retail sales be considered as a permitted use (subject to certain Conditions of Use – see below) in two (2) zones only: in the Town Centre Commercial (C-1) zoned area and the Industrial Park (M-1) zoned area. It is deemed preferable to have this use in the more densely built, populated and well-lit areas of the Village, in keeping with crime prevention through environmental design principles (CPEDP).

The Village does not recommend permitting recreational cannabis stores in other Commercial Zones or Comprehensive Development Zones given the close proximity of these zones to single family and multi-family residential neighbourhoods.

- b) **Require a Rezoning Application:** The Village could require applicants to submit a rezoning application based on the direction contained in the Village's Non-Medical (Recreational) Cannabis Retail Policy (once approved). The onus would be on the applicant to make an application to the Province, based on an available location for a business in Pemberton, and rationalize this choice through a rezoning application that would be considered on a site-specific basis.

This approach would ensure that the particular location would be vetted by the nearby residents and the community as a whole through the legislated rezoning process which would include a Public Hearing before the Village sends a positive recommendation to the Province. Even if a rezoning application is approved, the applicant would still be required to be authorized by the Province (see Licensing Regulations and Referrals below).

- c) **Temporary Use Permit:** The Village could entertain regulating NMC retail sales through a Temporary Use Permit. A Temporary Use permit allows a use of land, on a temporary basis, not otherwise permitted in the Village's Zoning Bylaw. They may be issued for a period up to three (3) years from the date the permit was approved by Council, and may be renewed once, for an additional period of up to three (3) years, subject to Council approval.

The advantage of this approach is that it allows Council to establish conditions under which the temporary use can occur such as site design and layout, and can require security deposits to ensure conditions are met. They would allow the Village to 'test' whether the NMC Retail use is compatible with surrounding land uses prior to considering a permanent rezoning application, and to ultimately terminate the use, if desired, at the expiry of the permit. The disadvantage is that the proponent has no security and may not be able to recoup start-up costs if the use is not permitted to continue.

Rather than predetermining suitable locations/zones in which NMC retail sales would be permitted, or allowing the use on a temporary basis, Staff recommends Option b) whereby applicants would be required to obtain a rezoning approval and the Village could assess the location through feedback received during the rezoning process. This option also ensures the costs associated with review and processing of the application are covered by the applicant, instead of by the Village/taxpayers.

If a rezoning application is successful, the Village is able to send a positive recommendation to the Province, and the applicant is able to move on the next step of securing a license from the LCRB.

### **Delegation of Authority**

A municipal council can delegate authority to their Staff to provide comments and recommendations to the LCRB when the Village receives a referral from the Province. Given that the Draft Policy is recommending that potential cannabis retail business operators must apply for a rezoning (which involves Council), Staff does not recommend that Council delegate the authority to review referrals from the LCRB to Staff at this time.

### **Conditions of Use**

Local Governments are able to impose further restrictions (conditions of use) in its Zoning Bylaw regarding the preferred location and operation of NMC retail businesses within a certain area as follows:

a) **Distance Requirements:** Many municipalities apply distance (separation) requirements due to potential impacts and influences on minors and other vulnerable populations. From the information that was available online, it appears that a typical distance imposed by municipalities in BC is between 100m to 300m. To ensure that recreational cannabis businesses are not located in close proximity to areas frequented by under-age populations in Pemberton, the Village is proposing a 100m distance requirement away from certain public uses such as:

- Schools
- Licensed Daycares
- Libraries
- Playgrounds, and Playing Fields
- Community Centres and Youth Centres
- Skate Parks, Bike Parks and any other locations frequented by minors

This distance requirement could also be increased to 150m, 200m or greater, and/or could also apply to Parks; however, this essentially removes the potential for a NMC retail business within the Town Centre (C-1 Zone) given the location and proximity of Pioneer Park and the Downtown Barn to C-1 zoned business locations.

Distance requirements also can apply to other retail cannabis businesses to potentially limit the number and concentration of cannabis-related businesses within a single area. From the information that was available online, it appears that a typical distance imposed by municipalities in BC between other cannabis sales is between 300m to 1,000m. Staff

is recommending a distance requirement of 800m between cannabis related businesses to minimize the total number of retailers within the Village boundaries. The buffer distance requirement would be measured from legal parcel boundaries.

The Policy will contain a map demonstrating the different recommended distance requirements. A rough draft of this map is attached to the Policy (**Appendix A**) as a placeholder. The map will be completed by the Village's new Planning and GIS Technician once in place.

#### **b) Operational Requirements**

Local governments have the power to regulate businesses by including terms and conditions in its business licencing bylaw, such as the hours a NMC retail business can operate or other conditions such as security measures.

The *Provincial Cannabis Control and Licensing Act* sets the operating hours for NMC retail businesses as 9:00am to 11:00pm. Local Governments are able to further restrict the operating hour's standard set by the *Provincial Act*. Staff recommends establishing additional restrictions for operating hours from 9:00am to 9:00pm. The majority of businesses in Pemberton which remain open after 6:00pm are typically closed by 9:00pm.

If the Village limits the operating hours of a NMC retail business to 9:00pm rather than 11:00pm, it serves to maintain the quiet small town character of the Village. Having the use to operate within 9:00am to 9:00pm provides opportunities for natural surveillance (eyes on the street) and crime prevention through environmental design principles.

Local governments are also able to require enhanced security measures. Based on a comparison of what other municipalities are considering, Staff suggests that the following security measures be required:

- i. Video Surveillance cameras that monitor all entrances and exits and the interior of the business premises shall be installed.
- ii. Video camera data collected shall be retained for at least 21 days after it is gathered.
- iii. A security and fire alarm system shall be installed and shall be monitored at all times. The security and fire alarm systems must be certified from the installer.
- iv. An appropriate air filtration and odour suppression system shall be installed and operational at all times.
- v. That a minimum of two (2) employees be onsite at all times.
- vi. Any other security measures as deemed appropriate upon review by the RCMP, Village Fire Department and Village Chief Building Official.

#### **Assessment Fee**

Local Governments are able to charge the applicant fees if choosing to asses an application. Because the Village is proposing to require applicants to apply for a rezoning application, the Village may not need to recoup any additional funds over and above the rezoning fees to assess the application. For this reason, Staff is not recommending that we charge a separate assessment fee.

## **Business Licence Fees and Requirements**

Staff recommends that an annual business licence fee of \$5,000 be applicable to NMC retail businesses, to reflect the extra staff time reviewing a cannabis retail business license will entail. From the information that was available on-line, it appears that annual business licence fees imposed by municipalities in BC for NMC retail sales typically ranges from \$1,000 to \$5,000 (the District of Squamish and City of Nelson both charge \$5,000). Some larger cities such as Vancouver and Saskatoon are charging \$30,000 and \$20,000 respectfully, while Calgary charges less than \$200.

It is also advised by Staff that before making a decision on issuance, the Village requires the applicant to provide:

- Proof of Provincial Licence Issuance
- Proof of completion of Employee Training Program
- Security Plan
- If Property is leased, Permission from the Landlord

It is also recommended that the number of licences that may be issued to one (1) person is one (1).

The Village will need to initiate an amendment to its Business Licence Bylaw to establish the following recommended fees and requirements with respect to Business Licence issuance.

## **Signage**

Local Governments are able to impose conditions such as specifications regarding signage for NMC retail businesses. The Village has a Draft Sign Bylaw underway and will include specific regulations with respect to signage related to NMC retail businesses. The Draft Sign Bylaw will be presented to the Committee of the Whole and the public in the near future. Signage specifications for NMC retail businesses will not be included in the proposed Non-Medical (Recreational) Cannabis Retail Policy at this time.

## **Consumption**

The provincial *Cannabis Control and Licencing Act* is guided by the following priorities: protecting children and youth, promoting health and safety, keeping the criminal element out of cannabis, keeping BC roads safe and supporting economic development. The Act:

- Sets 19 as the BC minimum age to purchase, sell or consume cannabis,
- Allows adults to possess up to 30 grams of cannabis in a public places,
- Prohibits cannabis smoking and vaping everywhere tobacco smoking and vaping are prohibited, as well as at playgrounds, sports fields, skate parks, and other places where children commonly gather,
- Prohibits the use of cannabis on school properties and in vehicles,

- Authorizes adults to grow up to four (4) cannabis plants per household as long as the plants are not visible from public spaces off the property and the home is not used as a daycare.

Local Governments are able to place further restrictions on where cannabis can be legally consumed. Staff advises that the consumption of cannabis be restricted in the same vein as tobacco within the Village's Smoking Regulations Bylaw.

In this regard, Staff is in the process of updating the Smoking Regulations Bylaw to align with new provincial legislation established in 2016 to include vaping, e-cigarettes and cannabis smoke. A new and updated Bylaw is in draft form and currently being reviewed by the Vancouver Coastal Health Tobacco Reduction Coordinator. It is anticipated that this Bylaw will be brought forward for Council's consideration in October.

### **Conclusion**

Once endorsed, the proposed Village of Pemberton Non-Medical (Recreational) Cannabis Retail Policy will be used to guide and inform Rezoning and Business Licensing applications for recreational cannabis sales within the Village of Pemberton boundaries. Despite the policy, it will be up to Council to decide if it supports a cannabis retail business application and its proposed location, when referrals are received from the Province.

Please note: the proposed Non-Medical (Recreational) Cannabis Retail Policy does not impact existing Village regulations on medical marijuana production facilities, which will continue to be permitted in the M-1 (Industrial) zone in the Zoning Bylaw. Furthermore, this Policy does not attempt to regulate home production of recreational cannabis, where a maximum of four (4) plants is permitted under federal regulations. Home production will be regulated and monitored by senior levels of government.

### **COMMUNICATIONS**

Staff is recommending that public consultation take place during September as a means of determining support for the Draft Non-Medical (Recreational) Cannabis Retail Policy. This will include written referrals to stakeholders such as the RCMP, Vancouver Coastal Health, Sea to Sky Community Services, the Lil'wat Nation, Squamish-Lillooet Regional District and Schools. As well, an online survey is proposed in order to give residents the opportunity to provide input and to ensure that the Policy reflects the desires of the community.

Notification of a public consultation period for the Draft Non-Medical (Recreational) Cannabis Retail Policy will be through the Village's various social media platforms such as Facebook, eNEWS and on the website.

Upon submission of a rezoning application, the proposal will be sent to referral agencies and the Advisory Land Use Commission as per the current practice, a Zoning Amendment Bylaw would be prepared and brought forward for first and second reading and a Public Hearing scheduled to receive comments from the public. As per the Development Procedures Bylaw No. 725, 2013, the estimated timeframe for a rezoning application is 5 – 8 months, depending on the complexity of the application, responsiveness of the Applicant and workload of Village Staff.



Notification of Public Hearings will be in the local paper to meet the legislated requirements set out in the *Local Government Act* (s. 466) as well as on the Village's social media platforms noted above.

### **LEGAL CONSIDERATIONS**

The retail sale of cannabis in Canada will become legal once the federal *Cannabis Act* comes into effect (October 17, 2018). In the meantime, the Village has prohibited retail sales of medical and non-medical cannabis in the Zoning Bylaw and will only consider permitting the use on a site by site rezoning basis.

### **IMPACT ON BUDGET & STAFFING**

Development of policy, procedures and communication respecting NMC retail sales within the Village of Pemberton and the preparation of any future rezoning applications will be facilitated in-house and included on Staff's work plans.

There will be some costs associated with legal review but those costs are unknown at this time.

It is anticipated that enhanced bylaw enforcement may be required and as such, there will be budget implications with respect to the enforcement and administration of the Policy and zoning amendments. However, these costs have not been determined. This additional enforcement is not able to be met with current staffing levels.

The Village will need to establish to what extent resources will be put toward enforcement and to what extent enforcement will be taken.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

The development of policy, procedures and bylaws will involve the departments of Operations & Development Services and Corporate and Legislative Services. The Office of the CAO will facilitate the communications elements associated with policy review and adoption.

Finally, once the policy and the Business Licence Bylaw amendment are adopted, the Finance and Administrative Services Department will also be involved with the collection of said fees.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

It is recommended that consultation take place with the Squamish-Lillooet Regional District and Lil'wat Nation to gauge impacts on the region and neighbouring jurisdictions

### **ALTERNATIVE OPTIONS**

There are no alternative options for consideration.

**POTENTIAL GOVERNANCE CONSIDERATIONS**

The consideration of this matter is in alignment with Strategic Priority Two: Good Governance, whereby the Village is committed to citizen engagement and being an open and accountable government.

**RECOMMENDATIONS**

**THAT** the Committee of the Whole provide direction on the Draft Non-Medical (Recreational) Cannabis Retail Policy and direct Staff to seek public and stakeholder feedback on the Draft.

**Attachments:**

**APPENDIX A:** Draft Non-Medical (Recreational) Cannabis Retail Policy & Distance Requirement Mapping

**APPENDIX B:** Role of Local Government in Provincial Licensing

Submitted by:	Lisa Pedrini, Senior Planner
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

# DRAFT Non-Medical (Recreational) Cannabis Retail Policy

Department:	<u>Development Services</u>	Policy No.:	<u>DEV-010</u>
Sub-department:	<u>Planning</u>	Created By:	<u>Lisa Pedrini</u>
Approved By:	<u>Council</u>	Amended By:	<u></u>
Approved Date:	<u></u>	Amendment:	<u></u>
Meeting No.:	<u></u>	Meeting No.:	<u></u>

## POLICY PURPOSE

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The Non-Medical (*Recreational*) *Cannabis Policy* identifies the requirements for the sales and use of recreational cannabis in the Village of Pemberton. In particular, the protocol includes the jurisdiction, objectives, definitions, and policy related to licencing referrals and notification, land use and zoning, distancing requirements, and business licence applications.

## JURISDICTION

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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

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- To permit the legal and controlled sale of non-medical (recreational) cannabis within the Village of Pemberton.
- To encourage locations that integrates with the surrounding land uses.
- To establish distance requirements from public spaces to minimize impacts and influences on minors and other vulnerable populations.
- To establish distance requirements from other cannabis related businesses to limit the number and concentration within a certain area.
- To indicate the process by which the Village will make decisions with respect to land use and zoning and how the views of nearby residents will be gathered.

## DEFINITIONS

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**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

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### Licensing 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.

- Views of nearby residents will be gathered by mailing or otherwise delivering a written notification to properties within 100m of the proposed non-medical (recreational) cannabis retail business location. The notice will invite property residents/property owners to send in comments and/or attend a meeting where a decision to support the application will be made. This notification will be done for each and every application referred to the Village by the LCRB.
- The Village will require the Applicant to seek a rezoning application to permit the use at the given location. The rezoning process will follow the standard Village process and include referral to stakeholders, review by the Advisory Land Use Review Commission, notification to nearby residents within 100 m of the proposed location, bylaw readings and a Public Hearing.
- If the rezoning application is successful, the Village will send a positive recommendation to the LCRB, and the application will continue to be processed by the Province.
- If the rezoning application is not successful, the Village will not send a positive recommendation to the LCRB and the application will be halted.

## Land Use and Zoning

- The Village of Pemberton Zoning Bylaw No. 832, 2018 prohibits cannabis retail businesses in all zones.
- In order for a potential location within the Village of Pemberton to be assessed by the Village of Pemberton, an applicant must apply for an Official Community Plan (OCP) Amendment (if necessary) and Zoning Bylaw Amendment (rezoning).
- Costs, Approval Processes, Timelines, Signage and Application Requirements for an OCP/rezoning application are as per the Village of Pemberton Development Procedures Bylaw No. 725, 2013, as amended from time to time.
- The Village of Pemberton will not charge an additional assessment fee outside of its current applications fees (Schedule "A" of Bylaw No. 725, 2018).

## Distancing Requirements

- Preferred locations for non-medical cannabis retail businesses will be one hundred (100) meters 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
- Preferred locations for non-medical cannabis retail businesses will be eight hundred (800) meters from other non-medical (recreational) cannabis retail businesses.

- A map showing the distancing requirements is attached as **Appendix B**.

## Operational Requirements

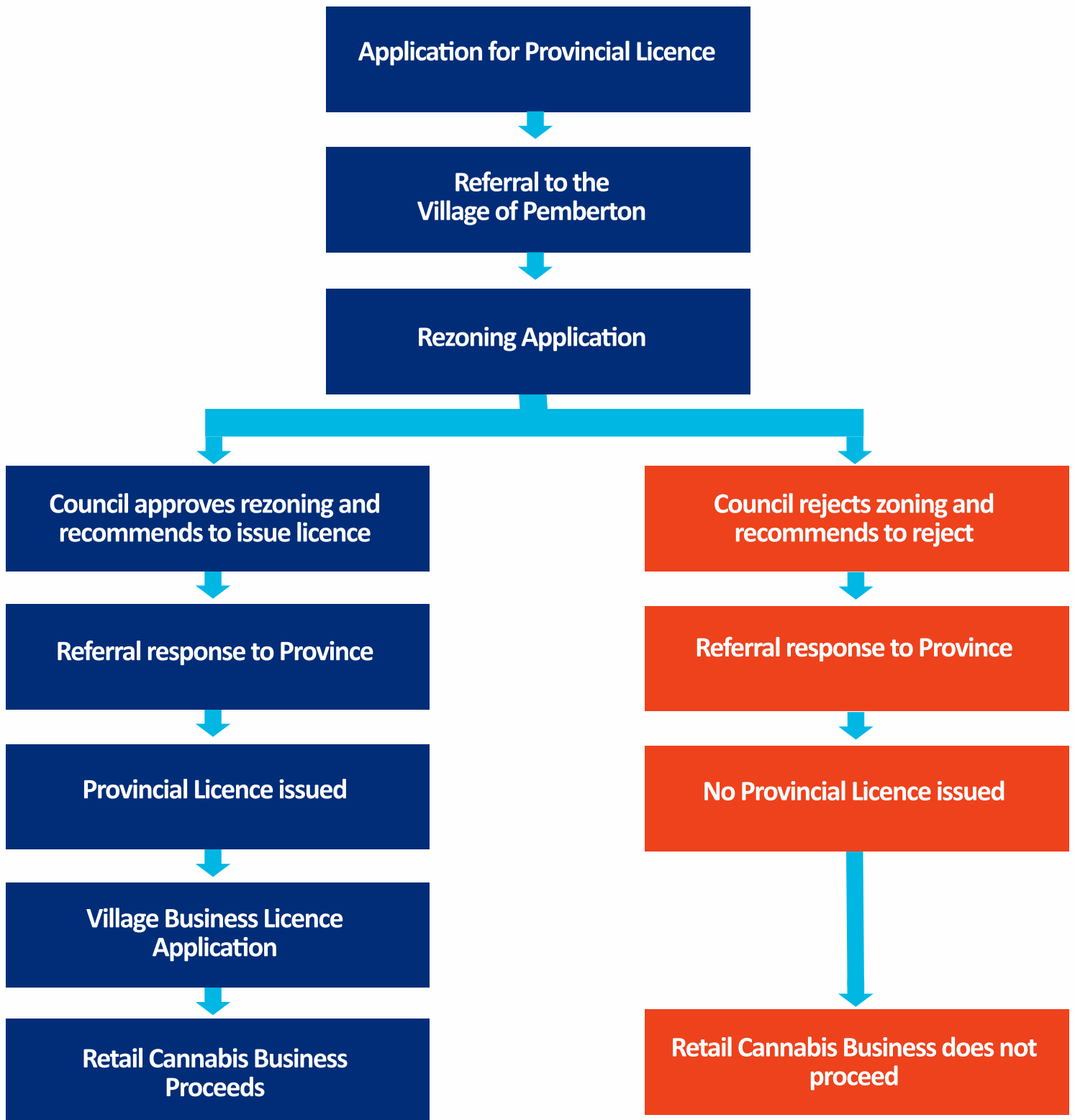
- No non-medical (recreational) cannabis retail business may operate between the hours of 9:00pm and 9:00am.
- A non-medical (recreational) cannabis retail business must install the following security/safety measures:
  - Video surveillance cameras that monitor all entrances and exits and the interior of the business premises. Video camera data collected shall be retained for at least twenty-one (21) days.
  - Certified Security and Fire Alarm systems that are operational and monitored at all times.
  - Air filtration and odour suppression systems that is operational at all times.
  - A minimum of two (2) employees onsite at all times.
  - Any other security measures deemed appropriate by referral agencies such as the RCMP, Village Fire and Rescue and the Village Chief Building Official.

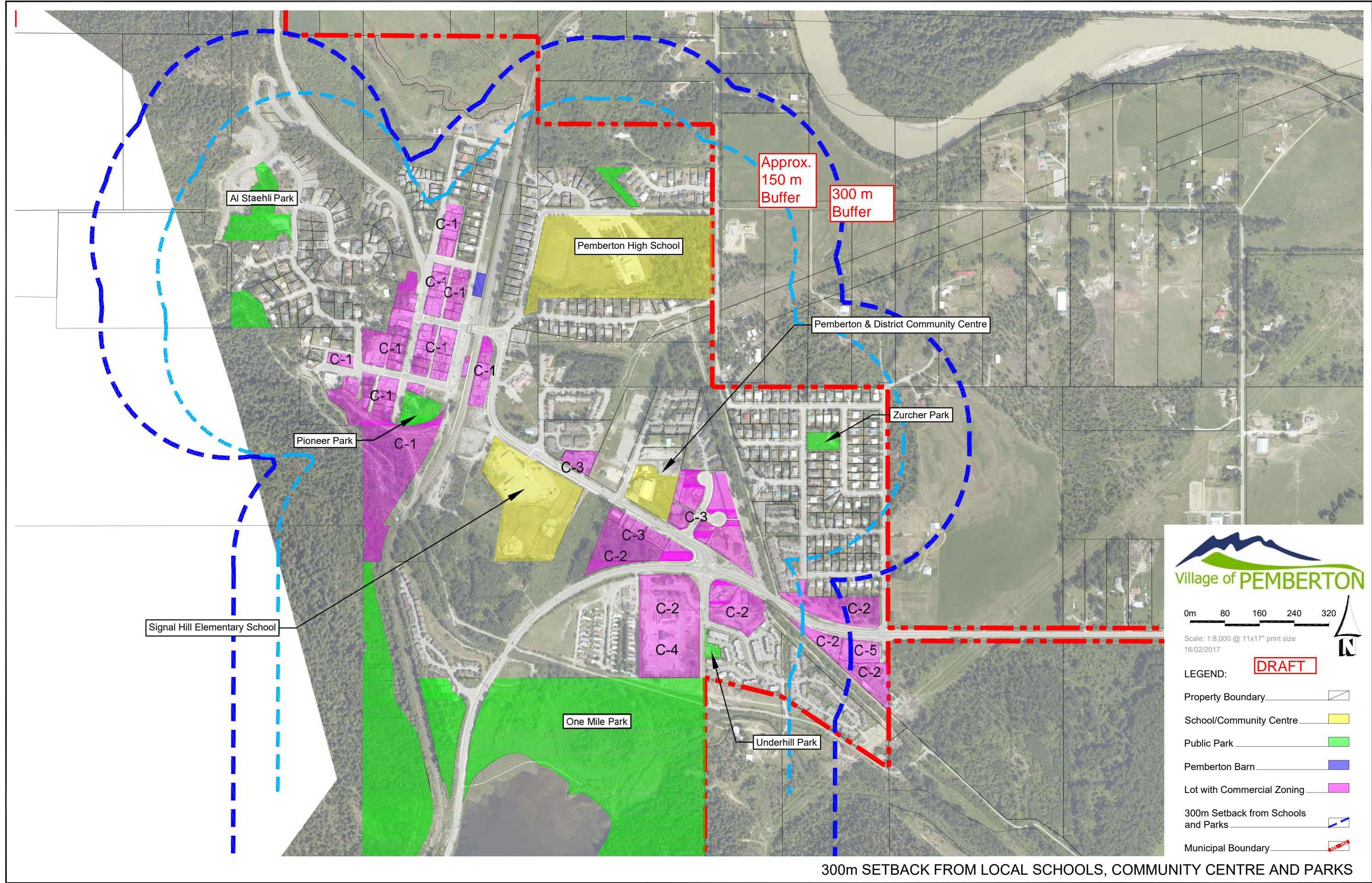
## Business Licence Fee and Requirements

- A non-medical (recreational) cannabis retail business must obtain a Village of Pemberton Business Licence before operating their business.
- The annual fee for a Business Licence for a non-medical (recreational) cannabis retail business shall be established at a rate not less than \$5,000. Business Licences are renewed on January 1 of each calendar year and expire on December 31 of the same year.
- Business Licence requirements for non-medical (recreational) cannabis retail businesses shall be determined by the Village of Pemberton Business Licence Bylaw, as amended from time to time.
- Applicants must provide but is not limited to the following documents upon submission of their business licence application:
  - Proof of Provincial Licence Issuance from the LCRB;
  - Proof of Completion of the LCRB Employee Training Program;
  - Security Plan
  - Permission from the owner of the building, if the space is rented or leased.

## Signage

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





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 Scale: 1:8,000 @ 11x17" print size  
 16/02/2017

- LEGEND:** DRAFT
- Property Boundary
  - School/Community Centre
  - Public Park
  - Pemberton Barn
  - Lot with Commercial Zoning
  - 300m Setback from Schools and Parks
  - Municipal Boundary

300m SETBACK FROM LOCAL SCHOOLS, COMMUNITY CENTRE AND PARKS





## Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores

If you have any questions about this document, please contact the Liquor and Cannabis Regulation Branch toll-free at 1-866 209-2111, or email [cannabisregs@gov.bc.ca](mailto:cannabisregs@gov.bc.ca). NOTE: This document will be updated from time to time as additional information surrounding the regulatory framework for cannabis retail sales becomes available.

### Branch name change

The Liquor Control and Licensing Branch has been renamed to the Liquor and Cannabis Regulation Branch (LCRB) to represent its new additional responsibility of licensing and monitoring the retail sale of non-medical cannabis in British Columbia.

### Non-medical cannabis retail licence

The province will be issuing licences for non-medical cannabis retail stores. A cannabis retail store must be a standalone business. This licence requires input and a positive recommendation from a local government in whose area the proposed store is located.

The province recognizes the importance of ensuring carefully regulated access to non-medical cannabis in all areas of the province, including rural areas.

As a first step, the province will open opportunities to apply for regular retail licences. Once the regional distribution of retail non-medical cannabis stores is known, the province will consider issuing licences to service rural or remote areas that are not sufficiently served by existing retail cannabis stores.

### The role of local governments in the cannabis retail store licensing process

Applicants for a non-medical cannabis retail store licence must submit a licence application to the LCRB. When an application is received, the LCRB will notify the local government of the area where the proposed store will be located.

Upon receipt of notice, local governments can:

- choose not to make any recommendation in respect of the application for a cannabis retail store licence (Note: this would end a licence application in progress because the LCRB cannot issue a licence unless the local government gives the LCRB a positive recommendation that the licence be issued)
- choose to make comments and recommendations in respect of an application for a cannabis retail store licence. Note that:
  - if the local government chooses to make a comments and recommendation on the licensee's application to the LCRB, it must gather the views of residents

- if it makes a recommendation to deny the application then the LCRB may not issue the licence
- if it makes a recommendation in favour of the application, then the LCRB has discretion whether or not to issue the licence, but must consider the local government's recommendation.

Local Governments (municipalities, regional districts or Islands Trust local trust committees) have some or all of the following regulatory powers in respect of cannabis retail store licences:

- Impose restrictions in its zoning bylaws regarding the location of cannabis retail stores
- Regulation of business (municipalities only): by terms and conditions in its business licensing bylaw, a municipality may limit the hours that cannabis retail stores can operate or impose other conditions such specifications regarding signage
- Charge the applicant fees if choosing to assess an application.

The above process applies to all relocations of existing cannabis retail stores.

### **Gathering residents' views**

If the local government decides to consider the notice of application and to provide comments and recommendations as to the location of the proposed retail store, it must gather the views of residents of the area if the location of the proposed store may affect nearby residents. It may gather resident's views by using one or more of the following methods:

- Receiving written comment in response to a public notice of the application
- Conducting a public hearing in respect of the application
- Holding a referendum, or
- Using another method the local government considers appropriate.

It is up to the local government to determine the area, relative to the licensee's application, where resident's views must be gathered.

Please note: Gathering the views of residents of the area/providing a recommendation to the LCRB must be unique to each provincial licence application. In other words, past recommendations cannot be used in a new licensing process. Each individual application must be considered separately by the local government.

### **What must the local government's recommendation include?**

The recommendations and comments the local government provides to the LCRB must:

- be in writing (this may or may not be in the form of a resolution)
- show that the local government has considered the location of the proposed store
- include the views of the local government on the general impact on the community if the application is approved
- include the views of residents if the local government has gathered residents' views, and a description of how they were gathered
- include the local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

The local government should also provide any supporting documents referenced in their comments.

## **What if the local government does not want to provide a recommendation?**

If a local government does not want to accept the notice of application and provide a recommendation for the proposed retail location, they should notify the LCRB. A licence for a cannabis retail store will not be issued without a positive recommendation from a local government. If a response is not received, LCRB will not consider the application any further.

## **What if the recommendation does not meet the regulatory requirements?**

If the recommendation does not meet the regulatory requirements, the LCRB will ask the local government to provide new or amended comments that address outstanding issues.

## **How long does the local government have to provide comments?**

Unlike in the process for liquor licensing, local governments are not required to provide a recommendation on a cannabis retail store application within a specific time period. Please note that delays in the application process can have a significant impact on the applicant. If the applicant is the reason for the delay, please notify the LCRB. If the applicant is not trying to move an application forward, the application can be cancelled.

## **Can the local government recommend approval subject to certain conditions?**

In some circumstances, the local government can recommend that the LCRB approve the application as long as certain restrictions (e.g. hours of operation) are placed on the licence. In these situations, the recommendation should clearly explain the rationale for placing restrictions.

If the local government intends to request that the LCRB impose terms and conditions on a licence, prior to sending such a recommendation the local government should consult with the LCRB so that the LCRB can determine whether it has the authority to impose the requested terms and conditions before finalizing their conditional recommendation.

The local government may also have the ability to impose other operating rules on the proposed store through the terms and conditions of the applicant's business licence, zoning or bylaw. The local government is responsible for enforcing these rules.

## **Floor Plans**

Applicants must submit a floor plan with their licence application for approval so the LCRB can identify store features such as sales, storage and delivery areas. Unlike for some kinds of liquor licence applications, local governments are not required to provide occupant load stamps or approve the applicant's floor plans as part of the provincial licensing process for cannabis retail stores.

## **A municipal council or regional district board can delegate authority to their staff to provide comments and a recommendation to the LCRB**

A municipal council or regional district board may delegate its powers and duties to provide comments and a recommendation to the LCRB regarding a cannabis retail store licence application. If a council or board has delegated this authority, a cannabis retail store applicant may ask for comments and recommendations made by delegated staff to be reconsidered by the local government.

### **Council as defined in the Vancouver Charter:**

A Council, as defined in the *Vancouver Charter*, choosing to delegate to its staff must establish procedures for a reconsideration of comments and recommendations made by delegated staff, including how a cannabis retail store applicant may apply for reconsideration. In undertaking a reconsideration, the Council will have the same authority as it delegated to staff.

### **Right of reconsideration:**

Delegated local government staff must advise the cannabis retail store licence applicant that the applicant has the right of reconsideration of the staff's recommendation by the council or board.

### **How local governments inform the LCRB of delegation:**

A local government that has delegated authority to staff should send a copy of the delegation to the LCRB at [cannabisregs@gov.bc.ca](mailto:cannabisregs@gov.bc.ca).