



POLICY MANUAL

DRAFT

TITLE:	CANNABIS RETAIL / PRODUCTION FACILITY POLICY	POLICY 3.17
PREPARED BY:	Director of Planning	RESOLUTION:
APPROVED BY:	Council	REVISION DATE:
EFFECTIVE DATE:		

1 PURPOSE

The Government of Canada announced the legalization of the recreational use of cannabis in Canada on October 17, 2018, and legalized edibles on October 17, 2019. The federal *Cannabis Act* is the legal framework under which the production, distribution, sale and possession of cannabis, for both medical and non-medical (recreational) purposes, is regulated in Canada. Through legislation including the *Cannabis Control and Licensing Act*, the Province of British Columbia has created a legislative framework to supplement federal legislation and facilitate legal and controlled access to recreational cannabis in British Columbia following federal legalization.

In coordination with federal and provincial regulations, this Policy creates a framework under which recreational cannabis retail businesses (“Cannabis Stores”) and Cannabis Production Facilities will be established in the Town, with a focus on the following:

- Defining locational criteria for where Cannabis Stores may be situated, based on land use requirements, separation from sensitive uses and geographical distribution;
- Implementing the application procedure under which proposals for new Cannabis Stores are to be submitted, assessed and approved to operate within the Town.

2 APPLICABILITY

This policy is applicable to all rezoning applications to operate a Cannabis Store or Cannabis Production Facility in the Town, and assessments of provincial referrals of retail cannabis applications from the Liquor Control and Licensing Branch.

3 AUTHORITY TO ACT

The legislative framework of the Province of British Columbia, including the *Community Charter*, *Local Government Act*, and, in the case of Cannabis Stores, the *Cannabis Control and Licensing Act*, provides the basis upon which the Town may regulate certain locational aspects of cannabis retail businesses and production facilities, as well as procedures for assessing and approving business proposals.

Administration of this policy is delegated to the Planning Department.

4 PROCEDURES

The following describes locational criteria for all Cannabis Stores and Cannabis Production Facilities in the Town and outlines the procedure under which applications will be accepted, assessed and approved.

4.1 Locational Criteria

4.1.1 Cannabis Stores

- 4.1.1.1 Cannabis Stores may only be located on properties assigned with the “Mixed-Use Commercial” land use designations under the Smart Plan – Gibsons Official Community Plan (OCP) – Schedule B Land Use Plan (see Appendix A);
- 4.1.1.2 Cannabis Stores may not be located within a 150-metre distance of public Elementary and Secondary Schools (see Appendix B); and
- 4.1.1.3 Cannabis stores may not be located within 100 m from each other, as measured from door to door.

4.1.2 Cannabis Production Facilities

- 4.1.2.1 Cannabis Production Facilities may only be located on properties assigned with the “Service Commercial / Business Centre” land use designations under the Smart Plan – Gibsons Official Community Plan (OCP) – Schedule B Land Use Plan (see Appendix A), except for properties designated as agricultural land under the BC *Agricultural Land Commission Act*;
- 4.1.2.2 Cannabis Production Facilities may not be located within a 150-metre distance of public Elementary and Secondary Schools (see Appendix B); and
- 4.1.2.3 Cannabis production facilities may not be located within 100 m from each other, as measured from door to door.

4.2 Application Procedure

- 4.2.1 Resources for application submission, including detailed instructions and links to the application form, submission requirements and other relevant information, will be posted on the Town's website at <https://gibsons.ca/business/cannabis-sales/> upon Adoption of this Policy.
- 4.2.2 All Cannabis Store applications must include the information identified in Appendix C to be considered complete. Initial evaluation will be based on whether required documentation has been submitted. Through the rezoning process, a more in-depth analysis will be completed, at which point additional documents may be required.
- 4.2.3 Staff will review applications on a "first-come, first serve" basis for application completeness.
- 4.2.4 All Cannabis Store applications that proceed to the rezoning stage must pay an application fee as outlined in the Rates, Fees, and Charges Bylaw No. 1196.
- 4.2.5 All rezoning applicants for a Cannabis Store or a Cannabis Production Facility must follow standard procedures for the rezoning process, including the following:
 - Responding to feedback and comments from staff, applicable advisory bodies, and the public;
 - Organizing an open house session and conducting other applicable public notification and consultation measures; and,
 - Attending standard Council proceedings, including a Public Hearing, when scheduled.
- 4.2.6 All rezoning applications for Cannabis Stores which proceed through First and Second Reading will be held at Third Reading pending confirmation of approval for a Provincial Non-Medical Cannabis Retail License. Should an application at Third Reading not receive Provincial approval, the application will be denied.
- 4.2.7 Upon rezoning approval, applicants may submit a business license application and, if applicable, development permit and building permit applications to the Town. These permits must be issued before any work may be done and before the business or production facility may commence operations.
- 4.2.8 Once operational, staff will monitor Cannabis Stores and Cannabis Production Facilities to keep Council informed on the state of cannabis retail and production in the Town. After a period of three years, staff will reassess the Policy to determine whether amendments are warranted and/or if additional stores or production facilities should be considered in the Town,

and return to Council with a recommendation for next steps. Council may request an alternative timeline for staff reassessment of the Policy at their discretion.

5 APPENDICES

Appendix A – OCP Land Use Designation Map

Appendix B – 150-metre Radius Separation Requirement from Gibsons Elementary and Elphinstone Secondary School

Appendix C – Application Submission Requirements