

The Corporation of the Town of Lakeshore

Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Kim Darroch, Manager of Development Services

Date: April 9, 2020

Subject: Municipal Cannabis Policy Statement

Recommendation

Adopt By-law 34-2020 to delegate to the Director of Community and Development Services, the authority to provide municipal comments on Cannabis Retail Store Authorization requests to the AGCO, in accordance with the Municipal Cannabis Policy Statement attached as Appendix 1 and adopt the policy.

Background

As a result of new Provincial legislation (Cannabis License Act, 2018) regarding the retail sales of cannabis, at the December 10, 2019 meeting of Council, Council resolved the following:

Direct staff to undertake the following:

- a) engage public comments through online consultation regarding the attached Municipal Cannabis Policy Statement;*
- b) bring forward a by-law to delegate to the Town Clerk and/or the Director of Community and Developments Services, the authority to provide municipal comments on Cannabis Retail Store Authorization requests to the AGCO, in accordance with the Municipal Cannabis Policy Statement;*
- c) bring forward a by-law to adopt the Municipal Cannabis Policy Statement; and*
- d) the Town Clerk inform the Alcohol and Gaming Commission of Ontario (AGCO) Registrar and the Province of Ontario that the Town of Lakeshore wishes to "opt in" of enabling cannabis retail stores.*

On January 3, 2020 administration received an email that confirmed the Registrar (AGCO) had received a council decision from the Town of Lakeshore that supports having cannabis retail stores. This decision is currently posted to their website www.agco.ca.

Following Council's meeting on December 10, 2019, administration sought public comment as directed on the Town's Web Site and through a link on Place Speak, until January 30, 2020 and ultimately created a final draft of the Cannabis Policy Statement for the Town, which until it is adopted by Council must be considered as draft.

The results from public engagement are summarized below.

Comments

Only one comment was received from a member of the public searching for a potential store location in Lakeshore. This individual noted an error on the maps, which has since been corrected. In addition, this individual mentioned it would be helpful to link the sensitive land use location number in the table, with the related map number, which has also been completed.

It is noted that the draft Cannabis Policy Statement in Appendix 1 provides the reader with the following important information:

- Background
- Purpose & Vision
- Principles for Cannabis Retail Store Locations
- Relationship to other applicable laws including the Planning Act and the Ontario Building Code
- Acknowledgement that retail cannabis stores are a permitted use where retail sales is permitted in the zoning by-law
- Provision of appropriate setback distances between cannabis retail locations and sensitive land uses / activities

The Cannabis Policy Statement will provide administration a framework on which to base written submissions to AGCO during the 15 day comment window. This window affords administration (municipality) and residents the opportunity to explain how a proposed cannabis retail site is not in the public interest and will assist individuals and businesses who are planning to make an application to the AGCO to operate a store, to understand the where the Town's sensitive land uses are, in relation to retail zones, understanding, however, that all licensing is the sole responsibility of the AGCO.

A draft Cannabis Policy Statement was developed using a template provided by the Association of Municipalities Ontario (AMO). Policy statements were reviewed from municipalities that have already made the decision to permit private recreational cannabis retail stores. WECHU recommended revisions to the draft policy after it was

sent to them for review, favouring larger setbacks of at least 500 metres from sensitive land uses.

In addition to the 150 metre separation distance from schools imposed by AGCO, the draft policy statement requests that the Registrar for the AGCO respect additional separation distances from community centres, daycares, parks and libraries. These land uses, and their recommended separation distances, were included in the draft policy to discourage AGCO from approving recreational cannabis stores next to sensitive land uses designed to serve vulnerable populations such as youth.

An interactive map was created to accompany the draft policy and will be featured on the town website (See Appendix A of the draft Municipal Cannabis Policy Statement). It illustrates the recommended buffers from sensitive land uses in the draft policy, in relation to where a cannabis retail store could be developed.

Staff believe it imperative to include these land uses in the policy statement as the Town will not have the authority to pass a by-law that has the effect of distinguishing between a use of land, a building or a structure that includes the sale of cannabis and a use of land, a building or a structure that does not include the sale of cannabis. Cannabis retail stores would fall as a use under retail zoning and be permitted wherever retail stores are permitted in Lakeshore.

Others Consulted

Windsor Essex County Health Unit (WECHU)
Association of Municipalities of Ontario (AMO)
Essex-Windsor Emergency Medical Services (EMS)
Host Municipalities (Police, By-law Departments, Planning Departments)
Public (Town of Lakeshore)
Alcohol and Gaming Commission of Ontario (AGCO)
Health Canada

Financial Impacts

The Town of Lakeshore received the funding it was eligible for in January and February 2019 (See Appendix 2).

The province also committed that, if Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, the province will provide 50 per cent of the surplus to those municipalities that did not opt out as of January 22, 2019. Accordingly, the Town of Lakeshore is not eligible for any future funding regardless of their recent decision to opt-in. Staff will monitor any updates on any further funding announcements.

Attachment(s):

Appendix '1' – Draft Municipal Cannabis Policy Statement
Appendix '2' – Funding Allocation Table

Report Approval Details

Document Title:	Municipal Cannabis Policy Statement.docx
Attachments:	- Appendix 1 Municipal Cannabis Policy Statement- Rev6.pdf - Appendix 2 Funding Table.pdf
Final Approval Date:	Apr 13, 2020

This report and all of its attachments were approved and signed as outlined below:

Tammie Ryall

Truper McBride