

# 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:** June 26, 2020  
**Subject:** Municipal Cannabis Policy Statement - Amendment

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### Recommendation

Adopt By-law 052-2020, to amend the Town of Lakeshore *Municipal Cannabis Policy Statement*, attached as Appendix 1.

### Background

Council adopted the *Municipal Cannabis Policy Statement* at their special meeting on April 29, 2020.

The following resolution was passed:

118-04-2020

Moved By Deputy Mayor Bailey  
Seconded By Councillor Walstedt

*"Receive the report for information and adopt the Municipal Cannabis Policy Statement."*

In Favour 7  
Opposed 1

Carried

Following that meeting, on May 26, 2020, Council resolved the following:

154-05-2020

Moved By Deputy Mayor Bailey

Seconded By Councillor Santarossa

*“Direct Administration to remove commercial schools from the Municipal Cannabis Policy Statement and bring it back to Council for consideration and that a Special Council Meeting be held should an application be brought forward in the interim.”*

In Favour 6

Opposed 2

Carried

### Cannabis Act

Bill C-45, the *Cannabis Act* came into effect on October 17, 2018. The Act legalizes access to recreational cannabis in Canada and controls and regulates how cannabis is grown, distributed and sold.

In Ontario, the *Cannabis Licence Act, 2018* and Ontario Regulation 468/18 provide the Registrar of the Alcohol and Gaming Commission of Ontario (AGCO) with the authority to establish standards and requirements respecting the licensing of retail cannabis stores.

Under Ontario Regulation 468/18, municipalities are not authorized to pass by-laws under the *Municipal Act, 2001* with respect to business licensing or under the *Planning Act* with respect to zoning, interim control or site plan control with respect to retail cannabis stores.

### ACGO

The AGCO licensing process has three (3) parts: operator approval, retail site location approval, and store management licencing.

The AGCO will have a 15-day window for municipal comments respecting the proposed location of a retail cannabis store within a local municipality. Notice will be provided through the AGCO website and posted at the site of a proposed retail store.

The AGCO Registrar is not obligated to decline a store licence where a municipality or a member of the public provides a submission that is not supportive of a proposed location.

Municipal comments and comments from the public must focus on the three provincial public interest objectives: public health and safety, protecting youth and restricting their access to cannabis, and ending illegal sales of cannabis and illicit activities in relation to cannabis.

The Registrar has mandated a 150 m setback from schools where no retail cannabis store would be permitted to be located.

## Comments

The *Municipal Cannabis Policy Statement* has been revised as directed by Council to remove commercial schools from the policy.

Zoning By-law 2-2012 defines a Commercial School, in accordance with the following definition:

194. SCHOOL – shall mean any educational establishment operating under the jurisdiction of a Board as defined in the *Education Act, R.S.O., 1990, c.E.2, as amended*, or a college or university including a nursery or boarding school which may or may not have accessory dormitory facilities.

a) **SCHOOL, COMMERCIAL** – shall mean an educational establishment not under jurisdiction of any school board or the Government of Ontario, operating for gain or profit (i.e. dance school, karate school, art school, tutoring school etc.).

b) SCHOOL, PRIVATE – shall mean an educational establishment which does not operate under the jurisdiction of a Board or the Government of Ontario.

c) SCHOOL, PUBLIC – shall mean an educational establishment operating under the jurisdiction of the Greater Essex County District School Board, the Windsor-Essex Catholic District School Board, Conseil Scolaire de district du Centre-Sud-Ouest, or a school operated under charter granted by the Province of Ontario.

## Purpose

The purpose of this policy is to:

1. Set out locally sensitive uses (in addition to schools under the *Ontario Education Act*) with respect to the location of retail cannabis stores that the municipality would want considered by the AGCO with respect to the licensing process;
2. Provide municipal staff a framework on which to base comments to the AGCO during the 15 day comment window;
3. Assist individuals and businesses who are planning to make an application to the AGCO to operate a store, understand the local context of where a store may be most appropriate, understanding however, that all licensing is the sole responsibility of the AGCO.

It is noted that the revised *Municipal 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

In addition to the 150 metre separation distance from schools imposed by AGCO, the 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 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 policy and will be featured on the town website (See Appendix A of the *Municipal Cannabis Policy Statement*). It illustrates the recommended buffers from sensitive land uses in the policy, in relation to where a cannabis retail store could be developed.

## **Financial Impacts**

The Town of Lakeshore received the funding it was eligible for in January and February 2019.

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' – Amended *Municipal Cannabis Policy Statement*

## Report Approval Details

Document Title:	Municipal Cannabis Policy Statement - Amendment.docx
Attachments:	- Appendix 1 Municipal Cannabis Policy Statement for adoption July 14 2020.docx
Final Approval Date:	Jul 7, 2020

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

Tammie Ryall

Rosanna Pellerito

Kristen Newman