Subject: Municipal Retail Cannabis Policy
Report Number: CLK 20-06
Author: Donna Wilson, Town Clerk
Meeting Type: Council Meeting
Meeting Date: Monday, February 10, 2020

RECOMMENDATION
THAT Council receives Report CLK 20-06 Municipal Retail Cannabis Policy update, as information.

BACKGROUND
At the December 9, 2019 Council meeting council received the Municipal Retail Cannabis policy for review and consideration. At that time Council requested that the BIA, The Chamber of Commerce and the Economic Development Advisory Committee be provided the policy for review and comment.

DISCUSSION
The policy was provided to the Police Service Board (PSB), the BIA, The Tillsonbug Chamber of Commerce as well as the Economic Development Advisory Committee for review at their next meeting. Staff had offered to be available to answer any questions for each organization at their meeting.

The PSB reviewed the policy at the December 18, 2019 Board meeting and voted in favour of endorsing the Retail Cannabis Policy as written.

The BIA reviewed the Municipal Cannabis Policy at their meeting of December 19, 2019 and the following motion was passed:

"MOTION: moved by: D. Gilvesy seconded by M. Tedesco
And resolved that the Board of Management of the BIA recommends the removal of the 70m buffer zone around the Tillsonburg Library and this resolution is hereby forwarded to the Town of Tillsonburg Clerk’s Department for consideration & action".
Staff attended the Chamber of Commerce meeting of January 8, 2020 to answer questions regarding the policy. The Chamber members deliberated and the Chief Executive Officer provided the following remarks:

1. In particular, the Chamber supports the statement in "Report Number CLK 19-28" with regards to the linkage to the Town of Tillsonburg’s Community Strategic Plan: “Economic Sustainability
   a) Support new and existing businesses and provide a variety of employment opportunities.
   b) Provide diverse retail services in the downtown core.”

2. The TDCC recommends that the Town follow the Provincial cannabis retailing regulations and refrain from adding an additional 70 metre buffer. By following the Ontario regulations, it would make it easier to attract applications to the Town of Tillsonburg.

3. The TDCC discussed that the location shouldn't require any more regulation than liquor or beer stores.

The Tillsonburg Economic Development Advisory Committee received and reviewed the Tillsonburg Cannabis Policy at their meeting of January 21, 2020 and passed the following resolution:

Moved by: Kirby Heckford
Seconded by: Randy Thornton
THAT the Economic Development Committee recommends following the Provincial guidelines which is 150 metres from a school.
Carried

In summary, the PSB was in favour of the policy as written, the BIA recommends removing the 70 m buffer from around the Library, the Chamber of Commerce do not support the 70 m buffer around any sensitive land use and the Economic Development Advisory Committee also do not support the additional 70 m buffers around sensitive land uses.

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 cannabis retail stores, including matters in which municipal governments may have an interest. To protect youth, the provincial cannabis retailing regulations include a 150-meter buffer area for cannabis stores to keep them separated from schools (the Ministry of Education has also identified the required schools).

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 cannabis retail stores.

The Town acknowledges that cannabis retail stores are permitted within areas zoned for retail stores within the Town’s Zoning By-law. The provincial licensing process does not remove the requirement to comply with the zoning by-law and other municipal planning documents. The definitions within the municipality’s Official Plan and Zoning By-law are applicable to all retail activities, including cannabis retail stores. Retail sale of cannabis from a provincially licensed store is legal and is a permitted use in the zones that permit a ‘retail store’.

The zones that permit a retail store are ‘Central Commercial Zone (CC)’, the ‘Service Commercial Zone (SC)’, Entrepreneurial Zone (EC) and the Neighbourhood Commercial Zone (NC). A retail outlet that is accessory to a permitted use, such as a processing plant, is also permitted in the ‘General Industrial Zone (MG)’ and ‘Restricted Industrial Zone (MR)’ zones throughout the Town, as shown on the map.

The AGCO allows for a 15-day window for public and Town comments for each store site proposed by an approved operator. The legislation provides that municipal comments regarding a proposed storefront location are restricted to matters of “public interest”, as defined in the regulation. In the regulation, the matters of “public interest” pertain to, protecting public health and safety, protecting youth and restricting their access to cannabis and preventing illicit activities in relation to cannabis.

Council could determine that a 70 metre buffer is required around one or more of the previously proposed sensitive land uses, which includes Parks, Public Libraries and Daycares. If Council determines that the 70 metre buffer from all sensitive land uses is not required then the policy is redundant and the policy is not required.
The AGCO cannabis licensing process, much like the process for liquor licensing applications, requires that a notice of a proposed cannabis store site be posted for comments from area residents and businesses before a site authorization is made, therefore there will always be opportunity for public comment. The Town would also require the standard retail store licence in accordance with our Business Licence By-law, which would initiate the internal process to review use, location and zoning. The Municipal Retail Cannabis Policy is not required if the municipality does not wish to identify any additional sensitive land use buffers.

The mapping which indicates the 150 metre buffer from all schools as identified by the education act has been provided as well as the mapping which buffers 70 metres from additional sensitive land uses for Council’s reference.

**Option 1** – Receive the Report (recommended as a result of consultation):

THAT Council receives Report CLK 20-06, Municipal Retail Cannabis Policy update, as information.

**Option 2** – Bring forward a Retail Cannabis Policy including the 70 m buffer:

THAT Council receives Report CLK 20-06, Municipal Retail Cannabis Policy update;

AND THAT a by-law to adopt the Municipal Cannabis Retail Policy, which includes a 70 metre buffer around sensitive land uses, be brought forward for Council consideration.

**Option 3** – Bring forward a Retail Cannabis Policy which includes the 70 m buffer around certain sensitive land uses (public library, parks, registered daycares):

THAT Council receives Report CLK 20-06, Municipal Retail Cannabis Policy update;

AND THAT a by-law to adopt the Municipal Cannabis Retail Policy, which includes a 70 metre buffer around ______________ sensitive land use(s), be brought forward for Council consideration.
FINANCIAL IMPACT/FUNDING SOURCE
The Town of Tillsonburg has received $10,000 from the province to address the costs that directly relate to the legalization of recreation cannabis such as increased by-law enforcement, increased response to public inquiries and increased policy development.

COMMUNITY STRATEGIC PLAN (CSP) LINKAGE

1. Excellence in Local Government
   ☒ Demonstrate strong leadership in Town initiatives
   ☒ Streamline communication and effectively collaborate within local government
   ☒ Demonstrate accountability

2. Economic Sustainability
   ☒ Support new and existing businesses and provide a variety of employment opportunities
   ☒ Provide diverse retail services in the downtown core

ATTACHMENTS
Appendix A – Cannabis Retail Analysis Mapping (150 School property buffer)
Appendix B – Cannabis Retail Analysis Mapping (150 School property buffer, 70 Library, Daycare and Park buffer)
### Report Approval Details

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<th>Document Title:</th>
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<td>- Cannabis_Retail_Analysis_TBURG3.pdf</td>
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<td>Final Approval Date:</td>
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This report and all of its attachments were approved and signed as outlined below:

![Signature]

**Kyle Pratt** - Feb 4, 2020 - 6:24 AM