



POLICY NUMBER: 71
POLICY TITLE: Cannabis Retail Licensing
APPROVAL: August 13, 2019
EFFECTIVE DATE: Same as Approval

POLICY:

The Village of Valemount recognizes the value in establishing business opportunities and providing services for its residents, including limited sales of cannabis in designated commercial areas. It is recognized that cannabis sales should take place in a regulated manner, reducing exposure to youth and ensuring that retail stores have a positive impact on the business community and citizens of Valemount.

POLICY OBJECTIVES:

The purpose of this policy is to give Village Staff and Council a general framework to use in the fair evaluation of:

1. Provincial Cannabis Retail Store License applications that are referred to the Village of Valemount for recommendation; and,
2. Village of Valemount Business License applications for Retail Cannabis Sales.

This policy should be used in conjunction with the provincial *Cannabis Control and Licensing Act* and applicable sections regarding cannabis retail stores contained in the Village’s Bylaws and Policies, including the Official Community Plan, Zoning Bylaw and Business License Bylaw.

DEFINITIONS:

“Cannabis Retail Store” means a business operating under the regulation of the *Cannabis Control and Licensing Act*, where the principal business is the retail sales of cannabis for consumption off site, and includes government and private stores.

“Liquor and Cannabis Regulation Branch (LCRB)” means the provincial government agency that administers the private retail sales of non-medical cannabis.

“Village” means the Village of Valemount

ROLES AND RESPONSIBILITIES

The Village Planner is responsible for the receipt and processing of Provincial Cannabis Retail Store License application referrals submitted to the Village of Valemount for recommendation, including review of the application for municipal compliance, referrals to outside agencies, and the Public Engagement Process (See the Procedures Section for details).

The Corporate Officer is responsible for the receipt and processing of Municipal Business License Applications for Retail Cannabis Sales. ***A Municipal Business License application will only be accepted once a Provincial Cannabis Retail Sales License has been approved.***



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Village Council will be the ultimate decision maker on whether to provide a recommendation in support or recommendation against a provincial Cannabis Retail Store License for a particular location, based on adherence to the criteria identified by Council, submissions and comments from members of the public and the applicant, and informational reports from staff.

The Village deems the Federal and Provincial governments as being responsible for the monitoring and enforcement of its laws and regulations pertaining to cannabis retail sales. However, if a Cannabis Retail Store is found to be in contravention of either Federal or Provincial Legislation, its Municipal Business License will be revoked.

PROCEDURES (See Appendix “A” for corresponding flow chart)

1. Pre-Application Meeting:

Prior to applying for provincial Cannabis Retail Store Licensing, applicants are strongly encouraged to meet with Village staff to ensure that the proposed retail location is able to meet municipal requirements with respect to zoning, distance from schools & daycares (See Appendix “B”), building bylaws, development regulations, and other applicable municipal bylaws. Please note that meeting the initial requirements does not guarantee approval of a Provincial Cannabis Licensing application nor a Village of Valemount Business License Application.

2. Referral of Provincial Licensing Application to the Village of Valemount:

Upon their receipt and review of an application for Provincial Cannabis Retail Store Licensing, the Liquor and Cannabis Regulation Branch (LCRB) will refer the application to the Village of Valemount. Village Staff will review the application, make appropriate referrals, and gather the views of residents with respect to the application. Payment of the Municipal Consultation & Recommendation to LCRB fee, as stated in the Village Fees and Charges Bylaw, is to be paid to the Village prior to commencement of this process.

A. Application Review and Referrals

Staff will review the application to confirm adherence to the criteria and guidelines set out in the Village of Valemount Zoning Bylaw and referenced in Appendix “B” of this policy.

If the application does not meet municipal zoning legislation (or other municipal development requirements) the proponent will be responsible for taking the necessary steps to bring their proposal into compliance with municipal regulations. Until then, processing of the application will cease, and priority placement will be lost, as applications in compliance with Village regulations will be given priority.



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- B. The application will be referred to internal departments and outside agencies as required or deemed appropriate by Village Staff.
- C. Public Engagement : Feedback regarding the proposed Provincial Cannabis Licensing Application will be gathered as follows:
 - Public Notice of the application, including the date and time of the Public Hearing, will be posted at legislated places, on the Village Website and on the Village Facebook Page. Public Notice will also be mailed to owners of properties located directly adjacent to the proposed Retail Cannabis Store.
 - A Public Hearing will be held to allow residents that feel their interests are affected by the licensing application to provide feedback to Council. The Public will be notified no less than 10 days prior to the hearing, as per the *Community Charter*.

3. Final Consideration & Council Recommendation:

Upon completion of the application review and the public engagement process, the Village has the following options:

- Make no recommendation to the LCRB: *The application is then terminated;*
- Make a negative recommendation to the LCRB: *The application is then terminated;*
- Make a positive recommendation to the LCRB: *The application is approved or denied at the discretion of the LCRB, but the recommendation of the Local Government is taken into consideration.*

The recommendation and comments provided to the LCRB must:

- Be in writing (does not have to be in resolution form);
- Show that the Village has considered the location of the proposed store;
- Include the views of the Village 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 Council's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

4. Village of Valemount Business License Application:

Upon receiving approval for a provincial Cannabis Retail Store License, a municipal business license application will be completed and submitted to Village Staff for review. Business license



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approval will be based on compliance with Village of Valemount Business License Bylaws and Policies.

Prior to issuance of a business license, the Village Building Inspector will inspect the premises to ascertain compliance with BC Building and Fire codes.

Proof of Provincial licensing approval must be provided to the Village of Valemount as part of the completed business license application.

APPLICATION PRIORITY

1. Provincial Licensing Applications

Provincial Licensing Applications received by the Village of Valemount for comment will be date stamped in the order that they are received. Legislated Public Hearings for said applications will be prioritized accordingly. As per Section 2A of this policy, if additional processes are required to bring an applicant's proposal into compliance with municipal regulations, priority placement will be lost.

2. Municipal Business Licensing Applications

Municipal Licensing Applications received by the Village of Valemount will be date stamped in the order that they are received. Incomplete applications will not be accepted. If an application is returned as incomplete or denied in accordance with municipal legislation, priority placement is lost. Any subsequent application is considered to be a new application, and will be prioritized as such

PROMOTION AND SIGNAGE

Cannabis Retail Store signage is to be in compliance with current Village of Valemount Sign Bylaws and Policies. If you are planning to place signage in or around your business, please contact Village Bylaw Services to determine if a sign permit is required.

Also be advised that provincial regulation around Cannabis Retail promotion and signage takes precedence over municipal bylaws. The name of the business and exterior signage must comply with provincial requirements and be approved by the LCRB. It is the responsibility of the business owner to ensure that provincial regulations are adhered to.

Specific provincial regulation pertaining to promotion and signage content can be found in the *Cannabis Control and Licensing Act*.



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Approved as per Council Resolution # 285/19 dated this 13th day of August, 2019.

A handwritten signature in black ink, appearing to read "Wayne Robinson", is written over a horizontal line.

Wayne Robinson
Chief Administrative Officer