

To: Mayor and Members of Council

From: Leah Bisutti, Manager of Corporate Policy Initiatives
Mary Lou Tanner, Deputy City Manager

Date: December 14, 2018

Re: Cannabis Retail Sales - Update

Staff are providing an update to city manager's office report CM-20-18, Cannabis Legislation and Retail Cannabis Sales that went to the Committee of the Whole on December 10, 2018. This memo is a direct response to the following recommendation in the report:

Direct City Manager's staff to provide an update on the community input results regarding private retail cannabis sales at the December 17, 2018 Council meeting based on the "Get Involved Burlington" consultation and the Mayor's town hall.

Engagement Results:

A. Get Involved Burlington Online Survey:

This survey was open from December 4, 2018 to December 13, 2018 via the City's online engagement platform. The survey had 1926 respondents. Here is a summary of the results, the details are attached to this memo as Appendix A.

- 65.4% support having cannabis retail stores in Burlington
- 40.9% would prefer to have the option to purchase cannabis both in retail stores and online
- Breakdown of resident participation by ward will be provided on Monday December 17, 2018

B. Mayor's Town Hall:

The Mayor's town hall was held on December 12, 2018 in the evening. The town hall had a total of 106 residents who participated in the survey. This survey was identical to the online survey, with the addition of the question asking respondents if they had completed the online survey. Here is a summary of the results, the details are attached to this memo as Appendix B.

- 67% had not completed the online survey at the time of the town hall
- 82% support having cannabis retail stores in Burlington
- 39% would prefer the option to purchase cannabis both in retail stores and online

C. Additional Feedback:

- a. Staff are in receipt of a public signature signed petition in support of retail cannabis dispensaries that contains 480 signatures submitted by Anne Pastor of Frank's Magic Crops Inc. on December 14, 2018.
- b. Attached to this memo are the content of emails received by staff in Appendix B.

AGCO Update:

- December 13, 2018: the AGCO sent out a revision to their licensing procedures. They will now be using a phased approach and will only be issuing 25 retail licenses province wide for stores to open in April 2019. This is due to shortage of recreational cannabis and is similar to Alberta that froze its licenses at 20. Applications for the lottery will be received January 7-9, 2019 and rules will be posted when available.
- December 14, 2018: AGCO advised that the 15 day commenting period for license applications only commences once the AGCO has been notified that a municipality has opted in.
- December 14, 2018: staff participated in the AGCO webinar on licensing. The AGCO announced that the 25 provincial licenses as part of the first phase would be distributed into 5 wards. Durham, Peel, York and Halton will be receiving 6 licenses as part of the initial lottery.

AMO Update:

Staff received a document on December 10, 2018 from AMO entitled "Information for Councils – Developing a Municipal Cannabis Policy Statement". This is attached to this memo as Appendix C for Council's information and consideration.

Discussion:

The City has undertaken broad based consultation on retail cannabis. There is clearly support for retail cannabis stores to be located in Burlington; there is equally a lack of significant concern for retail cannabis stores in Burlington. Staff will use the feedback from both surveys on the factors they would to consider when commenting on potential license applications. In order of importance they are:

- Location and proximity to potentially sensitive areas and facilities such as parks, daycares, recreation centres, addiction treatment facilities, etc.
- Safety and security of store
- Hours of operation
- Crime
- Odour
- No factors
- Other
- Unsure

The AGCO has tightened the licensing of retail cannabis considerably as of December 13, 2018. The phased approach to retail cannabis stores is very similar to the phased approach to beer and wine being sold in grocery stores. This is a far superior approach that allows retail cannabis stores to be introduced in Ontario in a more conservative way.

In the past week, other municipalities have made decisions regarding retail cannabis. Toronto and Ottawa have "opted in". Markham and Mississauga have "opted out". All of these municipalities made their decisions prior to the AGCO announcement of December 13, 2018. Of note, the City of Toronto passed a resolution requesting more municipal control of the location of retail cannabis stores.

For Halton Region, the Town of Milton has received a staff report recommending "opting out". It is anticipated that both Halton Hills and Oakville will also "opt out".

Conclusion:

Given the current changing landscape at the Province and AGCO, staff recommend the following as we are anticipating there could be further changes as part of the new lottery approach.

Staff recommend that the decision to opt in or out of recreational cannabis retail stores be deferred until the January 14, 2019 Committee of the Whole.

A special meeting of council would need to be scheduled in January in order to meet the Provincial January 22, 2019 deadline.

However, if council should choose to make the decision now, based on the feedback provided by the community staff would recommend that council chose not to opt-out.

A handwritten signature in blue ink, appearing to read "M. G. G. G.", is located in the lower right quadrant of the page.

Project Report

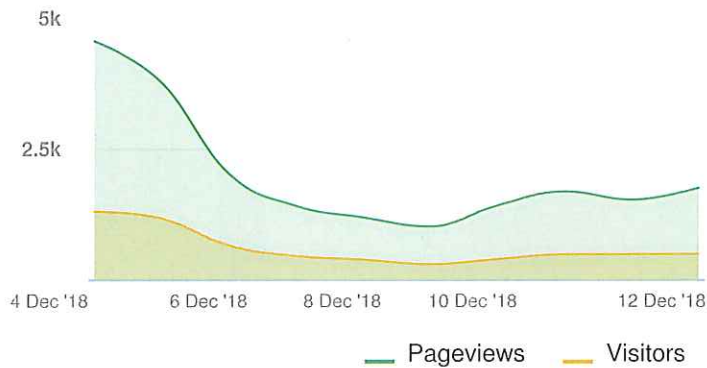
04 December 2018 - 13 December 2018

Get Involved Burlington

The Future of Cannabis Retail Stores in Burlington



Visitors Summary

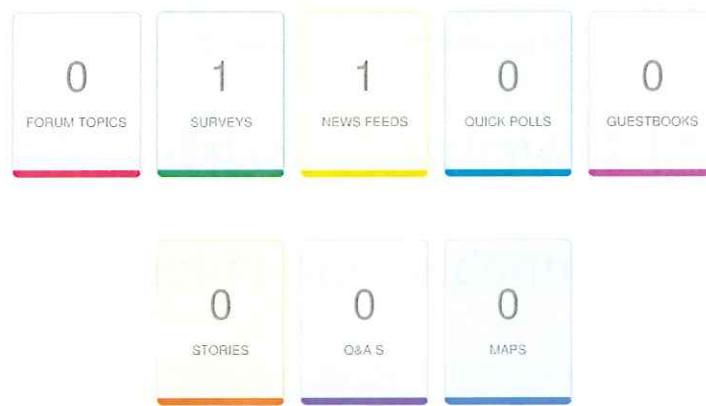


Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
6.5 k	1.3 k	
NEW REGISTRATIONS		
1.6 k		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
1.9 k	4.4 k	5.7 k

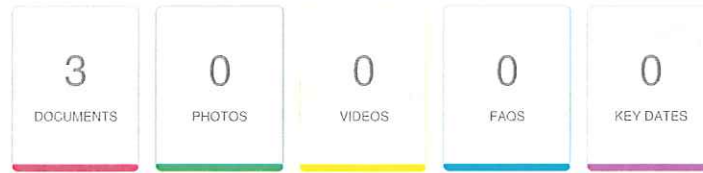
Aware Participants	5,735	Engaged Participants	1,926		
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	5,735				
Informed Participants	4,432	Contributed on Forums	0	0	0
Informed Actions Performed	Participants	Participated in Surveys	1,926	0	0
Viewed a video	0	Contributed to Newsfeeds	0	0	0
Viewed a photo	0	Participated in Quick Polls	0	0	0
Downloaded a document	63	Posted on Guestbooks	0	0	0
Visited the Key Dates page	3	Contributed to Stories	0	0	0
Visited an FAQ list Page	0	Asked Questions	0	0	0
Visited Instagram Page	0	Placed Pins on Places	0	0	0
Visited Multiple Project Pages	2,399	Contributed to Ideas	0	0	0
Contributed to a tool (engaged)	1,926				

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Newsfeed	Town Hall	Published	7	0	0	0
Survey Tool	Cannabis Retail Stores Survey	Draft	4589	1926	0	0

INFORMATION WIDGET SUMMARY



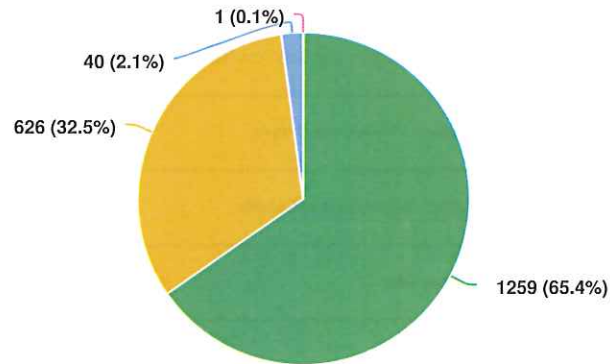
Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	Staff Report CM-20-18 - Cannabis Legislation and Cannabis Retail Sales	45	53
Document	Cannabis Legalization - Province of Ontario	20	20
Document	Cannabis Legalization - Government of Canada	6	7
Key Dates	Key Date	3	3

ENGAGEMENT TOOL: SURVEY TOOL

Cannabis Retail Stores Survey

VISITORS	4589	CONTRIBUTORS	1926	CONTRIBUTIONS	1926
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Do you support or oppose having cannabis retail stores in the City of Burlington?

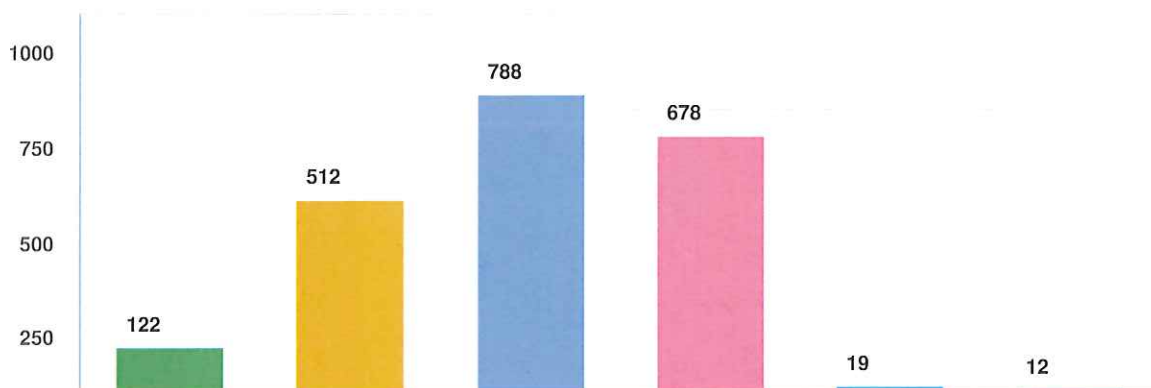


Question options

Support Oppose Undecided Prefer not to say

(1926 responses, 0 skipped)

If you were to purchase cannabis, would you prefer to purchase it online or through a brick and mortar retail store?

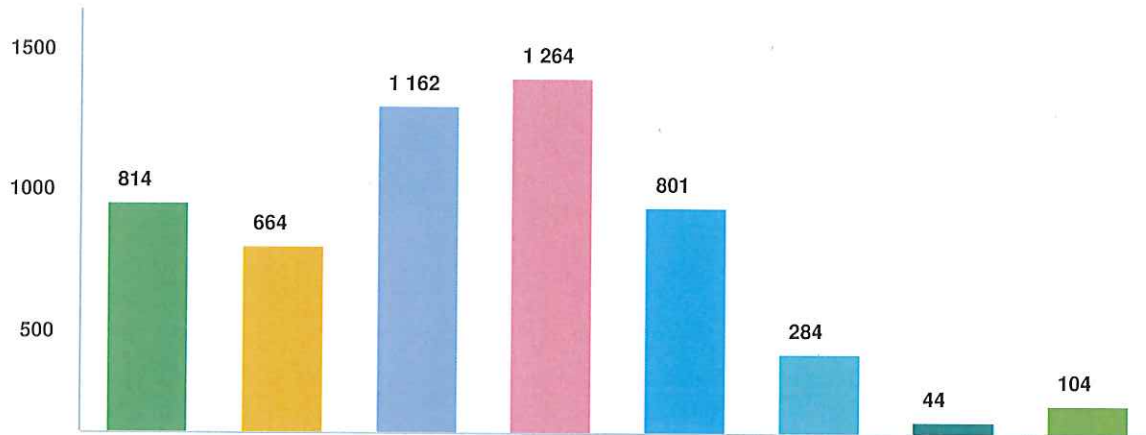


Question options

Online Brick and mortar retail store I want the option to do both I do not intend to buy cannabis
Undecided Prefer not to say

(1926 responses, 0 skipped)

If Burlington were to allow cannabis retail stores in the city, the provincial regulatory body overseeing the stores, the A...



Question options

- Hours of operation
- Odour
- Safety and security of store
- Location in proximity to potentially sensitive areas and facilities such as parks, daycares, recreation centres, addiction treatment facilities, etc.
- Crime
- No factors
- Unsure
- Other

(1926 responses, 0 skipped)

legalization need under
children downtown see
government considered
residents
Burlington
store
pot bring consider concerns
anyone
impact even
allow sell location feel used
residential
LCBO like etc
schools going cannabis
retail stores
survey place
able dealers easily
business located being rights
view
Ontario small
Proximity
most
think here access
recreational community city
more revenue
want
PLEASE
cannabis legal
driving same impaired

Public Feedback by Email:

1. On this issue I would have to say yes. As long as there is laws in place to regulate it as we have for liquor we need to proceed as it is going to be a big source of revenue which we need to have. If we don't have it here they will go to Oakville or Hamilton to buy it.
2. I received your email address through the Downtown Burlington Facebook page in regards to the Town Hall being held on Wednesday December 12th. As a medical cannabis patient, I have a vested interest in the topic being discussed (cannabis retail stores) and I would appreciate the opportunity to voice my concerns and recommendations, should cannabis stores be allowed to open in Burlington. May I apply to be included on the Agenda or Schedule? I can assure you that although my opinions about cannabis and dispensaries are biased, I can present them in a calm, articulate and informative manner. I've been medicating with cannabis for years, I used to work at a dispensary as well as a cannabis-friendly healthcare centre. My thoughts can be broken down into a few essential points: - cannabis patients need to be able to smell & see the product they are buying; there are studies on how influential the terpenes (smell) of cannabis can be & their medical benefits.- forcing cannabis patients to buy their medication online or from other cities creates more demand for a black market and drug dealers. - from personal experience, I know that dispensaries won't allow people under 19 years old to enter their store, whereas many drug dealers will sell to anyone, anywhere as long as they can avoid being caught. - dispensaries provide jobs (cashiers/bartenders, security/doormen, etc). Thank you for taking the time to read my email, I look forward to hearing back from you.
3. The big thing...the only thing to remember is if we do not allow the stores then illegal opportunities will prevail.
4. License cannabis retail outlets. Do it now. Thank you!
5. I just completed the cannabis survey and I am very concerned at its structure. I feel it did not allow me to properly present my views and instead misrepresents them. I indicated that Burlington should not agree to allow cannabis stores. But NOT because I am against legalization or brick and mortar stores. I support both. I am fully in favour of Burlington allowing cannabis stores IF Burlington and all municipalities are granted appropriate **oversight, licensing and revenue** rights. Without these rights I think Burlington must decline to allow stores at this time, and clearly explain to the residents and to the provincial government why

the terms it dictated are unacceptable. The funds committed by the government are inadequate to address the costs to municipalities. And promised "profits" do not make up for the loss of control. Opting out with our neighbouring municipalities is the only responsible choice. The survey did not explain the issues, did not query the respondent's underlying concerns, and is a perfect example of the worthless "consultation" that has upset so many Burlington residents. We can do better.

6. I voted for Trudeau because of his stance on Cannabis. He delivered and our new mayor, who I voted for now wants our input? It's legal, stop with this bulls#t and get those stores up and running. No more talk. Action.
7. I am a proud resident of Burlington, and have completed the above noted cannabis survey provided by the City of Burlington. I would have liked to have had a space to express my comments as well. As space was not offered, I am emailing you. Recreational cannabis legalization is meant for just that – recreational use -- anyone who wants to buy recreational cannabis can do so online very easily. Anyone who needs to buy cannabis (at a retail store in our City) is not a recreational user, but rather drug dependent. Retail stores are not going to stop individuals from selling cannabis, as they will easily undercut the pricing and fees. This is already widely accepted as fact. I think it would be far more prudent that the City opt OUT at this time. I think it would be wise for Burlington to have a chance to see how towns/cities in Ontario that opted IN are doing, after a reasonable period of time for data to be read (perhaps 12-24 months). That will give us a chance to see if crime is up, or impaired driving on cannabis, teen usage, ER visits increased, policing costs up, drug deaths up, etc. etc. We can opt IN later on if we opt OUT now, but not the other way around -- Opt IN now and we are IN and not able to opt OUT. Burlington is a beautiful safe city that we enjoy living in immensely. I'm certain other Burlington residents feel the same way. Why jeopardize this? I would like to be at the meeting this week, however, I am away in FL until April.
8. I just wanna express my opinion this is ridiculous why do you want to bring the city to its knees with crime people coming from all different cities to buy pot in stores keep the pot in Toronto where belongs with a crime is high and not bring it here to Burlington and Move a tax paying people out of the city I completely opposed of this and it's disgusting even the thought of Burlington passing it. This is completely ridiculous we do not need pot in our community as it's the safest one all of southern Ontario why do we want to bring crime here you see what it does in Toronto this is an embarrassment must be stopped now!!!!!!

9. I would like to add any factor the city should consider when commenting on the location of retail cannabis stores in Burlington: Now that cannabis is legal, let's use it to tackle the opioid crisis.
10. Put warning labels on it no driving for x amount of hours or operating heavy machinery or equipment. No way to test for employers and if employees show up high and hurt or kill someone it would be a shame. Hospitals should test all workplace accidents for those involved to ensure they weren't under the influence.
11. Hello Mayor and all city Councilors,

At first, lots of congrats to all of you!

Recently, I saw City's survey about if Cannabis retail store should open in our Burlington. My opinion is we should option out for that. Here are reasons:

1. There is no profit for City. We know the Federal and provincial government will take those profit away and City has to pay police services etc.. fees. and residents don't want to pay more tax for that.
 2. The bill-C45 allowed the young kids (12to 18years) carry 5 gram ever day per person! There is a very big challenge to school teachers and parents. It's so easy to access the cannabis if the retails store is opened nearby, how can we monitor and educate our kid? 3. Our young people will think cannabis is "recreational", which may result in the higher risk of other hard drug consumption.
 4. Once our city option in, there is no way to option out.
- Why we just option out first then watch what happened in those option in cities and wait for our local police all ready for that as well then make next decision?

Open Text Box Feedback from Engagement Survey:

12. Accessibilty for citizens with access limitations
13. Proximity to schools - mandatory distances should be considered as outlined by the 4 school board trustee associations
14. Proximity of other retail cannabis stores so there is not a cluster
15. Surtax (~2%-5%) on gross revenue for any business (selling cannabis) with said taxes wholly credited to a City seg account used exclusively & exhaustively for monthly dispersements to our most precarious, seniors living on OAS plus all on OW/ODSP.

16. There was no mention of if this only implies to the recreational cannabis or should it include the medicinal also?
17. Cannabis sales should be through LCBO stores only. Failing that, stand alone cannabis stores must be strictly regulated in number and size and must sell ONLY cannabis products. Signage, packaging, promotion should be the same as for cigarettes
18. Impact on other industries that may be pushed away. It'll be hard to have kids sensitive stores close like dancing studio, music schools, martial arts and even groceries stores.
19. concerned with people driving while impaired.
20. In my opinion, Cannabis store locations should follow the same guidelines (if any) as liquor, and beer stores.
21. Putting the Cannabis Store adjacent to the Federal Liberal Party Local Office so our Nit Wit Prime Minister and his Liberal supporters can view the damage that will be the result of their stupidity.
22. Place it downtown, not hidden in a sketchy area.
23. The odour is nauseating and even medical marijuana should not be permitted to interfere with non-smokers / non-consumers rights to live and move around free of the stench, inhalation and intoxication.
24. Increased ability for consenting adults to get recreational/medical cannabis.
25. Whatever is currently done for Alcohol and Cigarettes. Why would there ever be need for anything more?
26. Limit number of stores . I would say this about any business. Don't want 15 lcbo's, Longos, or pot shops for example
27. I strongly believe under age people will get involved as with tobacco there is nothing in place to stop this, Driving under the influence is another concern. Has there been enough study to show Cannabis does not lead to stronger drugs.
28. Community Involvement -- Give Burlington residents the opportunity to own & operate Burlington retail cannabis store locations.
29. Same as lcbo
30. Making it easy for young people to smoke. 18 is too young their brain is not fully developed until 25. Young people now think it is ok to smoke pot because it is legal. This generation of 15-25 year olds is going to pay a high price for this legalization

31. That the location blends in and very open to public view. NOT to be hidden away.
32. Impact of cannabis store location with surrounding existing businesses and residences.
33. The number of stores located in Burlington
34. Cannabis stores should be kept to a distance of 500 meters from all schools.
35. Whatever factors are considered for Beer and LCBO stores should be considered for Cannabis stores. No more, no less.
36. Negative impact on surrounding retail I think they need to be out of view of sensitive facilities not just at a distance
37. similar regulations to LCBO or Beer store regarding location. staff should be trained. If apartments are above storefront odor should be considered, upon complaint by tenant..
38. Type of building used. I would not want to see a store located in a seedy run down building. Also I would want to consider type of neighbourhood stores located near by such as I would not want it located near stores that would see children going into
39. Litter, drug dealers
40. restrict number of stores to 2 max and sell only at those 2 LCBO outlets
41. Away from any desirable areas
42. main street locations only not the middle of a subdivision
43. External marketing/signage on building and sidewalks; proximity to schools, residential dwellings, places of assembly, bus stops/shelters, group homes, similar requirements to consumption of alcohol
44. Impaired driving, health concerns (users and anyone exposed to smoke), proximity to schools (a young person can run 150 metres in a few seconds), no one really knows if it is addictive (has not been studied enough), problems identifying high drivers
45. disperse locations to have a maximum per neighborhood capita of 1 store for xx% of population . this is a balance of servicing community and capital enterprise similar to traditional retail planning
46. Proximity to other stores
47. making sure product lines that are marketed to youth are not allowed.
48. Not in a high pedestrian area or downtown.
49. Maximum number of stores in Burlington; Location in proximity to public facilities which minors can access; Location in proximity to residential neighbourhoods; Location in proximity to automotive dealerships.

50. These stores should be operated as provincial locations (ie LCBO) and not privately owned.
51. ON Transit line
52. Safety of inventory from a health perspective, i.e. rot, mites, etc. Current government controlled system is failing in this regard, while independent dispensaries have been succeeding
53. Second hand smoke
54. I support most people being able to walk to buy tobacco, alcohol and cannabis. Most people should not have to drive to buy recreational drugs which would affect their ability to drive. Bring back convenience stores
55. I don't believe that every community needs to have a retail store. I realize revenue is on the table but what is right for the community. I think it will a detriment to attracting young families and business, and keep us from best place to live.
56. Cap on number of stores allowed in municipality
57. I would like the city to take in to consideration the opportunities available for new Canadian small business owners to be able to enter this emerging market
58. Proximity to schools and access to youth. Also preventing cannabis being distributed to m children disguised as something else. As what happened recently in the news. PLEASE THIS IS FOR OUR CHILDREN AND OUR FUTURE. Drug addiction starts small...
59. Assess them as you would an LCBO store
60. Cannabis store should not be allowed in Burlington if it comes to our city it must be kept away from schools and students.
61. I think The retail out let should be a counter operation. the on line needs a secure way to confirm the age of the customer before a order is accepted
62. Please consider children who might unknowingly come into contact with cannabis. It is dangerous to their small bodies and should not be allowed close to kids.
63. Visibility of stores creating risk of influencing children and young adults ; Option to make Burlington a cannabis-free city and send the image of a safe and drug-free community ; Negative impact on other businesses (Quebec!) ; Risk impaired behavior
64. ALL child and elderly facilities not just schools. Why have this within the city in the first place...dont allow it then opt in later if you feel important but dont make burlington a Guinea pig

65. Easiest place is close to liquor stores as the location is already vetted.
66. Hold it to the same standards we hold LCBO store locations. Put a retail cannabis store in Village Square!
67. If any, then the same factors that are being considered when granting alcohol sale licenses.
68. Just make sure Burlington gets their share of the profits.
69. This should NOT be opening this is stupid!!!!
70. Not immediately next to a residential area, such that traffic coming and going becomes a problem (along with possible noise if people are hanging out, or have loud vehicle exhaust systems, or idling vehicles.)
71. Proximity to schools, accesability to minors
72. that those of age would purchase for underage children
73. Encouragement of impaired driving
74. impact driving, etc. in a word, just opt out.
75. Community input and/or opposition
76. By not allowing any retail store within Burlington you would send my message
77. We are opposed to brick and mortar stores in Burlington. Further the age of 19 years and older is also not acceptable and the Ontario government needs to reconsider the minimum age requirements to protect our children's mental health.
78. Should be a nice store like the lcbo. No option for anyone to open a store thats how we end up with shady run down stores that don't add value to the community
79. The natural movement to higher level drugs in the area of the store and the crime and health costs that go with that.
80. Factors should not be any different from ones that apply to alcohol stores
81. Expert coach for consulting and counseling
82. Health of individuals and the community as a whole

83. Just don't have the stores. Don't sell it in our community please. We do not need drugs being easily accessible by the wrong people. Choose to only sell through pharmacies for those who truly need it.

Mayors Town Hall Survey Results

Have you already completed the City's Cannabis Survey online?

Yes 33%

No 67%

Do you support or oppose having cannabis retail stores in Burlington?

Support 82%

Oppose 13%

Undecided 5%

Prefer not to say 0%

If you were to purchase cannabis, would you prefer to buy it online or through a brick and mortar retail store?

Online 8%

Brick and mortar retail store 35%

I want to option to do both 39%

I do not intend to buy cannabis 16%

Undecided 1%

Prefer not to say 2%

What, if any, factors would you like the city to consider when commenting on the location of retail cannabis stores?

- A. Hours of operation 17%
- B. Odour 16%
- C. Location to sensitive areas 26%
- D. Crime 25%
- E. No factors 16%
- F. Unsure 2%



Municipal Cannabis Update

Information to help municipal staff prepare reports for councils

November 21, 2018

Purpose:

This update provides information on the province's regulatory framework, funding and AGCO licensing. This will help municipal staff prepare its report to council on elements for its decision-making on whether to have cannabis retail stores.

Overview

The provincial government has committed to allowing private recreational cannabis retail stores throughout Ontario starting April 1, 2019. As recreational cannabis is a legal, controlled and regulated product, cannabis stores will be considered like any other type of retail and as such, no zoning changes are needed.

In legalizing cannabis for recreational purposes, the federal, provincial and municipal governments share three interrelated goals: protecting youth, public health and safety, and ending illegal sales of cannabis. The provincial government has established a regulatory framework (O. Reg. 468.18) under the recently passed *Cannabis Licensing Act, 2018* that provides further clarity on how these private businesses will be licensed and regulated by the Alcohol and Gaming Commission of Ontario (AGCO). These regulations deal with various elements of the retail regime including matters in which municipal governments may have an interest.

Key Points in the Regulations

The regulations speak to how a license to open a cannabis store will be issued. The full details of the AGCO process have not yet been released, however the AGCO will issue guidance as the regime is finalized. It is offering webinars (November 27 - 10:00 am / 3:00 pm) to prospective retailers and interested parties.

AGCO process will begin with it reviewing and completing due diligence on applications from corporations and individuals seeking to sell recreational cannabis. The licensing regime will have three parts: operator approval; retail site location approval; and store management licensing.

Municipal governments have the one-time opportunity to opt out of allowing retail cannabis stores in their communities. **The decision to opt out must be made by January 22, 2019. Unless a municipal government opts out as per Ontario Regulation 468/18 s. 22, they opt in to recreational cannabis retail sale by default.**

To protect youth, the provincial cannabis retailing regulations include a 150-meter buffer area for cannabis stores to keep them separated from schools. No buffers from any other use has been specified by the regulations.

In our discussions with some members, it has been proposed that a municipal government may consider setting out a policy statement identifying specific and significant locally sensitive considerations or uses, to best represent the expectations of the community in allowing cannabis retail. This statement would provide direction to municipal staff input to the AGCO within its 15-day review period.

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. At this point, the municipal

government will not be provided pre-notification of the application, but can make comments about whether the proposal is in the public interest as described by regulation.

While there is no regulatory requirement for the AGCO to act on municipal input, it is reasonable that a council could choose to set out any locally sensitive uses as part of the decision to allow cannabis retail stores or to opt out. Setting out these sensitive uses would specify the expectations of the community as cannabis retail sites are proposed. However, care needs to be taken so that this statement would not prohibit any cannabis retail store from locating in a municipality. Opting out is the appropriate mechanism for not permitting any stores in a municipality.

The province has just released the funding approach to help municipal governments offset implementation costs. Please see the Minister of Finance's [letter](#) of November 20 to the AMO President. A similar letter is being sent to all Heads of Council. In addition, a letter from the Deputy Minister of Finance to municipal treasurers with more details will be sent in the coming days.

Please note that while opting out can be reversed after January 22, the municipal government will not gain any additional funding from the Ontario Cannabis Legalization Implementation Fund (OCLIF) than it had as of January 22 when it opted out- beyond the minimum second payment of \$5000.

Store Location Approval Steps

The AGCO will have a 15-day window for public and municipal government comments for each store site proposed by an approved operator. The legislation provides that municipal comments should focus on whether a proposed storefront location is in the public interest, as defined in the [regulation](#). In the regulation, public interest is defined as public health or safety, protecting youth and eliminating the illegal market.

If a municipal council accepts retail stores, AMO suggests that a 'Municipal Cannabis Retail Policy Statement' be adopted by council. Such a policy statement could address what it sees as significant local sensitive uses. This would give municipal staff direction in responding to the 15-day window during the commentary process. For example, a policy statement may identify specific sensitive uses and express some parameters to consider proximity to these sensitive areas, or may set out concerns regarding store concentration¹ in certain areas of their communities.

It is recommended that municipal governments identify a key senior staff lead for proposed cannabis store notices from AGCO and to provide a one-window approach to coordinate municipal input within the 15-day commentary period. This will ensure AGCO has every opportunity to take note of municipal government considerations. This key contact should be able to gather information from various municipal departments as necessary, provide maps and be able to convey council policy.

Below, AMO has provided a draft Municipal Cannabis Retail Policy Statement template that may help municipal governments that choose to create such a policy. The template helps municipal government officials begin to think about the issues and criteria they may wish to note when considering a proposed cannabis retail site. Notes for consideration of what we understand to be

¹ Note that store concentration will ultimately be determined by the market demand, however municipal governments may wish to set out any criteria through which they may consider this in future.

an effective municipal policy statement are provided in the shaded boxes and would not form part of the policy statement.

For alignment between the regulations and AGCO mandate, municipal comments in the process, whether through a municipal cannabis policy statement or not, must focus on the three provincial public interest objectives: public health and safety, protecting youth and ending illegal sales of cannabis.

Municipal staff are encouraged to read the regulations and AGCO guidelines as they are developed and made available to understand eligibility requirements for operators how cannabis retail businesses are expected to operate. AMO will continue to provide information and analysis on this and other matters as it becomes available.

Draft Municipal Policy Statement Template:

The template can be used by a municipality that has chosen to allow retail sales of recreational cannabis.

Purpose & Vision

The purpose of this policy statement is to provide a format for municipal government input to the Alcohol and Gaming Commission of Ontario (AGCO) as well as help prospective recreational cannabis retailers in their consideration of location of cannabis retail stores in (name of municipality).

The AGCO is the provincial authority that licences cannabis retail operators, authorizes cannabis retail locations and licenses senior store staff. Municipal governments have no licensing authority.

The AGCO regulates and reviews all aspects of the retail operation including municipal and public input, that the proposed store location is consistent with the public interest as defined in the regulations.

The Municipality ofhas chosen to allow retail sales of recreational cannabis. The following provides municipal staff with guidance on commenting to AGCO when notice on a specific proposed cannabis retail store site is provided on the site location.

Principles for Cannabis Retail Store Locations:

Relationship to Other Applicable Law:

- **Land Use Planning:** 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, including cannabis retail stores. Retail sale of cannabis from a provincially licensed store is legal and is a permitted use in the retail zones.
- **Municipal Building Inspections:** while the licencing of the store operation is the responsibility of the AGCO, the Building Code applies to cannabis retail store locations. Therefore, where a building permit is required, the building inspector will undertake duties as usual. Fire Code compliance is also mandatory.

For the purposes of this policy statement, a cannabis retail store shall mean a store licenced by the AGCO.

1. Cannabis Retail Stores and Sensitive activities:

In order to help ensure public health and safety, protect youth and reduce illegal sales, retail cannabis stores are discouraged where nearby properties are designed to serve youth including

The policy can address types of activities where youth or the potential for illegal sales or health risk exist. Please note that Ontario Regulation restricts a cannabis retail store from being located within a distance of 150 meters of a public school or most private schools. The municipality cannot adopt a greater distance. The distance buffer would be measured from the property line, if the school is the primary or only occupant of a building; or the boundary of any space occupied by the school within the building, if the school shares space, like in a mall. This distance buffer would not apply to private schools that hold classes online only, or to First Nation schools located on reserve.

The municipal government may want to suggest other youth facilities such as libraries and community centres if appropriate, or other sensitive facilities that serve persons with mental health or addiction challenges.

The policies cannot be so restrictive that it is impossible to locate a store. Nor can the policy state a specific number of stores permitted.

It is recommended that should the municipal government choose a separation distance from a sensitive use that it be a number, not a range and that a rationale for this distance be provided.

Municipal governments should note that municipal density restrictions on cannabis retail stores are not permitted under the legislation or regulations. However, it is possible that the number of cannabis retail stores in one area could in the future be considered under the public interest criteria in the regulations and merit comment from the municipal government and community.

2. Cannabis retail stores should not be permitted in:

Any prohibitive statements must be considered through the lens of eliminating illegal activity, public health and safety or protecting youth and the regulatory definition of the public interest.

Retail locations, if retail is allowed in a zone other than a commercial zone, such concerns may be noted.

How does this prohibition help youth, create a safer environment or limit illegal activity? A municipal government may choose not to have any prohibitions.

3. Attached is a map showing the retail/commercial zones of the municipality and the activities identified in Section 1 above.

A map showing where retail is permitted and the locations of the activities identified in the first section will be very helpful to the AGCO. Municipal governments may choose to provide some sample separation distances as concentric rings around the activities such as addiction treatment facilities etc. to provide sample set backs. The Ministry of Education is working to identify all schools however; municipalities could also provide this information.