

JUAN DE FUCA CANNABIS RETAIL LICENCE APPLICATION POLICY

PURPOSE:

To establish procedures for review of Non-Medical Cannabis Retail applications and to establish a public consultation process and criteria for evaluating proposals.

SCOPE:

Non-Medical Cannabis Retail applications in the Juan de Fuca Electoral Area that are subject to the Juan de Fuca Development Fees and Procedures Bylaw No. 3885.

DEFINITIONS:

COMMUNITY PLANNING means the Juan de Fuca Community Planning Division of the Planning & Protective Services Department of the Capital Regional District;

CRD means the Capital Regional District;

JDF means the Juan de Fuca Electoral Area of the Capital Regional District;

LUC means the Juan de Fuca Land Use Committee of the Capital Regional District Board;

CANNABIS RETAIL means sale of non-medical cannabis that is authorized by a licence issued under the *Cannabis Control and Licencing Act*.

POLICY:

Applications:

An application shall be submitted to the Manager, Community Planning, prior to consideration of the notice from the Liquor and Cannabis Regulations Branch.

Applications shall contain the following at a minimum:

- i) Completed application form;
- ii) Corporate structure and name of principal of company;
- iii) Applicant's contact information;
- iv) Legal description of the property and civic address;
- v) Certificate of title for the property (current within 30 days of the application), including copies of any non-financial charges registered;
- vi) Applicable fee;
- vii) A copy of the completed Liquor and Cannabis Regulations Branch application;
- viii) Site plan of the property;
- ix) Building plans;
- x) Sign plan;
- xi) Parking plan;
- xii) Description of proposed business operation (hours of operation, marketing etc.);



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- xiii) A community impact statement that outlines the potential positive and negative impacts, and proposed mitigation measures;
- xiv) Identification of any sensitive use and other Cannabis Retail Licence uses within the specified separation distance from the subject property established in the Evaluation Criteria section of this policy.

Evaluation Criteria:

1. Unless expressly excluded, cannabis retail uses are considered a permitted retail sales use from a retail store or convenience store where permitted by bylaw.
2. Cannabis retail uses are not permitted on land zoned for residential purposes and are not a home-based business.
3. Parking requirements for cannabis retail uses will be considered as retail sales from a retail store or convenience store.
4. A commercial access permit issued by Ministry of Transportation & Infrastructure should be obtained prior to submission of an application to CRD.
5. The CRD may consider the following when providing a recommendation with respect to an application for a cannabis retail use or an amendment to an existing licence:
 - i) Official Community Plan policies and zoning compliance;
 - ii) Location and capacity of property to accommodate the proposed use;
 - iii) Proximity of the proposed use to existing cannabis retail uses;
 - iv) The number and market focus or clientele of liquor primary establishments in proximity to the proposed use;
 - v) Proximity of the proposed use to sensitive uses such as schools, parks, community centres, bus stops, civic buildings, daycares, which are in operation at the time the application is made. A separation distance of 300 metres should be provided between the subject property and any sensitive uses;
 - vi) Proximity to residences;
 - vii) Relevant socio-economic, population and density trends in surrounding community;
 - viii) Potential for nuisances arising from proposed business operation (hours of operation);
 - ix) Development permit guidelines;
 - x) Sign regulations;
 - xi) Traffic and parking;
 - xii) Referral responses and comments received through public notification;
 - xiii) Potential impact on the community if the application is approved.

Public Consultation:

1. Staff will notify property owners and residents within 500 metres of the subject property in writing of the application and solicit comments to be considered at a public meeting.
2. Notices will be mailed or otherwise delivered to owners and occupants of any parcel which is subject to the application and within a distance of 500 metres of all parcels that are subject to the

application at least 10 days prior to the meeting advising the public of the application and their opportunity to be heard and to provide comments. The notice will include information about the public meeting at which the proposed application will be considered.

3. Applications will be considered by the LUC. The LUC will provide a summary of the public comments received and propose a recommendation to the CRD Board, unless otherwise delegated.
4. Meetings are open to the public and advertised in the local newspaper and on the CRD website.
5. Where an application is associated with an Official Community Plan amendment or a zoning amendment, the procedure for considering that application shall be used to obtain public input on the cannabis retail application.

PROCEDURE:

Cannabis Retail License applications submitted to Community Planning shall be reviewed in accordance with the following procedure:

- i) Staff will conduct a preliminary analysis of the application taking into account any applications for building permits or development under Part 14 of the *Local Government Act*.
- ii) Staff will refer the application to CRD divisions for comment including, but not limited to, Building Inspection and Bylaw Enforcement.
- iii) Staff will conduct the public notification and provide a summary to the LUC.
- iv) Staff will prepare a report to the LUC outlining the application details, summary of the referral responses and any public comments received, planning analysis, and draft resolutions for consideration.
- v) The LUC will consider the public comments and provide a recommendation on the application to the CRD Board, unless otherwise delegated.
- vi) Unless otherwise delegated, the CRD Board will consider whether to make a recommendation and provide comment to the Liquor and Cannabis Regulations Branch regarding the application.
- vii) Staff will notify the Liquor and Cannabis Regulation Branch the outcome of the CRD's review of the application.

Approved By:	CRD Board
Date:	January 9, 2019