

Corporation of the Town of Hearst

<b>Cannabis Policy Statement</b>
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**1. Purpose and 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 the Town of Hearst.

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

The Town of Hearst has chosen, pursuant to Resolution No. 384-18, to allow retail sales of recreational cannabis. The following provides municipal staff with guidance on commenting to AGCO when notice of a proposed cannabis retail store within the municipality is provided.

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 AGCO will have a 15-day window for municipal comments respecting the proposed location of a retail cannabis store within the Municipality. Notice will be provided through the AGCO website and posted at the site of a proposed retail store.
- Municipal comments and comments from the public must focus on the three provincial public interest objectives:
  - a) public health and safety,
  - b) protecting youth and restricting their access to cannabis, and
  - c) ending illegal sales of cannabis and illicit activities in relation to cannabis.
- The Registrar has mandated a 150m setback from schools where no retail cannabis store will be permitted to be located.

**2.** In addition, this policy:

- a) Sets 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;
- b) Provides municipal staff a framework on which to base comments to the AGCO during the 15-day comment window;
- c) Assists individuals and businesses who are planning to make an application to the AGCO to operate a dispensary, understand the local context of where a cannabis retail store may be most appropriate, understanding however, that all licensing is the sole responsibility of the AGCO.

**3. Principles for Cannabis Retail Store Locations**

Relationship to other applicable law:

- Land Use Planning: The provincial licensing process does not remove the requirements to comply with the Town of Hearst Zoning By-law and other municipal planning documents. The definitions within the Town's Official Plan and Zoning By-law are applicable to all retail, including cannabis retail stores/dispensaries. 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 licensing of the store operations 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.

4. For the purpose of this policy statement, a cannabis retail store (or dispensary) shall mean a store licensed by the AGCO.

**a) 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 or other sensitive facilities that service persons with mental health or addiction challenges, including:

- 30 metres from the Notre-Dame Hospital and Notre-Dame Hospital Foundation properties,
- 30 metres from the Maison Renaissance property,
- 30 metres from the Université de Hearst property, (so long as Passeport jeunesse public school is a tenant in the building),
- 30 metres from the Public Library property,
- 30 metres from the Counselling Services offices,
- 30 metres from the North Eastern Ontario Family and Children Services offices,
- 30 metres from the family physicians offices,
- 30 metres from the Éducatôt Hub property
- 30 metres from Familicare Agency providers.

Note: 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 is 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.

**5. Comment Preparation & Submission**

- a) When preparing comments to be submitted to the AGCO, staff shall have regard for:
- i) Ensuring zoning allows a retail establishment as a permitted use;
  - ii) The separation distances listed in Section 4. a) of this Policy are respected; and
  - iii) The purpose of Section 1 is met.
- b) The Director of Planning, or designate, is delegated the responsibility to submit comments to the AGCO on behalf of the Town of Hearst. Regular updates are to be provided to Council regarding correspondence with the AGCO.

- **Schedule A** attached hereto generally identifies the areas where retail stores is a permitted use.
- **Schedule B** attached hereto identifies all schools, as identified by the Education Act, as well as the 150m buffer where a retail cannabis store may not be permitted by Provincial Regulation.
- **Schedule C** identifies other sensitive facilities that, based on a consultation with service providers, Council considers as sensitive land uses. The following criteria, prescribed by the Province, determine "public interest"; a 30 meter buffer is identified.
  - a) Protection of health and safety;
  - b) Protection of youth and restriction of their access to cannabis;
  - c) Prevention of illicit activities in relation to cannabis.