



Corporation of the City of Cambridge
Special Council Meeting
No. 02 - 18

Tuesday, January 15, 2019
Historic City Hall - 46 Dickson Street
5:30 p.m.

Closed Session at 4:30 p.m.

AGENDA

Meeting Called to Order

Disclosure of Interest

Consideration of Matters in Closed Session

Recommendation

THAT in accordance with Section s.239 (2) (b) of the Municipal Act, 2001, Council convene in Closed Session to consider the following subject matters:

1. Personal matters about an identifiable individual, including municipal or local board employees (succession planning).

Council to Rise from Closed Session

Recommendation

THAT Council reconvene in open session.

Presentations

Delegations

1. Stephanie Sobek-Swant, Executive Director, Charitable Research Reserve, re: item 1 – Bill 66: Restoring Ontario's Competitiveness Act, 2018
2. Bob Burt, Grand River Environmental Network, re: item 1 – Bill 66: Restoring Ontario's Competitiveness Act, 2018

Consideration of Reports

Community Development Department

1. Bill 66: Restoring Ontario's Competitiveness Act, 2018 PP. 3-24

Recommendation

THAT Cambridge Council receive Report No. 19-022(CD) Bill 66: Restoring Ontario's Competitiveness Act, 2018 for information;

AND THAT the Clerk be directed to forward Report No. 19-022(CD) to the Ministry of Municipal Affairs and Housing as the response from the City of Cambridge to the proposed amendments contained within Bill 66.

Corporate Enterprise

2. Recreational Retail Cannabis PP. 25-42

Recommendation

THAT Report 19-033(CRE) re: Recreation Retail Cannabis be received;

AND THAT Council permits the establishment of retail stores for recreational cannabis in the City of Cambridge (opt-in);

AND THAT Council adopts the Recreational Cannabis Retail Store Municipal Commenting Criteria outlined in Attachment 1 of Report 19-033(CRE);

AND FURTHER THAT commenting authority to the Alcohol and Gaming Commission of Ontario be delegated to the City Planner (or designate).

Confirmatory By-law

- 19-002 Being a by-law of the City of Cambridge to confirm the proceedings of the Council of the Corporation of the City of Cambridge at its special meeting held on the 15th day of January, 2019.

PASSED AND ENACTED this 15th day of January, 2019.

Close of Meeting



To:	COUNCIL	Meeting Date: 01/15/2019
Subject:	Bill 66: Restoring Ontario's Competitiveness Act, 2018	Report No: 19-022(CD)
From:	Hardy Bromberg, Deputy City Manager	File No: A16.04

RECOMMENDATIONS

THAT Cambridge Council receive Report No. 19-022(CD) Bill 66: Restoring Ontario's Competitiveness Act, 2018 for information;

AND THAT the Clerk be directed to forward Report No. 19-022(CD) to the Ministry of Municipal Affairs and Housing as the response from the City of Cambridge to the proposed amendments contained within Bill 66.

EXECUTIVE SUMMARY

Purpose

To inform Cambridge Council about the many legislative changes the Provincial Government is proposing through Bill 66, "Restoring Ontario's Competitiveness Act, 2018" and to provide comments to the Ministry of Municipal Affairs and Housing by the deadline of January 20, 2019.

Key Findings

- On December 6, 2018, the Provincial government announced over 30 actions to make it easier for businesses to create jobs and for people to find them. The package is part of the Ontario Open for Business Action Plan and includes actions intended to: help create a job-friendly flexible labour market; make it easier to locate or expand in Ontario; protect industrial lands; and reduce the regulatory burden so businesses can grow and create and protect good jobs in a wide variety of sectors (agriculture and food processing; auto sector; construction; electricity services; financial services; industrial and commercial facilities; long-term care homes; manufacturing; private career colleges; second-hand market; telecommunications and trucking) (see **Attachment 1**).
- Many of the proposed changes do not directly impact the City of Cambridge,

but proposed changes to the Planning Act could.

- Comments on the City's position on Bill 66 are attached (**Attachment 2**) for Cambridge City Council to forward to the Ministry of Municipal Affairs and Housing.
- As proposed, Councils will have the ability to decide whether to pass an open-for-business planning by-law to facilitate new employment development.

Financial Implications

- N/A

BACKGROUND

ANALYSIS

Strategic Alignment:

PROSPERITY: To support and encourage the growth of a highly competitive local economy where there is opportunity for everyone to contribute and succeed.

Goal #6 - Economic Development and Tourism

Objective 6.1 Support the creation and retention of high quality and diverse employment opportunities by becoming the destination of choice for business and entrepreneurship, including helping existing firms thrive and grow.

The proposed legislative changes which aim to remove barriers to economic competitiveness and development support this aspect of the City of Cambridge strategic plan.

Comments

City staff has reviewed the proposed changes with respect to the impact on and opportunities created for the City of Cambridge. Comments which Cambridge Council may wish to pass on to the Provincial Government are provided in **Attachment 2** to this report.

Planning Act

The most significant impact to the municipality from the proposed Bill 66 amendments are in relation to the Planning Act. The Bill proposes to allow municipalities to pass an open-for-business planning by-law under the Planning Act, intended to expedite planning requirements for new businesses wanting to locate or expand.

Staff support the proposition that municipalities work cooperatively with businesses wanting to establish or grow in this community. However, as proposed, the legislation would create a process that would bypass requirements for public consultation and conformity with many pieces of provincial legislation and plans that would normally apply to a zoning by-law. Staff have preliminary concerns about this impact. The Provincial regulations to provide greater detail on implementation of this new tool are yet to be provided, so a fulsome review cannot be provided at this time.

Regional staff have recommended that Regional Council not support the proposed amendments to the Planning Act as set out in Bill 66 and have provided comments through their report to Regional Planning and Works Committee Jan 8, 2019. The Cambridge Environmental Advisory Committee has also expressed concerns with the Bill which are included in **Attachment 4**.

Child Care and Early Years Act, 2014

The change proposed by Bill 66 would allow children who are four years old to take part for up to three hours in authorized recreation programs before and after school.

The City does not fund the Before and After School Programs, therefore there is no direct impact on the City through this amendment. However, such programs are operated by the City's Neighbourhood Associations, who offer this program through funding directly from the Ministry of Tourism, Culture and Sport.

Should the Neighbourhood Associations require additional funds to operate a Ministry-funded program, they will ask the Ministry for additional funds. At this point in time, City staff does not anticipate the Neighbourhood Associations requesting additional funds from the City of Cambridge due to the proposed new ages for 4 and 5 years children participating in the Before and After School programs.

However, it is not fully clear at this time whether the neighbourhood associations will make future requests for funding from the City based upon this proposed legislative change.

Assessment Act

The Province's backgrounder at **Attachment 1** references a proposed amendment to the Assessment Act, whereby the government will confirm with the Municipal Property Assessment Corporation (MPAC) that industrial properties will be assessed based on current permitted uses, not speculative uses. This may have an impact as to the amount of taxes collected on these properties.

However, the proposed change indicated in the backgrounder from the Province is not reflected in Bill 66 which received first reading on December 6, 2018.

Employment Standards Act, 2000, Labour Relations Act, 1995 and WHMIS Regulation

Human Resources Division advises the proposed change does not directly impact operations of the City.

Highway Traffic Act

Asset Management Division advises the proposed change does not directly impact operations of the City.

Environmental Activity and System Registry

Public Works and Engineering Services Divisions advise the proposed change does not directly impact the operations of the City.

Pawnbrokers Act

Clerk's Division advises the proposed repeal does not directly impact the operations of the City.

Existing Policy/By-Law:

Planning Act

Cambridge Official Plan (2012)

Provides Council's direction on how and where the City should grow and develop, in conformity with the Region's Official Plan and Provincial policies and legislation.

Cambridge Zoning By-law 150-85 (as amended)

Sets detailed rules about permitted use of lands, building and structures and regulating how building and structures are laid out, including parking and loading facilities.

The planning instruments are guided by and must conform with the Region of Waterloo Official Plan, the Growth Plan and the Source Water Protection Act. In addition the City's planning instruments and all approvals must currently be consistent with the Provincial Policy Statement, 2014.

This guidance is removed and allows for employment application to be approved without regard to any of these planning instruments.

Financial Impact:

There is no known direct financial impact to the City of Cambridge at this time.

Public Input:

Comments received from the public by the City of Cambridge on the Provincial Government's Bill 66 are included in **Attachment 3**. Public comments on the proposed legislative changes are being received by the Province until January 20, 2019 through the online Environmental Registry of Ontario (<https://ero.ontario.ca/notice/013-4293>).

Internal/External Consultation:

City staff from across all Departments have been consulted in providing information relative to the proposed Bill 66 legislative changes.

CONCLUSION

The Province has provided an opportunity for comment on a wide range of legislative changes proposed through Bill 66. Changes of most impact to the City of Cambridge are those to the Planning Act and the Child Care and Early Years Act, 2014. Comments are provided by staff for Cambridge Council's consideration to pass on to the Province before the changes are finalized.

As written, staff questions whether there will be much municipal interest in passing open-for-business planning by-laws. The attached analysis of the proposed changes to the Planning Act and possible regulations provide considerations about the pros and cons and recommendations for refinements to make the changes more likely to be implemented.

SIGNATURE

Prepared by:

Handwritten signature of Hardy Bromberg in black ink.

Name: Hardy Bromberg

Title: Deputy City Manager – Community Development

City Manager Approval:

A handwritten signature in black ink, appearing to read "Gary Dyke". The signature is fluid and cursive, with a large initial "G" and "D".

Name: Gary Dyke
Title: City Manager

ATTACHMENTS

- 1: Bill 66 Backgrounder from Ministry of Economic Development, Job Creation and Trade
- 2: Planning Act changes and Cambridge Comments
- 3: Public Comments Received
- 4: Cambridge Environmental Advisory Committee Comments



NEWS

Ministry of Economic Development, Job Creation and Trade

Proposed Changes to Create Jobs and Reduce Regulatory Burden in Specific Sectors

December 6, 2018 1:26 P.M.

Today, Todd Smith, Minister of Economic Development, Job Creation and Trade and the lead minister on reducing red tape and regulatory burden, announced over 30 actions to make it easier for businesses to create jobs — and for people to find them. If passed, the *Restoring Ontario's Competitiveness Act, 2018* will, along with regulatory changes, eliminate red tape and burdensome regulations so businesses can grow, create and protect good jobs.

The package, part of the Ontario Open for Business Action Plan, includes actions that would give businesses more flexibility to create jobs right here at home. It would also take major steps to make it easier for businesses to locate or expand in Ontario, and to protect industrial lands. As well, it reduces regulatory burden in specific sectors.

The package would:

Help create a job-friendly flexible labour market

Ministry of Education

Remove restrictions on home-based child care providers, including allowing additional children, to make it easier for parents to find affordable child care

These proposed changes under the *Child Care and Early Years Act, 2014* would remove some restrictions on home-based child care providers, which would increase flexibility in the number and ages of children they can care for. These changes would also make life easier for parents and families by making affordable child care more available. This would make it easier for parents to re-enter the job market, and for employers to find the workers they need.

Ministry of Education

Lower the age of children that authorized recreation programs can serve from six to four

This change under the *Child Care and Early Years Act, 2014* would allow children who are four years old to take part for up to three hours in authorized recreation programs before and after

school. This change would increase access to programming, making life easier for parents — including making it easier to re-enter the workplace. It would also maintain high standards and align rules with camps and kindergarten.

Ministry of Finance

Stop requiring a new regulation whenever businesses and non-profits merge single-employer pension plans into jointly sponsored pension plans (JSPPs)

The proposed change under the *Pension Benefits Act* would allow private-sector employers to more easily merge their single-employer pension plans with jointly sponsored pension plans. Eliminating the requirement to get government approval would make it easier for employers to reduce pension-plan risk by pooling their plans with other employers.

Ministry of Labour

Amend the *Employment Standards Act, 2000* (ESA) to reduce regulatory burden on businesses, including no longer requiring them to obtain approval from the Director of Employment Standards for excess hours of work and overtime averaging

These proposed changes would eliminate the requirement for employers to apply for Ministry of Labour approval for excess weekly hours of work and overtime averaging. It would retain these requirements for employee-written agreements. These changes would set four weeks as the maximum time that an employer could average an employee's hours of work for the purposes of determining overtime pay. This would make companies more competitive by giving them more flexibility to manage shifts.

Ministry of Labour

Stop requiring employers to post the ESA poster in the workplace, but retain the requirement that they provide the poster to employees

Employers are already required to give each employee a copy of the most recent version of the ESA poster, in addition to posting it in the workplace. The proposed change eliminates the duplication for employers of having to do both.

Make it easier to locate or expand in Ontario

Ministry of Municipal Affairs and Housing

Introduce a new economic development tool and remove planning barriers to expedite major business investments and speed up approvals so they would be completed within one year

These proposals to streamline provincial development approvals under the *Planning Act* would

cut red tape and shorten the time it takes to build projects that create jobs. Municipalities would have the option to use the streamlined process so they could act quickly to attract major employers. The aim is to have all provincial approvals in place within one year so qualifying businesses can begin construction.

Protect industrial lands

Ministry of Finance

The government will confirm with the Municipal Property Assessment Corporation (MPAC) that industrial properties will be assessed based on current permitted uses, not speculative uses

MPAC administers property assessment and appeals of assessment. The proposed measure under the *Assessment Act* would provide greater certainty for Ontario's business community, and would confirm that the methodology MPAC uses to assess business properties is based on permitted land uses only, not on speculative uses. This would protect businesses on employment lands where land values have jumped because of new residential developments nearby from steep property tax increases.

The package introduced today would also reduce regulatory burden so businesses could grow and create and protect good jobs in a wide variety of sectors:

Agriculture and food processing

Ministry of Agriculture, Food and Rural Affairs

Remove outdated and time-consuming reporting requirements under the *Ministry of Agriculture, Food and Rural Affairs Act*, including ones required for loan guarantee programs

Currently, the Cabinet and Lieutenant Governor must approve any changes to loan guarantee programs. This delays changes needed to meet industry needs. The proposed changes would provide the Minister of Agriculture, Food and Rural Affairs with the authority to establish or make changes to loan guarantee programs not affecting the amount or form of the guarantee through a Minister's Order. The Lieutenant Governor would retain the authority over the amount and form of the guarantee.

Ministry of Agriculture, Food and Rural Affairs

Eliminate costly and prescriptive standards under the *Milk Act*, and adopt an outcomes-based approach in the regulations

Current standards are outdated and costly. The proposed amendments would adopt a more

outcomes-based approach. This would help reduce regulatory burden for existing, new and expanding dairy processors, as well as for small food service and retail operations.

Ministry of Agriculture, Food and Rural Affairs

Proposed changes under the *Food Safety and Quality Act* will reduce paperwork and fees and encourage additional business opportunities for provincially licensed meat processors

Current standards are outdated and costly. The proposed amendments would adopt a more outcomes-based approach while protecting our high food safety standards and maintaining a rigorous inspection system. This would help reduce regulatory burden for existing, new and expanding provincially licensed meat plants, such as small abattoirs, allowing them to focus on food safety and economic growth.

Ministry of Agriculture, Food and Rural Affairs

Amend the *Agricultural Employees Protection Act (AEPA)* to cover ornamental horticultural workers

These proposed changes would establish more equity, consistency and clarity among agricultural workers. They would bring ornamental horticultural farmers and their employees under the AEPA, ensuring the same protection as agricultural workers in other sectors. Currently, most of this small subset of workers is part of an exemption clause under the *Labour Relations Act, 1995*— leaving them without legal protection. The proposed amendment would clarify which workers the AEPA covers.

Ministry of Agriculture, Food and Rural Affairs

Streamline the regulation under the *Nutrient Management Act* to remove the requirement to update the strategy every five years, if nothing has changed; increase flexibility to deal with nutrients from farm-like animals that are kept on facilities other than farms, such as game farms

This would reduce costs for these operations and treat similar materials in a similar fashion.

Ministry of Agriculture, Food and Rural Affairs

Proclaim into force the repeal of the *Livestock Medicines Act* and substitute minimalist regulations under the *Animal Health Act*

The Livestock Medicines Act contains outdated and duplicative requirements, and legislation was passed to repeal it in 2009. The government now proposes to bring the repeal into force, while maintaining key provisions around animal health in a new regulation under the *Animal Health Act*.

Ministry of Agriculture, Food and Rural Affairs

Enable amendments under the *Farm Registration and Farm Organizations Funding Act* to simplify delivery of programs and enhance responsiveness

Existing processes require a regulation to amend payment amounts. This creates delays and prohibits accredited farm organizations from responding to funding needs.

Auto sector

Ministry of Labour

For regulations affecting assembly lines, add a new, targeted exemption from guardrail requirements for a conveyor and raised platform or a similar system

The Industrial Establishments regulation under the *Occupational Health and Safety Act* has recently been amended to add a new, targeted exemption from guardrail requirements for vehicle conveyors and similar systems, and associated raised platforms used with vehicle conveyors or similar systems. The amendment also specifies that other measures and procedures must be developed and implemented to protect workers from the hazard of falling where this new or other existing guardrail exemptions apply. This change reduces regulatory burden for vehicle and vehicle part manufacturers by more closely aligning with regulations in U.S. jurisdictions.

Ministry of Transportation

Expand testing of connected and autonomous vehicles in Ontario

Expanding the autonomous vehicle (AV) pilot through changes to the *Highway Traffic Act* would open the door to new CV/AV testing (connected vehicles/autonomous vehicles) and R&D opportunities in Ontario for local business interests and international sector investments. This would help the CV/AV sector reduce barriers to immediate and long-term economic gains in and for Ontario.

Ministry of Transportation

Allow electric motorcycles on controlled highways

Through changes to the *Highway Traffic Act*, electric motorcycles would be allowed on major highways, because of advancements in technology and in response to requests from the motorcycle industry. This would mean more options for customers and provide an economic boost to the industry.

Ministry of Transportation

Make requirements more flexible about when motors on e-bicycles must disengage

This change under the *Highway Traffic Act* would reduce the regulatory burden and respond to requests from industry stakeholders.

Construction

Ministry of the Environment, Conservation and Parks

Consult on new Environmental Activity and Sector Registries (EASRs) for permits to take water, and for storm and sanitary sewers

Ontario proposes to expand the Environmental Activity and System Registry regulation for low-risk water takings — such as ones in which water is removed for a short time only and then returned to a nearby point, with no significant change to water quantity or quality. Moving these activities to a permit-by-rule system would allow businesses to begin operations faster. It would at the same time continue to ensure that water takings in Ontario are managed in accordance with our strict environmental standards, and in keeping with the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.

Ministry of Labour

Amend the *Labour Relations Act, 1995* to explicitly deem public bodies, including municipalities, school boards, hospitals, colleges and universities, as "non-construction employers"

Certain broader public-sector entities have become bound to collective agreements for the construction industry, even though they are not actually in the construction business. This proposal would explicitly deem municipalities, school boards, hospitals, colleges, universities and other public bodies to be "non-construction employers" under the *Labour Relations Act, 1995*. If the proposed amendments are passed, this is expected to increase competitiveness for broader public-sector construction projects.

Electricity services

Ministry of Energy, Northern Development and Mines

Repeal the authority of the Ontario Energy Board (OEB) to set rates for Unit Sub Metering Providers (USMPs)

Some people live in an apartment or condo unit that has its own electricity meter, and pay a USMP based on their individual hydro usage. The OEB currently has the authority under the *Ontario Energy Board Act* to regulate the energy rates these USMPs charge their

customers. Repealing this authority would reduce the regulatory burden on USMPs and save them an estimated \$1.3 million per year. It would also reduce a barrier to investment by giving investors greater confidence in the competitiveness of this market.

Financial services

Ministry of Finance

Amend regulations so credit unions are no longer restricted from participating in bank-led loan syndications

In a loan syndication, each member of a group of lenders funds a varying portion of a loan to a single borrower. The proposed change to regulations under the *Credit Unions and Caisses Populaires Act, 1994* would allow credit unions in Ontario to enter into syndicated loan agreements led by banks and federally regulated credit unions. This would help them to better manage risk and compete, while expanding access to financing for their small-business customers.

Industrial and commercial facilities

Ministry of Government and Consumer Services

Simplify and update rules for operating engineers

Amendments to the *Technical Standards and Safety Act, 2000* would give the government the authority to approve updated and more efficient rules for businesses. This would reduce regulatory burden without compromising public safety. Simplified and updated rules for operating engineers who operate boiler and pressure vessel plants would become effective after further consultation with stakeholders. These proposed changes would cut business costs by up to \$5 million annually and allow companies to adopt newer technologies.

Long-term care homes

Ministry of Health and Long-Term Care

Modernize and streamline administrative requirements for the operators of long-term care (LTC) homes

Proposed amendments to the *Long-Term Care Homes Act, 2007* would make it easier for businesses in the LTC sector to operate by reducing red tape and administrative burdens. These changes would affect the persons to whom LTC licensees would be required to give notice when they withhold approval of admission, as well as public consultations on licensing

transactions, temporary emergency licences and short-term authorizations. The amendments would reduce the cost in time and money to licensees for public consultations, and would modernize the licensing process to provide greater flexibility.

Manufacturing

Ministry of Government and Consumer Services

Eliminated regulatory and licensing requirements for upholstered and stuffed articles

Removing all Ontario-specific licensing and regulatory requirements for upholstered and stuffed articles will reduce a long-standing burden on business, save businesses \$4 million annually and eliminate trade barriers. These items will continue to be subject to the federal government's health and safety, and labelling requirements — as is the case in other provinces.

Ministry of the Environment, Conservation and Parks

Repeal the Toxics Reduction Act by 2021, remove the toxics reduction plan in 2019 and rely on the robust and science-based Federal Chemicals Management Plan, as other provinces do

Under Ontario's *Toxics Reduction Act, 2009*, regulated facilities need to report publicly on their use of certain toxic substances, and are required to identify options to reduce them through toxic reduction plans every five years. The federal government's Chemicals Management Plan also requires facilities to take action on toxic substances, which can include identifying options to reduce their use. By 2021, all substances regulated by Ontario will be covered by the federal program.

To avoid unnecessary duplication, Ontario proposes to no longer require facilities to create or review their toxics reduction plans as the federal government finalizes its approach to these substances. The Ontario government also proposes to repeal the *Toxics Reduction Act* in 2021 and defer to the federal government's Chemicals Management Plan for action on toxic substances.

Ministry of the Environment, Conservation and Parks

Revoke nine regulations related to the Municipal Industrial Strategy for Abatement (MISA) and insert these requirements into Environmental Compliance Approvals (ECAs)

In Ontario, 113 facilities are currently subject to nine sector-specific industrial wastewater regulations, as well as site-specific ECAs. To reduce regulatory burden for facilities while maintaining oversight over release of industrial wastewater, the government would transfer applicable requirements from the nine regulations into the ECAs for these facilities, and then

revoke the nine regulations. These changes would allow businesses to have greater operational flexibility, such as the ability to implement changes to their production processes, so they could focus on being more innovative and competitive.

Ministry of Labour

Amend Workplace Hazardous Materials Information System (WHMIS) regulation under the Occupational Health and Safety Act to allow updated labels to be placed on existing chemical containers

The proposed change would amend WHMIS regulation to allow updated labels to be placed on existing chemical containers. Without this change, existing chemicals would need to be disposed of, and new chemicals would need to be purchased. The change would save Ontario universities an estimated \$60.2 million to \$107.9 million.

Private career colleges

Ministry of Training, Colleges and Universities

Amend the *Private Career Colleges Act, 2005* to reduce administrative burdens

These proposed changes would create registration requirements that make sense, align tuition fee collection with the federal government and reduce unnecessary regulatory notices. They would also maintain important information for students, and introduce modern and easy-to-use online services. Private career colleges would see annual savings of \$460,000 in their business costs, including less paperwork. This would permit them to invest in the quality programs, instructors and infrastructure to support a vocational training sector that provides the skilled workforce that employers need.

Second-hand market

Ministry of the Attorney General

Repeal the *Pawnbrokers Act*

Would repeal an outdated Act that duplicates municipalities' existing bylaw-making and licensing authority. This change would remove a layer of red tape and make pawnbroker businesses subject to local bylaws, just like any other business.

Telecommunications

Ministry of Government and Consumer Services

Repeal the *Wireless Services Agreements Act, 2013* and harmonize with the federal government's national wireless code

Repealing this Act would eliminate unnecessary duplication with federal law, making it easier and faster for consumers and businesses to understand their rights and obligations.

Trucking

Ministry of Transportation

Allow electronic documentation for International Registration Plans (IRPs)

These proposed changes to the *Highway Traffic Act* would allow commercial truck drivers the option of an electronic cab card, making it easier to confirm driver credentials and reduce paperwork. As well as reducing red tape, this change would allow truck drivers and IRP jurisdictions increased flexibility in issuing and presenting a cab card.

Summary of Proposed Changes:

“Open-for-Business Planning By-laws” would be a new tool under the zoning by-law section (34) that would allow an “elimination and override” of certain rules in the Planning Act, other provincial laws including the Provincial Policy Statement, the Growth Plan and Source Water Protection along with other Provincial rules and the Regional and City Official Plans and land use policies that would normally apply to a zoning by-law.

Pros

- This is a powerful economic development tool that the Province is proposing to allow municipalities, subject to provincial approval, to use to expedite approvals for businesses seeking to develop property for an employment use.
- It is intended to provide a streamlined, faster process in municipal decision-making about where to allow businesses to locate.

Cons

- No public consultation/notice is required before an open-for-business planning by-law is passed by a local Council.
- There will be no requirement to consider environmental protection provided through consistency with the Provincial Policy Statement (e.g. significant wetlands protection) and conformity with Provincial plans like the Growth Plan and Source Water Protection Plan could be compromised.
- Uneven uptake by municipalities of the tool will cause pressure on municipalities who initially opt out to use it or lose out on economic opportunities.
- Municipalities which decide not to use the tool due to environmental protection concerns may still be negatively impacted by those who do decide to use it, due to cross-boundary environmental impacts caused by overriding environmental protection policy and laws.
- Municipality would have to have a private business proposal submitted before passing an open-for-business planning by-law to the Province for approval (reactive approach).
- The land use planning framework (compatibility, heritage conservation, agricultural protection, municipal servicing) already in place will be overridden.

Comments

Planning Act and draft regulations

- Prescribed purpose - should only be able to be used for “pure” employment uses (e.g. manufacturing/research and development/institutional) – no residential, commercial and/or retail component should be permitted – the concern here is with residential, commercial and/or retail being permitted as a secondary use or if the manufacturing/research and development business fails, the non-employment uses remain, without the benefit of the employment use. The City’s Boxwood Subdivision has had good uptake but it has about 50% of the original lots still available which are serviced and zoned.
- The Region of Waterloo’s role in providing a regional lens for water and sewer capacity and transportation services (among others) for new development, is inappropriately eliminated and bypassed.
- The city has a large amount of employment lands and new businesses should be encouraged to locate here where services are available and compatibility and other planning matters have been addressed already.
- City staff strives to expedite the turn-around time on development applications in Cambridge already.

Other Recommendations

- Consider allowing municipalities to pass open-for-business planning by-laws for a larger specified geographic area, rather than an individual lot – the area would be decided upon with public notice and consultation.
- Conditional zoning is a planning tool which municipalities have been requesting since the changes to the Planning Act in 2006, but which has not been implemented because the required regulations have not been passed. Use of conditional zoning would allow municipalities to approve zoning by-laws more quickly, with detailed requirements set out in conditions and eliminate the need for holding provisions which have to be removed later by Council passing a by-law. Use of the Community Planning Permit System (formerly known as the Development Permit System) which the City has not enacted would already allow for more streamlined and faster approvals without by-passing Provincial, Regional and City policies.
- In a two-tier system like the Region of Waterloo, delegated authority to the local municipality to approve local official plan amendments, plans of subdivision and condominium would be a tool for expediting development approvals, however this authority is still under review by the Region.

- Municipalities like the City of Cambridge process site plan and building permit applications concurrently which speeds up the approval process. This streamlined approach could be used by other municipalities across the province.
- Provincial ministries should provide responses to municipal inquiries and development application circulations in a timelier manner, which could expedite approvals.
- It would be useful for municipalities to be able to pick and choose which Provincial legislation and policy to require compliance with (for example, in Waterloo Region, source water protection is a critical requirement in this City and Region which should not be bypassed for any business proposal).
- Specific timeframes for the Minister of Municipal Affairs and Housing to approve Council's passing of an open-for-business by-law along with the prescribed information, should be provided.
- If a previous planning decision by a local Council has resulted in a refusal of a business' development proposal, an open-for-business planning by-law should not be a new option for the business to pursue.
- If there is an area that is under appeal, with no clear policy framework, an open-for-business planning by-law should not be able to be used as a way to circumvent the planning and related appeal process.
- Established local planning frameworks should not be allowed to be overridden – time, effort, money and public input have been used to establish these. Also, consistency of implementation within a region like the Regional Municipality of Waterloo should be required.

From: connect@holdthelinewr.org

Sent: December 12, 2018 4:45 PM

To: ReidD@cambridge.ca

Reply-to: Subject: Reject Bill 66, stand up for Waterloo Region

Dear Councillor Reid,

The Province of Ontario's proposed Bill 66 allows for provincial intervention to remove or weaken protections on safe drinking water, agricultural lands, and democratic consultation.

In 1989, toxic chemicals were found in the groundwater underneath the Uniroyal Chemical site in Elmira. Experts say it will be decades before Elmira's water is safe to drink again. Bill 66 would allow the Province to override the Region of Waterloo's Official Plan policies that were established to prevent similar toxic destruction of our drinking water. Limiting sprawl is of particular importance in Waterloo Region, where 75% of drinking water comes from aquifers located just beyond the Countryside Line.

Today, more than half of the Region's growth comes from building in existing urban areas. This investment in our urban centres means we can keep growing while preserving the rural communities and farms that make Waterloo Region unique.

Planning exemptions granted under Bill 66 would not require notification or consultation with residents. These proposed changes fly in the face of good governance.

I reject Bill 66's implicit suggestion that to grow the economy and add jobs we must accept environmental degradation, pave over farms, and risk the health of our families.

I request that the Councils of the Region of Waterloo and area municipalities pass by-laws that reaffirm their commitment to smart growth and meaningful public consultations, and that they reject the use of the "open-for-business planning by-law" proposed by Bill 66.

To: City of Cambridge Council

Date: January 1, 2019

From: Cambridge Environmental Advisory Committee

Re: Bill 66, Restoring Ontario's Competitiveness Act, 2018

This letter was prepared by the Cambridge Environmental Advisory Committee in response to the concern over the proposal of Bill 66, Restoring Ontario's Competitiveness Act, 2018 and the negative environmental impacts that will result if Bill 66 is passed.

Municipal governments recognize the importance of the natural environment, clean water and clean air, not only for human health but for the ecosystem services they provide to our community. Municipalities play an important role in environmental conservation, particularly through the development of municipal official plans and by-laws that can protect the physical environment and wildlife within their jurisdiction.

The stated purpose of the Bill is to "stimulate business investment, create jobs, and make Ontario more competitive by cutting unnecessary regulations that are inefficient, inflexible or out of date". The proposed changes would permit a municipality to pass an "open-for-business by-law" for a "streamlined" process, removing the requirements for public consultation and not requiring consistency with municipal official plans, the Planning Act or provincial plans.

The revisions proposed in Bill 66 would greatly weaken and even remove our current protections on water, wildlife, agricultural lands and greenspace, where in many instances the Region of Waterloo has been a leader with strong official plan policies that make this Region desirable to live in. The proposed changes would weaken the critical protections that were put in place after the Walkerton tragedy, where contaminated drinking water killed seven people and thousands more became ill. For over a decade, Cambridge is still dealing with the negative effects where Trichloroethylene (TCE) was found to have contaminated the groundwater, which has come at a great expense to our community and the taxpayers. We should not risk any further threats to our drinking water sources by relaxing the current common sense rules for big businesses and development.

The passing of Bill 66 would undermine a municipality's ability to protect the environment which ultimately impacts the health of the people who live in our community. Now is not the time to turn a blind eye in the face of climate change, creation of "heat islands" and flooding. Our environment should be conserved based on a precautionary approach while using the best available science, information and traditional ecological knowledge in our decision making processes. It is also not the time

to ignore the lessons where we gained much knowledge so as not to repeat these mistakes.

The Cambridge Environmental Advisory Committee urges Cambridge Council to not support Bill 66, but to continue adopting strategies, policies and by-laws that make strong commitments to the environment and the protection of the water, wildlife, greenspaces and rural agricultural communities that make Waterloo Region unique. Environmental protection is vital to the health of our community and not only offers a healthy place to live, but also encourages physical activity and improves mental wellbeing. Without the oversight of official plan and provincial policies in the development process, the environment and the health of the residents of our community could face severe impacts and increase losses of natural resources with economic value.



To:	COUNCIL	Meeting Date: 01/15/2019
Subject:	Recreational Retail Cannabis	Report No: 19-033(CRE)
From:	Brooke Lambert, Director of Corporate Strategy Kelly G.Yerxa, City Solicitor	File No: N/A

RECOMMENDATION(S)

THAT Council receives report 19-033(CRE);

AND THAT Council permits the establishment of retail stores for recreational cannabis in the City of Cambridge (opt-in);

AND FURTHER THAT Council adopts the Recreational Cannabis Retail Store Municipal Commenting Criteria outlined in Attachment 1 of report 19-033(CRE);

AND FURTHER THAT commenting authority to the Alcohol and Gaming Commission of Ontario be delegated to the City Planner (or designate).

EXECUTIVE SUMMARY

Purpose

On October 17, 2018 the Federal government made consumption of cannabis for recreational purposes legal in Canada.

The Province has created a framework that allows private retail cannabis shops beginning in April 2019. This Provincial legislation requires municipalities to consider whether they would like to opt-in (permit) or opt-out (prohibit) of allowing “brick and mortar” retail stores in their municipality. Councils have until January 22, 2019 to opt-out of having cannabis retail stores. If Council does not respond to the Province on this matter, the municipality will be deemed to have opted-in.

Key Findings

- Municipalities must provide a written decision to the Provincial Government by January 22, 2018 whether to permit the operation of retail cannabis establishments.
- Staff have engaged public health, safety and municipal partners to understand their position with respect to cannabis retail stores. Based on these consultations it is recommended that the City of Cambridge allow retail recreational cannabis stores within the municipality (do not “opt-out”).

Potential benefits of this approach are summarized as follows:

- **Product Safety:** Federally controlled and inspected cannabis (increased quality assurance)
- **Economic Development:** Local access for consumers (reducing travel to outside of the municipality to shop at a physical store location) and new revenue through property tax associated with any retail stores(s) in Cambridge
- **Harm/Crime Reduction:** Less opportunity for illegal market and tainted supply
- **Provincial Funding:** More financial support for host municipalities
- **Job Creation:** More jobs for local employment base (building renovators, realtors and retail workers)
- **Enforcement:** Municipalities that opt-in will benefit from enforcement by the AGCO inspectors and the OPP as required

Financial Implications

- There is provincial funding to municipalities who ‘opt-in’ and allow the sale of retail cannabis; the amount for the City of Cambridge should it decide to ‘opt-in’ is done over two installments approximately \$64,000 each, which can be used for and set aside for cannabis enforcement purposes.
- Should a Council opt-out initially, and opt-in later, its share of the second funding installment will be limited to \$5,000.
- If Ontario’s portion of the excise duty exceeds \$100 Million in the first two years, Ontario will share the surplus 50/50 with municipalities that opt-in. It is this potential funding that constitutes a significant opportunity for municipalities. This meaningful and potentially sustainable revenue source would not be available to municipalities who opt-out or opt-in after the January 22 deadline.
- Further, the monies identified are the minimum funding currently committed by the Province. It is expected that revenue sharing potential may increase as the

retail stores become established and edibles are legalized for sale over the next several years.

BACKGROUND

Introduction

On October 17, 2018 the Federal government made the consumption of cannabis for recreational purposes legal across Canada.

The Provinces and Territories are responsible for determining how cannabis will be sold and where cannabis can be consumed. On these matters, the Province has passed legislation that sets out the following:

- As of October 17, 2018 recreational cannabis is being sold online only, through the Ontario Cannabis Store (OCS). The Province has also determined that private retail stores will be permitted to open on April 1, 2019 in those municipalities which opt-in to allowing private cannabis retailing in the municipality.
- On December 13, 2018 the Province announced a “phased approach” to issuing retail store licenses across Ontario. The initial phase will include 25 licenses so that operators may open by April 1, 2019. The Alcohol and Gaming Commission on Ontario (AGCO) will implement a lottery system to determine who is eligible for the initial licenses. Expressions of interest for these licenses were due January 7 – January 9, 2019. The draw for these licenses will be held on January 11, 2019 and will be overseen by a third party fairness monitor known as KPMG. Results to be posted on the AGCO website.
- Amongst the 25 retail license authorizations, the Province has further restricted the number of stores with the allocation rules resulting in a maximum of seven (7) retail store authorizations for the “West Region”, which includes Waterloo Region.
- Updates have been made to the *Smoke Free Ontario Act 2017* (SFOA), including locations where cannabis can and cannot be consumed. Recreational cannabis can be consumed anywhere that tobacco can be consumed. Public areas such as parks (but not playgrounds), beaches,

sidewalks and other public areas where the *Smoke-Free Ontario Act, 2017*, leases, or by-laws do not specifically ban the consumption of tobacco and/or cannabis, are now legal areas to consume.

- The rules with regard to medical cannabis have not changed and employers are still required to provide accommodation on a case by case basis.

The Province has also committed to share the cannabis excise tax with municipalities, and has guaranteed to distribute \$40 Million over 2 years to municipalities.

Municipal Decision Making

As it relates to recreational cannabis retail stores, Council has 3 options:

1. Opt-out: Retail cannabis stores will not be located within the City. Residents will be able to purchase cannabis online, or at a store in a nearby municipality.
2. Opt-out, but without prejudice to a Council decision to subsequently “opt-in”: This may involve Council temporarily or conditionally “opting-out”, and potentially examining the matter at a later date.
3. Opt-in: Allows retail cannabis store(s) to be located within the City.

Role of the Alcohol & Gaming Commission of Ontario

The Province has authorized the Alcohol & Gaming Commission of Ontario (AGCO) to license and regulate cannabis retail stores. The AGCO has the following licensing functions within municipalities that have not “opted-out” of retail stores:

- The AGCO will be responsible for licensing cannabis *retail operators* within municipalities. Licensing will be subject to criminal and financial eligibility checks.
- The first phase of licenses will total 25 across the Province, 7 of which will be within our determined region and will be awarded via a lottery system. It is unclear what number of licenses future phases will include.
- Once a specific cannabis retail site within a municipality has been proposed, the AGCO will be responsible for determining and granting a *retail store authorization*.

- The AGCO will license cannabis store retail managers employed in senior positions at retail locations.
- The AGCO will also be responsible for enforcement in municipalities where licenses stores are located.

The AGCO will be required to provide municipalities and the public with a 15-day notification period of a proposed cannabis retail site for a *retail store authorization* to receive public input and to hear concerns from the local community. The AGCO must “consider” the comments received in the 15-day notification period, and has identified the following 3 elements as being relevant to their *retail store authorization* review (as per Ontario Regulation 468/18):

- Public health or safety;
- Protecting youth; or,
- Eliminating the illegal market.

Should Council opt-in, staff believes the 15 day AGCO notification period will require commenting authority to be delegated to staff. In doing so, staff is also recommending that Council adopt a policy with which guide these comments (see Cannabis Policy Statement for more information).

Provincial Funding

The Province has set aside \$40 Million to assist municipalities with the legalization of cannabis. It will be dispersed as follows:

1. \$15 Million will be provided in early January, on a per household basis. Cambridge will receive \$64,175. This is not dependent on retail store decision.
2. \$15 Million will be provided after January 22, 2019, on a per household basis to municipalities that opt-in. Municipalities that opt-out will receive \$5,000
3. \$10 Million will be held for “unforeseen circumstances”. It is expected that municipalities that opt in will receive this funding, on an “as needed” basis.

Should a Council opt-out initially, and opt-in later, its share of the second tranche above will continue to be \$5,000.

Finally, if Ontario's portion of the excise duty exceeds \$100 Million in the first two years, Ontario will share the surplus 50/50 with municipalities that opt-in. It is the potential for this funding that constitutes the significant opportunity for financial resources related to cannabis. This meaningful and potentially sustainable revenue source would be forgone for municipalities choose to opt-out.

Recommendations

Based on the review that City staff has conducted in consultation with the other local area municipalities and key stakeholders, it is recommended that Council opt-in for the following reasons:

- Cannabis is now a legal substance, similar to alcohol and tobacco, and a consistent approach is advisable;
- Permitting provincially licensed retail stores provides a safer alternative to the illegal market;
- As online retailing will occur regardless of municipal decisions, having physical stores will help achieve the objectives of protecting youth, health and safety and preventing illicit activities; and
- Prohibiting retail cannabis stores would limit residents' access to legal and federally inspected cannabis and may encourage travel outside the local market area or purchase illegally.
- Enforcement is with the AGCO rather than at the municipal level which reduces the burden on City resources.

Cannabis Policy Statement

The new application process through the AGCO, allows municipalities to comment during a 15-day public notification process with respect to proposed locations. To ensure consistency in commenting, the Association of Municipalities Ontario (AMO) has recommended that all municipalities have Council adopt a "Municipal Cannabis Retail Policy Statement". This policy would outline what the municipality deems as local sensitive uses. A draft statement for Cambridge has been developed using comments provided to the previous Provincial government during the initial phase of consultation on this matter. Since providing comment is purely administrative in nature and because of the short turn-around time for commenting to the AGCO, staff recommends that Council delegate its authority to staff to respond to the AGCO in accordance with the policy statement.

If adopted, the City Planner (or delegate) will be tasked with reviewing notifications posted on the AGCO website and distributing the application for comment to the

appropriate divisions, as well as the designated contact at the Region of Waterloo. Once completed, written comment, as it pertains to public interest and using the criteria within the policy statement will be submitted to the AGCO for its consideration. The draft policy “Recreational Cannabis Retail Store Municipal Commenting Criteria” is included for consideration (see Attachment 1).

It should be noted that all recreational retail cannabis stores are subject to the requirements of the Zoning by-law as a retail use. The sign by-law for sign permits, building code, and fire codes also apply to proposed stores.

ANALYSIS

Strategic Alignment:

PEOPLE To actively engage, inform and create opportunities for people to participate in community building – making Cambridge a better place to live, work, play and learn for all.

Goal #2 - Governance and Leadership

Work collaboratively with other government agencies and partners to achieve common goals and ensure representation of community interests.

City staff have worked collaboratively with the other local area municipalities in the region to explore the options related to the decision for physical retail locations of recreational cannabis. This report has been prepared as part of this partnership with the aim of providing consistent information and considerations across the region. This is in line with the strategic plan goal related to governance and leadership and ensuring that community interests are represented as part of this decision.

Comments:

Staff within Waterloo Region have worked together to gather and compile information for Councils on the opt-in/out decision related to recreational cannabis retailing. This report is consistent with those being considered by the other local area municipalities and includes similar recommendations/draft policy statements.

It should be noted the AGCO has implemented strict controls designed to minimize social harm, prevent access and sales to minors, address safety issues, and ensure products are only sourced from licensed producers. The AGCO has established standards and requirements of the store operator, the physical retail store, and the retail store manager. Some of the regulations include floor plan designs, surveillance systems and security requirements, background checks, financial records,

bookkeeping, and advertising and promotion standards. Information and resources are available on the AGCO website at: <https://www.agco.ca/cannabis/private-retail-licensing-and-regulation>

If retail recreational cannabis stores are prohibited in the City of Cambridge, staff are of the opinion that more illegal storefronts and black market cannabis will appear within the city. This would have a large impact on police and municipal enforcement resources. Further, opting-out would not support the objectives to protect youth, public safety and prevent illicit activities.

Existing Policy/By-Law:

Provincial Legislation

On October 17, 2018 the Province of Ontario passed Bill 36 which amended previous provincial legislation related to the use of recreational cannabis in Ontario (*Cannabis Act, 2017*). Subsequent to this, the Retail Cannabis Regulation under the *Cannabis License Act* (Regulation 468/18) governing retail operations were released and defined the following:

Public interest:

For the purposes of paragraph 5 of subsection 4 (6) of the Act, only the following matters are matters of public interest:

- Protecting public health and safety.
- Protecting youth and restricting their access to cannabis.
- Preventing illicit activities in relation to cannabis.

Opt out – the regulations require a resolution to opt out:

Notice of resolution

- (1) For the purposes of subsection 41 (5) of the Act, a municipality shall provide to the Registrar written notice of a resolution passed under that section no later than three business days after the resolution is passed.
- (2) Despite subsection (1), notice of a resolution referred to in subsection 41 (1) of the Act shall not be provided to the Registrar later than January 22, 2019.
- (3) In subsection (1), “business day” means a day from Monday to Friday, other than a holiday.

Smoke Free Ontario Act, 2017

Bill 36 also included language that modified the *Smoke Free Ontario Act, 2017*, (SFOA) which came into force and effect on the same date of October 17, 2018. The SFOA outlines how and where the smoking and vaping of both tobacco and cannabis (both recreational and medical) is allowed.

Cannabis users are permitted to smoke outdoors in places where cigarette smoking and e-cigarettes are allowed, unless additional organizational restrictions apply. The Act prohibits either smoking or holding lit tobacco or cannabis and the use of vape products including, without being limited to:

- Enclosed public place and workplaces, including workplace vehicles and child care centres across Ontario
- Bar or restaurant patios and public areas within nine metres from the perimeter of a bar or restaurant patio
- Within 20 metres of a playground with an exemption on private residential property
- Within 20 metres of either a municipally or provincially owned sports fields and sporting area
- The outdoor grounds of a community recreation facility and public areas within 20 metres of the perimeter of these grounds
- The outdoor grounds of a school and within 20 metres of the perimeter of these grounds
- Nine meters from the entrance and exit of hospitals and residential care facilities, which includes long-term care homes and publicly funded supportive housing
- Any indoor common area in a condominium, apartment building or university or college residence, including, without being limited to, elevators, hallways, parking garages, party or entertainment rooms, laundry facilities, lobbies and exercise areas
- Outdoor grounds of hospitals, psychiatric facilities and the outdoor grounds of specified office buildings owned by the Province
- Prohibits either smoking or holding lit tobacco or cannabis in a vehicle or boat containing a person who is less than 16 years of age
- Prohibits selling or offering to sell tobacco and cannabis on university and college campuses
- Prohibits the sale of flavoured tobacco products (with certain exemptions)

In Waterloo Region, enforcement of the SFOA is overseen by the Regional Municipality of Waterloo based on its responsibility for Public Health. Currently, there are 2 Regional Tobacco Enforcement Officers managing enforcement on this issue. Municipalities are able to develop more restrictive smoking by-laws for their properties if desired.

Any area municipality that enacts a more restrictive smoking by-law than the provisions of the SFOA, will lose the support of the Regional Tobacco Enforcement Officers and the local municipality would be directly responsible for the enforcement of the local by-law and associated costs.

Staff will not be recommending the creation of more restrictive by-laws and will continue to work with our Regional Enforcement partners for the enforcement of the SFOA. To date there has not been an increase in complaints about the consumption of cannabis throughout the region. Staff will continue to collect and monitor data related to Regional smoking enforcement calls under the SFOA and any trends that may occur over the next 6 - 12 months, particularly through the spring and summer months.

Financial Impact:

The following table outlines the specific financial impact for each municipality across the region. In Cambridge, the City would receive \$64,175 in funding as part of the first payment. If the City opts-out, the second payment would consist of \$5,000. If the City chooses not to opt-out, then the second payment would consist of another \$64 K at a minimum.

Municipality	1 st Payment	2 nd Payment
Region	\$275,000	\$5,000 or at least another \$275K
Cambridge	\$64,175	\$5,000 or at least another \$64K
Kitchener	\$122,743	\$5,000 or at least another \$122K
North Dumfries	\$5,000	At least another \$5,000
Waterloo	\$58,438	\$5,000 or at least another \$58K
Wellesley	\$5,000	At least another \$5,000
Wilmot	\$10,000	\$5,000 or at least another \$10,000
Woolwich	\$11,463	\$5,000 or at least another \$11,463

If Ontario’s portion of the excise duty exceeds \$100 Million in the first two years, Ontario will share the surplus 50/50 with municipalities that opt-in. It is the potential for this funding that constitutes the significant opportunity for financial resources related to cannabis. This meaningful and potentially sustainable revenue source would be forgone for municipalities choose to opt-out.

Further, the monies identified are the minimum funding currently committed by the Province. It is expected that revenue sharing potential may increase as the retail stores become established and edibles are legalized for sale over the next several years.

Public Input:

The public will have an opportunity to provide comment on this report at the special Council meeting January 15, 2019.

Internal/External Consultation:

Regional Working Group

A working group has been established on this file, with involvement from staff at all 8 municipalities. Staff throughout the region will be providing a common set of recommendations to Councils. Further, Waterloo Regional Police Service has offered to attend Council meetings as a delegation.

Engagement with Public Safety, Health and Municipal Partners

Staff has been working closely with a number of organizations to understand their position with regard to cannabis retail stores. The following table outlines the information received to date.

Organization	Comment
Conestoga College	No opinion at this time
Fire Prevention (3 cities)	Prefer legal stores over illegal dispensaries
Regional Paramedic Services	No opinion at this time
Regional Public Health	No opinion at this time
Region of Waterloo (Administration)	Support all municipalities opting-in
Waterloo Catholic District School Board	Stores need to be located away from schools
Waterloo Regional District School Board	Retail stores will reduce impacts of black market
Waterloo Regional Police Service	Support retail stores (for a number of reasons, including black market competition, crime prevention, etc.)
Waterloo Wellington Local Health Integration Network	No response
WLU	No opinion at this time
University of Waterloo	No opinion at this time

CONCLUSION

On October 17, 2018 the Federal government made consumption of cannabis for recreational purposes legal in Canada.

The Province has created a framework that allows private retail cannabis shops beginning in April 2019. This Provincial legislation requires municipalities to consider whether they would like to opt-in (permit) or opt-out (prohibit) of allowing “brick and mortar” retail stores in their municipality. Councils have until January 22, 2019 to opt-out of having cannabis retail stores. If Council does not respond to the Province on this matter, the municipality will be deemed to have opted-in.

Staff have engaged public health, safety and municipal partners to understand their position with respect to cannabis retail stores. Based on this review and consultation it is recommended that the City of Cambridge does not “opt-out” of recreational cannabis retail sales. Further it is recommended that Council adopts a “Cannabis Policy Statement” and delegates commenting to the AGCO on proposed retail locations to staff.

SIGNATURE

Prepared by:



Name: Brooke Lambert

Title: Director of Corporate Strategy

Departmental Approval:



Name: Cheryl Zahnleiter
Title: Deputy City Manager Corporate Enterprise

City Manager Approval:

A handwritten signature in black ink, appearing to read "Gary Dyke". The signature is written in a cursive style with a large, prominent loop at the beginning.

Name: Gary Dyke
Title: City Manager

ATTACHMENTS

- Attachment 1 – Recreational Cannabis Retail Store Municipal Commenting Criteria (Draft)

Recreational Cannabis Retail Store Municipal Commenting Criteria

POLICY TITLE	Recreational Cannabis Retail Store Municipal Commenting Criteria
CATEGORY	Corporate
POLICY NUMBER	File A09
DEPARTMENT	Community Development
DIVISION	Planning Services
AUTHORITY	Council
APPROVED BY	Council
EFFECTIVE DATE	January 2019
REVIEW DATE	January 2020

POLICY STATEMENT

This policy outlines the criteria that will guide and delegate authority to staff to respond and provide municipal comments on proposed locations for recreational cannabis retail stores.

PURPOSE

This policy confirms delegated authority and criteria for staff to provide comment to the Alcohol and Gaming Commission of Ontario (AGCO) with regard to the location of recreational cannabis retail store locations.

The City of Cambridge is committed to providing comment on proposed retail cannabis locations based on the safety and security of our residents including the protection of vulnerable residents. As such, the City's comment shall be based on the "public interest" as defined below.

The intent of establishing this policy statement is to provide consistent and fair comment among all interested retail store operators, and to provide clear direction to potential retail store operators in their site selection.

DEFINITIONS

Provincial

As per Ontario Regulation 468/18:

the “public interest” has been defined as:

- Protecting public health and safety
- Protecting youth and restricting access to cannabis
- Preventing illicit activities in relation to cannabis

“private school” means a private school as defined in the *Education Act*.

Municipal

“core areas” means areas defined by the City of Cambridge Official Plan

AUTHORITY

The City Planner (or designate), shall provide comment on behalf of the City of Cambridge to the AGCO in regard to the proposed location of retail cannabis stores.

SCOPE

The intent of this policy is to provide feedback to the AGCO as it relates to the possible placement of retail establishments. The AGCO has established a commenting period that permits comments to be provided for applications that are submitted to establish retail cannabis storefronts.

POLICY

Municipal Commenting Criteria:

Staff shall comment on behalf of the City to the AGCO in accordance with the timeframes prescribed below by the Province on proposed cannabis store locations based on the definition of “public interest” outlined above.

In addition to the criteria established by the province as per Ontario Regulation 468/18 (i.e. minimum distance to schools),

Ontario Regulation 468/18

No issuance, proximity to schools

11. (1) In this section,

“private school” means a private school as defined in the *Education Act*.

(2) For the purposes of clause 4 (12) (a) of the Act, a proposed cannabis retail store may not be located less than 150 metres from a school or a private school, as determined in accordance with the following:

1. If the school or private school is the primary or only occupant of a building, 150 metres shall be measured from the property line of the property on which the school or private school is located.

2. If the school or private school is not the primary or only occupant of a building, 150 metres shall be measured from the boundary of any space occupied by the school or private school within the building.

(3) Subsection (2) does not apply to a private school if,

(a) it is located on a reserve; or

(b) it only offers classes through the Internet.

Municipal Priorities

a) Staff will review the municipal address of the proposed retail cannabis store to ensure zoning compliance for retail uses as required.

b) Staff will also review proposed retail cannabis stores with respect to their proximity to the following uses:

i. Post-secondary institutions

ii. City-owned parkland or parkland used for recreational use owned by a conservation authority

iii. Core areas

Where appropriate, staff will recommend a minimum setback distance of 150 metres, from the property line for other sensitive uses to the property line of the location of the proposed retail cannabis store.

Additional Comment

Comments may also be provided on proximity to the following uses based upon best available information (e.g. internet searches and the database and mapping maintained by the Social Planning Council of Cambridge and North Dumfries), including but not limited to:

a. Addiction service providers

b. Residential shelters or supportive housing for youth or vulnerable populations

c. Social service providers that support vulnerable populations and youth

d. Community/recreational centres and libraries

e. Other retail cannabis stores, LCBO and Beer Stores

- f. Child care/Day care centres

POLICY COMMUNICATION

The communication for this policy is that the internal working staff group will be informed by the City Planner (or designate) upon receipt of any applications that are proposed, this will enable the working group to assist the City Planner (or designate) in gathering and responding back to the AGCO within the required time period.

Council and the Regional Working Group will be informed on an as-required basis based on the number of applications that are proposed within the City.

Application fees may be applicable in accordance with the City's rates and fees.

